

Chapter 1 - GENERAL PROVISIONS^[1]

[HISTORY: Adopted by the City Commission of the City of North Port: Art. I, 9-17-1990 by Ord. No. 90-28; Art. II, 9-17-1990 as Ord. No. 90-29. Amendments noted where applicable.]

Footnotes:

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Editor's note— Ord. No. 2010-14, adopted June 14, 2010, amended the Unified Land Development Code of the City of North Port in its entirety to read as herein set out. The former Unified Land Development Code derived from Ord. No. 90-28, adopted 9-17-1990, and was amended from time to time.

ARTICLE I. - ADOPTION OF UNIFIED LAND DEVELOPMENT CODE

[Adopted 6-14-2010 by Ord. No. 2010-14]

Sec. 1-1. - Title.

This ordinance shall be known and cited as the City of North Port "Unified Land Development Code" and may be referred to herein as the "Code."

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[Added 7-28-2014 by Ord. No. [2014-29](#)]

Editor's note— Section 2 of Ord. No. 2013-12, adopted July 22, 2013, repealed former § 1-30 which pertained to the Tamiami Trail Appearance Advisory Board (TTAAB). Subsequently, Ord. No. [2014-29](#), § 1, adopted July 28, 2014, enacted provisions designated as § 1-32. Inasmuch as a section so numbered already exists, said provisions have been redesignated as § 1-30 at the discretion of the editor.

Sec. 1-31.- Historic Preservation and Cultural Advisory Board

A. Generally

- (1) Findings. The City Commission hereby makes the following findings of fact: The purpose of this chapter is to promote the health, safety, education, cultural and economic welfare of the public by preserving and protecting properties of historical, cultural, archaeological, aesthetic and architectural merit which serve as visual reminders of the city's cultural, social, economic, political, scientific, religious, and architectural history. Furthermore, it is the purpose of this chapter to strengthen the economy of the city by stabilizing and improving property values in historic areas, combat urban decay through rehabilitation and revitalization, and to encourage quality new construction and developments that are harmonious with neighboring historic structures.

- (2) In addition, the provisions of this chapter will assist the city and property owners to be eligible for federal tax incentives, federal and state grant funds and other potential property tax abatement programs for the purpose of furthering historic preservation activities, including but not limited to F.S. § 193.503 and the National Register Program.

B. Establishment

The Historic Preservation and Cultural Advisory Board (HPCAB) is hereby created and established. The purpose of this board is to protect, enhance, and perpetuate historic resources that represent or reflect elements of the City's cultural and architectural history. The Historic Preservation and Cultural Advisory Board serves under the direct jurisdiction and control of the City Commission to designate, regulate and administer historical, cultural, and architectural resources in the city and in accordance with the National Historic Preservation Act of 1966, as amended.

C. Membership

Members of the Historic Preservation and Cultural Advisory Board shall consist of seven (7) members. At least five (5) members shall be year-round residents of North Port, and when possible, be practicing or retired professionals from any of the following disciplines with a demonstrated commitment to historic preservation:

- (1) Anthropology.
- (2) Real estate, land development or finance.
- (3) History, folklore or architectural history.
- (4) Conservation or curation.
- (5) Architecture or historic architecture.
- (6) Historic preservation.
- (7) Land use planning or historic preservation planning.
- (8) Landscape architecture or historic landscape architecture.
- (9) General or building contractor.
- (10) Professional engineering.

D. Meetings

The board shall meet at least quarterly, but may hold additional meetings as needed at the direction of the chair and provided there is at least ten (10) day's advance notice of such meeting.

The board shall follow the uniform rules of procedure and governance of meetings in accordance with the provisions of North Port Administrative Code Part I, Chapter 4, Boards and Committees, Article I.

E. Power and Duties:

The HPCAB shall have the powers and duties to undertake such actions as reasonably necessary to its purpose, including:

- (1) Identify and recommend to the City Commission designation of historic districts, landmarks, sites and structures.
- (2) Identify and nominate eligible properties to the National Register of Historic Places and administer applications for the National Register of Historic Places.
- (3) Notify the City Commission, and owners of record of proposed board actions concerning a proposed application to the National Register of Historic Places.
- (4) Develop and maintain a system for survey and inventory of historic properties. Such inventory shall be:
 - i. Compatible with the Florida Master Site File.

