



City of North Port

ORDINANCE NO. 2025-29

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REGARDING QUASI-JUDICIAL**
2 **PROCEEDINGS; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA,**
3 **SECTIONS 2-79 THROUGH 2-84; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS;**
4 **PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN**
5 **EFFECTIVE DATE.**

6
7 **WHEREAS,** promoting efficiency in City proceedings supports the City Commission's Strategic Plan under
8 the Good Governance Pillar; and
9

10 **WHEREAS,** aligning City regulations with updated case law reduces legal exposure and reflects sound
11 stewardship of public resources; and
12

13 **WHEREAS,** the proposed regulations protect due process rights while maintaining consistency with
14 applicable statutory provisions and established case law regarding standing in quasi-judicial proceedings;
15 and
16

17 **WHEREAS,** the amendments are intended to streamline administrative review processes and clarify that
18 only individuals or entities with a legally recognizable interest may obtain party status in quasi-judicial
19 matters; and
20

21 **WHEREAS,** the City strives to appropriately balance the rights of applicants, affected parties, and the
22 general public in accordance with Florida law and constitutional principles; and
23

24 **WHEREAS,** the City Commission finds that these amendments serve the public health, safety, and welfare
25 of the citizens of the City of North Port, Florida.
26

27 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**
28

29 **SECTION 1 – FINDINGS**

30

31 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
32

33 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business
34 impact estimate on the City's website on or before the date the newspaper published notice of
35 this ordinance's final reading.

SECTION 2 – ADOPTION

2.01 Chapter 2 of the Code of the City of North Port, Florida, is hereby amended as follows:

“Chapter 2 – ADMINISTRATION

...

ARTICLE III. – QUASI-JUDICIAL PROCEEDINGS

Sec. 2-79. - Intent.

It is the intent of the city commission to provide an equitable and efficient method for the commission, ~~as well as certain city boards, committees, and authorities~~ hearing officers, to hear consider and decide on matters which are considered quasi-judicial in nature. ~~These procedures shall be utilized by the city about hearings on quasi-judicial matters.~~

Sec. 2-80. - Definitions.

~~For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*Aggrieved or adversely affected party person.* Any person who will suffer a negative effect to a protected interest as a result of the quasi-judicial action sought by the applicant. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in the community. Any resident, citizen, or property owner within the municipal limits of the city who seeks to intervene based on procedural compliance, or any person or local government that will suffer an adverse impact to an interest protected or promoted by the city’s comprehensive plan. Such interests may include, but are not limited to, public health and safety; police or fire protection services; development density or intensity; transportation facilities; healthcare facilities, equipment, or services; and environmental and natural resources. An adverse effect may also be experienced by the general public; however, to qualify as aggrieved or adversely affected, the impact must affect the individual or entity in a manner that exceeds the kind, degree, or intensity of the effect on the public at large. The term also includes any person with a legally recognizable interest, as set forth in Section 2-81.~