- ii. Kept current and regularly submitted to the state historic preservation officer for incorporation in the Florida Master Site File.
 - (5) Identify and make recommendations to the City Commission regarding city policies which have an effect upon historic resources.
 - (6) Coordinate local activities with state and national preservation efforts, and review relevant legislation.
 - (7) Evaluate and make recommendations to City Commission regarding decisions by other public agencies affecting the physical development and land use patterns affecting historical districts or historical landmarks.
 - (8) Comply with city's comprehensive plan.
 - (9) Further public awareness of the city's past and of preservation in general.
 - (10) Inform the public of the board's activities and of preservation needs in the community.
 - (11) Provide for public participation in the designation of historic landmarks, including the process of recommending properties for application to the National Register of Historic Places.
 - (12) Determine eligibility for listing on the local register. Determine whether applications for changes to local register properties meet established guidelines.
- F. Local register of historic site and structures.
- (1) A Local Register of Historical Sites and Structures (Local Register) created by Resolution No. 2017-R-04 and adopted on March 7, 2017 by City Commission.
 - (2) In order to be included on the Local Register, historic and cultural resources shall meet the criteria as set forth in Chapter 58 of these regulations.
 - (3) The Warm Mineral Springs Park South Structure, Warm Mineral Springs Cyclorama, Warm Mineral Springs Park North Structure and all covered pathways between the three structures added to the Local Register by Resolution No. 2017-R-07 adopted on March 30, 2017 by City Commission.
- G. Preservation of resources.
- (1) Summary of regulations
 - i. Placement on Local Register. Placement of a resource on the local register is accomplished by filing a nomination form with the department responsible for land use planning, review and recommendation by the board, and approval by City Commission.
 - ii. Issuance of certificate of appropriateness. Once a resource is on the local register, alterations, additions, demolition, relocation or site modifications of it shall require the issuance of a certificate of appropriateness by the board. If a resource is listed on the local register, it is exempt from the regulations and procedures of the design standards set forth in the City's Urban Design Standards Pattern Book (UDSPB) and this Unified Land Development Code.

- iii. Maintenance and repair requirements. To prevent the deterioration of a resource on the local register, the board may initiate the enforcement of demolition by neglect through the code enforcement hearing officer.
 - iv. Incentives for preservation. Upon recommendation by the HPCAB, City Commission may pursue incentives and grants on the federal, state and local level to stimulate the preservation of resources on the Local Register. The board shall assist owners in preparing grant applications and in qualifying for incentives.
- H. Criteria for listing on local register.
 - (1) City Commission shall have the authority to designate, upon recommendation by the board, areas, places, buildings and structures that are significant in the city's history, architecture or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:
 - i. Are associated with distinctive elements of cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, the city, the state or the nation;
 - ii. Are associated with the lives of persons significant in past history;
 - iii. Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or possess high artistic value; or represent a distinguishable entity whose components may lack individual distinction;
 - iv. Have yielded or are likely to yield information in history or prehistory;
 - v. Are listed individually in the National Register of Historic Places;
 - vi. Are characterized as a geographically definable area possessing a significant concentration, linkage or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; or
 - vii. Are characterized as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.
 - (2) No minimum or maximum number of criteria shall be required for listing on the Local Register.
- I. Procedures for placement on Local Register. Resources shall be placed on the local register only after nomination, review and approval.
 - (1) Nomination. A property owner shall complete a nomination form and return it to the department responsible for planning who will date stamp nomination form and forward to the board liaison for presentation to the board. Nomination forms are available through the department responsible for planning and on the City website.
 - (2) Review.
 - i. The review process shall commence when the HPCAB officially accepts a completed nomination form at a duly called board meeting. Within 90 days of accepting the nomination, the board must write an initial determination of suitability and hold a public hearing. The initial determination shall be based on the criteria set forth in section H. Notice of the public hearing will be provided to

- the public at large, and individual notice, including the initial determination, shall be furnished to the property owners affected by the nomination.
- ii. Following the public hearing, the board shall review and revise, if needed, the initial determination of suitability, and shall write a recommendation, indicating suitability for listing the resource on the local register.
 - iii. If the board determines that listing on the local register is appropriate, it shall recommend to City Commission the adoption of a resolution/ordinance placing the resource on the Local Register. Failure to review and write a recommendation within 90 days will be deemed a recommendation denying listing on the local register, unless the period of 90 days is extended by mutual written consent reached by the property owner and the board.
- (3) Approval. The nomination form, the HPCAB recommendation and the resolution/ordinance placing the resource on the local register shall be sent to City Commission.
 - (4) Effect of approval. Upon adoption of the resolution/ordinance, the owners of each resource shall be given written notification of such designation by city council. Upon placement of a structure on the local register, it shall be so identified on the city's official zoning maps and shall be recorded in the official record books of the county. Thereafter, any request to initiate any of the actions specified in subsection (L)(1) for a resource shall require a certificate of appropriateness.
- J. Removal from Local Register. Application may be made for the removal of a resource from the local register, and the same procedure shall be employed as in the placement of a resource under section (H). A resource may be removed if the board makes a new and negative evaluation of the reasons for its original recommendation or for any other valid reason approved by the board.
- K. Consent of the owner. Notwithstanding any provision of this section, no property or resource shall be placed on any register without the prior written consent of the owner of the property or resource.
- L. Certificate of Appropriateness for historical resources.
- (1) Actions requiring certificate. A certificate of appropriateness shall be required to:
 - i. Materially alter the exterior appearance of a building, structure or object listed on the local register.
 - ii. Erect an addition to an existing building, structure or object or make a site modification to a resource listed on the local register.
 - iii. Demolish a building, structure or object listed on the local register.
 - iv. Relocate a building, structure or object listed on the local register.
- M. Exceptions.
- (1) Ordinary maintenance. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any resource, which does not involve a change in the design, material or outer appearance thereof.
 - (2) Unsafe buildings. If the building official determines that any resource is unsafe pursuant to North Port Administrative Code, Chapter 14 Building and Construction Regulations, he

shall immediately notify the board with copies of such findings. Where reasonably feasible within applicable laws and regulations, the building official shall endeavor to have the owner repair the structure, rather than demolish, and shall take into consideration any comments and recommendations by the board. No demolition shall be permitted unless a certificate of appropriateness is obtained pursuant to subsection K(1)iii.

- (3) *Emergency conditions.* For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained in this section shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to a resource pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of a resource damaged by fire or natural calamity shall be permitted to stabilize the resource immediately and to rehabilitate it later under the normal review procedures of this article.

N. *Application.*

- (1) *Duties of building official.* Upon receipt of a request to initiate any of the actions specified in subsection 1-31-I, the building official shall inform the persons making the request that they must submit to the board a fully completed written application form requesting the issuance of a certificate of appropriateness. Application forms and summaries of deadlines and application procedures shall be maintained by the building official.
- (2) *Preapplication conference.* The property owner shall confer with the building official concerning the nature of the proposed action and requirements related to it. The building official will advise the property owner of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application.
- (3) *Application.* Following the preapplication conference described in subsection ii. of this section, the property owner shall submit to the building official a completed application and the required supporting exhibits. No application shall be deemed filed until all supporting materials have been provided. Determination whether the proposed change is of major or minor impact shall be done within one working day after the property owner has made a written request for such determination.
- (4) *Initiation of review.* It shall be the responsibility of the building official to institute the applicable and appropriate review procedure.

O. *Major review by Historic and Cultural Preservation Advisory Board.* The major review procedure described in this section shall occur for alterations, additions, demolitions, relocations, site modifications or other significant changes to the appearance of a resource, which has a major impact on the significant historical or architectural character of the resource.

- (1) *Criteria.* All reviews, recommendations and decisions regarding the application shall specifically address and list all facts and considerations which support or refute whether the proposed alteration, demolition, etc., is compatible with criteria listed in subsections 1-31(G) and 1-31(H).

(2) Recommendation by committee; scheduling of public hearing. After submission of the application, the committee shall prepare a written recommendation which addresses the criteria listed in subsections (e)(8), (9) and (10) and which recommends approval, denial, or approval with conditions of the application. Within 30 days of the submission of the application, the building official shall schedule a public hearing before the historic preservation board for action on the application. Notice of a public hearing shall be given at least fifteen 15 days in advance of the public hearing as follows:

- i. By mail to the owner of the property for which the certificate of appropriateness or other board action is sought, or his agent or attorney as designated on the application;
- ii. By prominently posting the property for which the certificate of appropriateness or other board approval is sought;
- iii. By advertisement in a newspaper of general circulation in the city at least one (1) time and fifteen (15) days prior to the public hearing;
- iv. By mail to all owners of property within three hundred 300 feet of the boundary line of the property for which the certificate of appropriateness or other board approval is requested; provided,
- v. For properties greater than one (1) acre in size, the three hundred (300) feet distance shall be one thousand three hundred twenty (1,320) feet provided, however;
- vi. For purposes of this provision, the notice shall be sent to each property owner at the address listed on the latest tax rolls of Sarasota County. Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published

(3) Public hearing and decision. The board shall act upon the application at the public hearing. Within 30 days after the public hearing, the board shall issue its written decision approving, denying, or approving with conditions the application. The decision must address the criteria described in subsection H. of this section and must state the reasons for such a decision.

(4) Approval, denial, or approval with conditions. If the application is approved, the certificate of appropriateness shall be issued by the board. If the application is denied, a certificate of appropriateness shall not be issued. If the application is approved with conditions, the certificate of appropriateness shall be issued with the conditions noted, and the property owner must meet all such conditions.

P. Minor administrative review.

(1) Applicability. The minor review procedure described in this section shall be an administrative review performed by the committee. It shall occur for alterations and site modifications of a resource. This procedure shall apply, but shall not be limited to the following:

- i. Fences and gates in the rear yard.

- ii. Awnings.
- iii. Replacement, using the same or like materials, of gates, fences, driveways, walkways, steps, siding, roofs, doors or windows.
- iv. Mechanical systems, including heating and cooling equipment and irrigation systems.
- v. Any other request determined by the committee to have minor impact or no potential detriment on the structure.
- vi. If the committee determines that there would be a major impact or potential detriment as a result of the proposed action, the application shall be submitted for major review.

(2) Criteria. All reviews, recommendations and decisions regarding the application shall specifically address and list all facts and considerations which support or refute whether the proposed alteration, demolition, etc., is compatible with the criteria listed in subsections **G and H.**

(3) Recommendation and decision by committee. After submission of the application, the committee shall prepare a written recommendation, which addresses the criteria listed in subsection b. of this section and which recommends approval, denial, or approval with conditions of the application. The recommendation of the committee shall be presented to the property owner within a reasonable period of time. After the minor review, the committee shall issue a written decision approving, denying or approving with conditions the application.

(4) Approval, denial, or approval with conditions. If the application is approved, the certificate of appropriateness shall be issued. If the application is denied, a certificate of appropriateness shall not be issued. If the application is approved with conditions, the certificate of appropriateness shall be issued with the conditions noted, and the property owner must meet all such conditions.

(5) Right of property owner to apply for major review. If the committee denies the certificate of appropriateness request, the property owner may apply for major review before the board.

Q. Appeals. Any person aggrieved by a decision rendered by the board under this article may appeal the decision within 14 days from the date the decision by the board is reduced to writing, by filing with the city clerk a written request for review by city council. Upon receipt of a request for review, city council shall promptly consider the request at a regular meeting, and shall affirm, overrule or modify the action of the board.

R. Expiration. A certificate of appropriateness shall be valid for a period of one year after its date of approval. After the expiration date, if work is not already in progress, the property owner may be allowed a 60-day extension by the committee, if circumstances warrant, to initiate the work. Otherwise, the property owner must reapply for a certificate of appropriateness.

S. Criteria for alteration, restoration or repair.

- (1) A historic building, structure, site, landscape feature, improvement or appurtenance will be altered, restored, preserved or repaired, or otherwise changed, in accordance with the

Secretary of the Interior's Standards for Rehabilitation, as such standards may be amended from time to time.

- (2) The board shall also be guided by local design guidelines as may be developed.

T. Criteria for demolition.

- (1) A historic building, structure, site, landscape feature, improvement or appurtenance will be demolished or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation and supporting documents, as such standards may be amended from time to time.
- (2) The board shall study the question of economic hardship for the property owner and shall determine whether the structure can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing property, the board shall also determine whether the property owner can obtain a reasonable return from the existing building. If economic hardship or the lack of a reasonable return is not proved, along with consideration of the structural condition of the building, the board shall deny the demolition application. In reviewing applications for demolition, the board shall study the following information, to be provided by the property owner. The board may also make its own study of these points in order to obtain additional information for its decision. The building official shall determine whether an application is complete based on these sources of information.
- i. Estimate of the cost of the proposed demolition or removal of the structure, and any additional costs that would be incurred to comply with the recommendations of the board that would avoid demolition and allow the structure to remain on-site.
 - ii. A report from a licensed engineer or architect with experience in rehabilitation as to the structural integrity of the building.
 - iii. Estimated market value of the property, both in its current condition and after completion of the proposed demolition or removal, to be presented through an appraisal by a qualified professional expert.
 - iv. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - v. Financial information on the property, which shall include but not be limited to:
 1. Amount paid for the property.
 2. Date of purchase.
 3. Party from whom purchased.
 4. Annual gross income from the previous two years, including cash flow before and after debt service.
 5. All appraisals obtained within the previous two years by the property owner.
 6. Last two assessments on the value of the property.

7. Any listing of property for sale or rent, price asked and offers received for the previous two years.
8. Form of ownership.
9. Any other information, which would assist the board in making determination as to whether, the property does or does not yield a reasonable return to the owner, e.g., pro forma financial analysis.
- vi. The board shall also be guided by these standards when evaluating applications for a certificate of appropriateness:
 1. The historic or architectural significance of the building, structure or object.
 2. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail or unique location.
 3. Whether the building, structure or object is one of the last remaining examples of its kind in the neighborhood, the county or the region.
 4. Whether reasonable measures can be taken to save the building, structure or object from collapse.
 5. Whether the building, structure or object is capable of earning reasonable economic return on its value.
 6. A general justification in written form why demolition is being proposed.
- vii. The board may grant a certificate of appropriateness for demolition for a delayed effective date of up to six months from the date of the board's action. The effective date of the certificate will be determined by the board based on the relative significance of the structure and the probable time required to arrange possible alternatives to demolition.

U. Criteria for relocation.

- (1) A historic building, structure, site, landscape feature, improvement or appurtenance will be relocated or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, as such standards may be amended from time to time.
- (2) Relocation of historic buildings and structures to other sites will not take place unless it is shown that their preservation on their existing or original sites is not consistent with the purposes of this section or would cause undue economic hardship to the property owner.
- (3) The board shall be guided by the following standards:
 - i. The historic character and aesthetic interest the building, structure or object contributes to its present setting.
 - ii. Whether the building, structure or object can be moved without significant damage to its physical integrity.
 - iii. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.

V. Enforcement; penalties; jurisdiction of code hearing officer.

- (1) Responsibility for enforcement; jurisdiction of code hearing officer. It is the responsibility of the building official to enforce the provisions of this section. Violations of this section may be referred to the code hearing officer for enforcement proceedings.
- (2) Failure to obtain certificate of appropriateness. Where work has commenced or preparation for work has commenced which requires a certificate of appropriateness under subsection (d)(1) and where no such certificate has been obtained, a stop work order shall be issued by the building official. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained.
- (3) Noncompliance. It shall be the responsibility of the building official to inspect work being performed under a certificate of appropriateness to ensure compliance. If work is being performed not in accordance with such certificate, the building official is authorized to issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.
- (4) Changes in approved work. The committee shall review any change in work proposed subsequent to the issuance of a certificate of appropriateness. If the committee finds that the proposed change does not materially affect the historic character of the structure or the proposed change is in accord with approved guidelines, standards and certificates of appropriateness previously approved by the board, the committee may issue a supplementary certificate of appropriateness for such change. If the committee determines that the proposed change is of major impact or is not in accord with guidelines, standards or certificates of appropriateness previously approved by the board, a new application for a certificate of appropriateness shall be required.
- (5) Penalties. Any person who violates any provision of this section shall be subject to civil or criminal penalties including a fine of not more than \$500.00 per day for each day the violation continues, or a sentence of imprisonment, not to exceed 60 days, in a county detention facility. In lieu of a monetary penalty, any person altering property in violation of the provisions of this section may be required to repair or restore any such property. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.
- (6) Maintenance and repair of historical resources.
 - i. Demolition by neglect. Neither the owner of nor the person in charge of a structure on the local register shall permit such structure to fall into a state of disrepair, which may result in the deterioration of any exterior appurtenance, or architectural feature that contributes to the structural integrity. Such disrepair shall include but is not limited to:
 1. The deterioration of exterior walls or other vertical supports.
 2. The deterioration of roofs or other horizontal members.
 3. The deterioration of exterior chimneys.
 4. The deterioration or crumbling of exterior finish materials such as stucco, shingles, paint or mortar.

5. The ineffective waterproofing of the property, including broken windows or doors.
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition.

If, in the judgment of the board, using accepted historic preservation principles, such disrepair has occurred, the board shall declare the structure as being demolished by neglect and notify the building official to institute proceedings before the code enforcement board to require the repair and restoration of the structure.

W. Incentives for preservation of historical and cultural resources.

(1) Special treatment under building and zoning regulations. Structures listed on the national register shall be:

- i. Entitled to modified enforcement of the building code as provided by the latest mandated and adopted building code of the state.
- ii. Entitled to modified enforcement of the flood zone regulations pursuant to the terms of chapter 98.
- iii. Designated as conforming for zoning considerations under section 86-553.
- iv. Given special consideration for home occupations and other special exceptions by the planning commission upon application.

(2) Fee waivers. Owners of structures listed on the local register shall be exempt from fees normally required for building or development review permits.

(3) Financial assistance.

- i. Federal assistance. Income-producing resources on the National Register of Historic Places shall be eligible for investment tax credits for certified rehabilitations pursuant to the Tax Reform Act of 1986 and any other programs offered through the National Register of Historic Places.
- ii. State and county assistance. Structures listed on the local register shall be eligible for any financial assistance set aside for historic preservation projects by the county and the state, provided they meet any additional requirements of those financial programs.
- iii. Local funding sources. The historic preservation board shall investigate and make recommendations to city council concerning the following funding sources for rehabilitation and restoration of resources on the local register:
 1. Implementation of a grant fund to offset costs incurred by owners of resources.
 2. Establishment of a preservation fund to purchase resources scheduled for demolition.
- iv. Tax exemptions. The HCPAB shall investigate the feasibility of remitting all or part of the city's ad valorem tax to owners of resources on the local register.

Sec. 1-32~~31~~. - Staff review.

- A. Intent. The intent of the Staff review is to ensure all commercial, multi-family, and subdivision developments conform to the provisions of the City of North Port Comprehensive Plan, the standards set forth in the City of North Port Unified Land Development Code, and set forth in the Urban Design Standards Pattern Book and other applicable City codes, policies, and standards to ensure the best possible project for the City and its residents.
- B. Establishment. The Staff review is established administratively to review and approve all commercial, multi-family, and subdivision developments applications within the City of North Port.
- C. Staff members. At least one (1) staff member from the following City departments shall be responsible for staff review: Department responsible for land development services, Utilities, Public Works, Fire/Rescue, Police, Building, Finance, Parks and Rec. Other entities such as but not limited to the Sarasota County School Board and Florida Power and Light shall also have a qualified staff reviewer participate in the review of land development within the City.
- D. Procedures.
 - (1) Project Planner. A Project Planner shall be assigned to each development application that is filed with the City. [Amended 1-30-2012 by Ord. No. 2011-32]
 - (a) The Project Planner shall aid the applicant in the presentation of the development project at the pre-application meeting with City staff.
 - (2) Staff meetings. Staff shall hold pre-application meetings when necessary to meet the demands of development within the City.
 - (a) Additional staff meetings may be scheduled when necessary.
 - (3) Notice of meetings. An agenda may be posted by the City Clerk in the designated areas of City Hall prior to a pre-application meeting.
 - (4) Findings.
 - (a) The finding of each staff reviewer shall be, "Meets Requirements," "Meets Requirements with Conditions," "No Objections," "Does not Meet Requirements."
 - (i) If a project is found not to meet requirements, at the discretion of the applicant, a resubmittal of the project may be filed.
- E. Applicability. The review of the City staff shall be applicable to all commercial, multi-family and subdivision developments within the City of North Port. All multi-family residential developments are considered as commercial or subdivision developments.
- F. Application fee. [Ord. No. 07-35]
 - (1) Each development review application shall be accompanied by a nonrefundable fee.
 - (2) All application fees paid by check shall be made payable to the "City of North Port."
 - (3) The fee for City staff review shall be those adopted by the City Commission and may be amended from time to time. Each petition filed by the applicant will be assessed the appropriate fee for each departmental review.
 - (4) Fees shall be paid prior to scheduling the petition for staff review.
- G. Powers and duties.

- (1) The City staff shall be responsible for conducting meetings to review the pre-applications of all commercial and subdivision projects for all development within the City limits of the City of North Port for compliance with the City of North Port Comprehensive Plan, Unified Land Development Code, Urban Design Standards Pattern Book, any City adopted pattern book which applies to a specific development and any other relevant codes and regulations.
- (2) A finding by City Staff of "Meet Requirements," "Meet Requirements with Conditions," or "No Objection," is needed for any petition to proceed.
- (3) The City staff may hold staff meetings to review applications, criteria specified herein, and report their findings to the Planning and Zoning Advisory Board, Zoning Board of Appeals, City Commission, Administrative Staff, City Manager or designee, Director responsible for land development services or designee, and Building Director or designee.

H. Review process.

- (1) Prior to the submission of a development application, a developer shall have a pre-application meeting with the City staff to discuss the potential development.
- (2) Once a pre-application meeting has been held with City staff, the applicant shall submit a formal application at his/her discretion.
- (3) The applicant for development of any commercial, subdivision or multi-family project within the City of North Port shall submit to the department responsible for land development services:
 - (a) A complete development application.
 - (b) The correct fee.
 - (c) Any other information required by the specific chapter which addresses the type of development being proposed.
- (4) The application packet shall be reviewed by the department responsible for land development services to determine whether there is sufficient information to determine compliance with the criteria specified in the City of North Port Comprehensive Plan, Unified Land Development Code, and Urban Design Standards Pattern Book or any other applicable codes and regulations.
- (5) If the information is insufficient to determine compliance with the City of North Port Comprehensive Plan, Unified Land Development Code, and Urban Design Standards Pattern Book, or any other applicable code or regulation, the applicant shall be notified that the development application is incomplete.
 - (a) The applicant will be notified of the additional information that is necessary to complete the application and the application shall be returned at the applicants expense or destroyed.
 - (b) The City will not store any incomplete applications.
- (6) Upon receipt of a development application packet containing sufficient information for a staff review, the application packet shall be processed and be assigned to a project planner. The petition will be placed on the staff review schedule and all submitted documents shall be forwarded to staff for review.
- (7) The Project Planner shall gather and forward all written comments and findings from City staff to the applicant within fifteen (15) days. It is the responsibility of the applicant to schedule meetings with appropriate staff to resolve any issues and to resubmit the application with applicable changes.
- (8) Unsatisfactory submissions.
 - (a) If the plans submitted to the City do not conform to all applicable regulations, the applicant shall make all required revisions and submit the required number of revised documents and any applicable fees for redistribution and staff review.

- (b) If the applicant does not resubmit the required number of revised documents with all applicable changes within ninety (90) days after the applicant or agent receives notice of the staff findings of "Does not meet requirements," which indicates the need for revisions and resubmittal, the application shall be considered withdrawn.
 - (9) If a development application is considered withdrawn, and the applicant chooses to proceed with the development, the applicant shall be required to start the process from the beginning and submit a full application package with applicable fees. No documentation from the withdrawn application will be carried forward to the new application.
 - (10) "Meets Requirements," "Meets Requirements with Conditions," or "No Objections," shall grant the applicant the right to proceed to the next required step designated in these regulations which are applicable for the specific application or project submitted.
 - (11) Development shall not be permitted prior to the issuance of a development order.
- I. Appeals.
- (1) Filing of appeals. Any applicant aggrieved by any decision, determination or requirement of the City staff relating to any actions shall file a written notice of appeal with the appropriate fees with the department responsible for land development services within thirty (30) business days of the written findings and comments in which the petition was addressed specifying, in detail, the error alleged and the factual and legal basis for the appeal. The Department responsible for land development services shall transmit to the Zoning Board of Appeals all papers constituting the record of the findings, determination or requirement that is the subject of the appeal. In the event that the person aggrieved fails to comply with the provisions of this subsection, such failure shall be jurisdictional and the appeal shall be dismissed.
 - (2) Hearing. The Zoning Board of Appeals shall fix a reasonable time for a meeting to discuss the appeal. After such meeting, the Board shall decide the appeal within a reasonable time. At the appeals meeting, any party may appear in person or by agent or attorney.
 - (3) Reversal of decision of City Staff.
 - (a) After an appeal's meeting with the aggrieved person, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, decision or determination appealed from and may make such order, decision or determination as sought to be made, and to that end shall have the powers of the City staff from which that appeal was taken.
 - (b) The final determination of the Zoning Board of Appeals to which the appeal was heard shall be made in writing and shall be made available to the person aggrieved, all staff reviewers, Administrative Staff, the City Attorney and the City Manager.
 - (4) Any person aggrieved by the Zoning Board of Appeals' decision may appeal to the Circuit Court may be appealed to the Circuit Court of Sarasota County within 30 days of such decision. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the decision renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes and City Codes and Ordinances.
 - (a) Applications for an appeal shall be filed pursuant to Sec. 1-10.

ARTICLE IV. - REZONING

[Adopted 9-17-1990 by Ord. No. 90-20]

Sec. 1-33~~32~~. - Findings.

- A. Pursuant to Chapter 163, Part II, Florida Statutes, the North Port City Commission on March 15, 1989, adopted a revised and updated Comprehensive Plan for the City of North Port.
- B. Pursuant to F.S. § 163.3202, the North Port City Commission on September 17, 1990, adopted Ordinance No. 90-28 (the Unified Land Development Code) which revised the City's zoning and other land development regulations consistent with the City's adopted Comprehensive Plan.
- C. Section 3 of Exhibit A to Ordinance No. 90-28 sets forth the revised zoning regulations for the City of North Port.
- D. Subsection 3.02 of Exhibit A to Ordinance No. 90-28 provides for a new and revised zoning district classification scheme thereby requiring that all lands lying within the City's corporate limits be rezoned to conform with this new classification scheme.
- E. In addition, the City Commission hereby finds that certain real property lying within the City's corporate limits should be rezoned to ensure consistency with the City's adopted Comprehensive Plan.
- F. The North Port Planning and Zoning Advisory Board which serves as the City's designated Local Planning Agency has held a duly noticed public hearing on August 16, 1990, at which time the Board found that all of the property to be rezoned by this ordinance is wholly situated within the corporate limits of the City of North Port, and that this ordinance is consistent with the adopted North Port Comprehensive Plan.
- G. The City Commission of the City of North Port has received and reviewed the report and recommendations of the Local Planning Agency and finds this ordinance to be consistent with the adopted North Port Comprehensive Plan.
- H. Pursuant to F.S. § 163.3202, the North Port City Commission on June 14, 2010 adopted Ordinance No. 2010-14 (the Unified Land Development Code) which revised the City's zoning map and other land development regulations consistent with the City's adopted Comprehensive Plan.

Sec. 1-34~~33~~ - Rezoning.

The zoning classifications for all lands lying within the corporate limits of the City of North Port are hereby changed as depicted on the revised Official Zoning Map of the City of North Port which is held in the office of the City Clerk.

- A. All petitions for rezoning that changes the property's zoning designation to a zone that is incompatible with a land use designation per the Comprehensive Plan must file a concurrent comprehensive plan amendment application. [Amended 9-14-2015 by Ord. No. [2015-23](#)]
- B. A zoning amendment may be proposed by:
 - (1) City Commission.
 - (2) Planning and Zoning Advisory Board.
 - (3) Zoning Board of Appeals.
 - (4) Any other department or agency of the City.
 - (5) Any person other than those listed in subsection B(1) through (4) above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which is not owned by the petitioner. The name of the owner shall appear on each application.
- C. All proposals for zoning amendments shall be considered first by the Planning and Zoning Advisory Board, and then City Commission for final decision in the manner herein set out.
- D. All proposals for zoning amendments shall be submitted in writing to the Director of the department responsible for land development services, accompanied by all applicable information required by these zoning regulations and which may be required by the Planning and Zoning Advisory Board for proper consideration of the matter, along with payment of such fees and

charges as have been established by the City Commission and may be amended from time to time.

- (1) No application for a zoning amendment shall be heard by the Planning and Zoning Advisory Board prior to all fees and charges being paid.

E. Submission requirements. A complete application packet for rezoning shall be filed with the department responsible for land development services for review by the Planning and Zoning Advisory Board with the number of copies deemed necessary for a thorough review and must include:

- (1) Written narrative explaining the following:

- (a) Whether the proposed change would be consistent with the future land use map and the goals, objectives and policies of the Comprehensive Plan (See Comprehensive Plan - Future Land Use Element).
 - (b) The relationship of the proposed change to the existing land use pattern.
 - (c) Whether the proposed change would lead to the creation of an isolated zoning unrelated to adjacent and nearby districts.
 - (d) The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan and as defined and implemented through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.
 - (e) Whether changed or changing conditions make the passage of the proposed zoning necessary.
 - (f) Whether the proposed change will adversely influence living conditions in the neighborhood.
 - (g) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
 - (h) Whether the proposed change will create a drainage problem.
 - (i) Whether the proposed change will seriously reduce light and air to adjacent areas.
 - (j) Whether the proposed change will adversely affect property values in the adjacent areas.
 - (k) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
 - (l) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
 - (m) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
 - (n) Whether the change suggested is out of scale with the character of the neighborhood.
 - (o) Whether the use causes a decrease in level of service, concurrency in any area listed in Chapter 5, or causes adverse effects on the health, safety and welfare of the citizens of North Port and it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use that would maintain the adopted level of service, concurrency levels as listed in Chapter 5 or adequate services for the health, safety and welfare of the citizens of North Port.
- (2) Survey showing boundaries and topography with legal description of property to be rezoned, signed and sealed by a Florida registered land surveyor.

- (3) Aerial map showing the adjacent properties and clearly depicting property under consideration.
- (4) Most current deed or title policy showing proof of ownership.
- (5) Utilities availability commitment letter.
- (6) Environmental assessment report (if applicable) prepared by a professional environmental scientist, which shall include the date of the assessment.
- (7) Traffic impact analysis prepared by a professional engineer or a certified planner qualified in transportation in accordance with Chapter 5 of these regulations.
- (8) Any additional data, maps, plans, surveys or statements as determined by the City to be necessary for a thorough review.
- (9) Digital files, one (1) compact disk (CD) GIS and/or AutoCAD requirements and digital PDF as determined by the City. All disks must have a project label and date.

F. Review process.

- (1) Review by the Planning and Zoning Advisory Board. The Planning and Zoning Advisory Board shall review at its next regularly scheduled meeting, the application and staff findings for rezoning. Having reviewed the application, all supporting documents, along with staff findings, the Planning and Zoning Advisory Board will make an advisory recommendation to the City Commission.
- (2) Review by the City Commission. Upon completion of the Planning and Zoning Advisory Board's review process, the Planning and Zoning Advisory Board's comments and recommendations along with the staff findings shall be forwarded to the City Commission. After review, the City Commission shall vote whether the plans should be "Approved," "Approved with Conditions," "Continued" or "Deny." Upon approval or approval with conditions by the City Commission, the applicant shall be permitted to submit the appropriate application to begin the review process to allow development that pertains to the approved zoning.

G. Notice of public hearing.

- (1) Notice of time and place of the public hearing of the Planning and Zoning Advisory Board shall be sent at least fifteen (15) days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.
- (2) Notice of the time and place of the public hearing by the Planning and Zoning Advisory Board shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred (300) feet of the property lines of the land for which rezoning is sought (for properties greater than one (1) acre, the three hundred (300) foot distance shall be one thousand three hundred twenty (1,320) feet); provided however,
 - (a) That where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the one thousand three hundred twenty (1,320) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed for property owners located more than one (1) mile (five thousand two hundred eighty (5,280) feet) from the land for which rezoning is sought.
 - (b) If any dwelling unit within the required one thousand three hundred twenty (1,320) foot notification radius is within a property owner's association, the property owner's association must also be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County.
 - (c) Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

H. Public hearings. Public hearings on the resolution for the granting of a rezoning shall be held by both the Planning and Zoning Advisory Board and the City Commission.

- (1) Any party may appear personally or by agent or attorney.
- (2) The staff findings on the petition shall be presented prior to the close of the public hearing on the petition.
- (3) The petitioner shall have the right, prior to the close of the public hearing, to cross-examine persons presenting testimony, to respond to any contentions presented by any testimony or other evidence presented during the public hearing and to respond to the staff findings, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter is referred back to staff for further consideration of such matters as the Planning and Zoning Advisory Board or City Commission may direct.
- (4) If referred back to staff, the matter shall be given the next available agenda position.

Sec. 1-35~~34~~. - Limitations of the rezoning of property.

- A. Whenever the City Commission has taken final action on an application for the rezoning whether approved or denied, the Planning and Zoning Advisory Board shall not thereafter consider any further application for any rezoning of any part of or all of the same property for a period of twelve (12) months from the date of such action.
- B. The City Commission shall have the authority to establish a period of time of not less than two (2) years in duration after the effective date of any rezoning of property, within which the use for which the rezoning was granted shall have commenced. If said use has not been commenced, the zoning shall revert to the original classification unless an extension of time for commencement is granted by the City Commission.

Sec. 1-36~~35~~. - Waiver of time limits.

The time limits of Sec. 1-34 above may be waived by three (3) affirmative votes of the City Commission when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City of North Port. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 1-37~~36~~. - Filing of ordinance.

Upon adoption of this ordinance, the City Clerk is directed to cause a copy of this ordinance to be filed with the Clerk of the Circuit Court in and for Sarasota County, Florida, and with the Florida Department of State.

Sec. 1-38~~37~~. - Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Sec. 1-39~~38~~. - Conflicts.

In the event of any conflicts between the provisions of this ordinance and any other ordinance or portions thereof, the most restrictive shall prevail to the extent of such conflict.

Sec. 1-40~~39~~. - Effective date.

This ordinance shall become effective immediately upon final adoption pursuant to provisions of Section 9.09 of the City Charter.

ARTICLE V. - ADOPTION OF RECODIFICATION

On June 14, 2010, the North Port City Commission approved Ordinance 2010-14 which amended in its entirety the City's Unified Land Development Code and has included herein the recodification of the document.

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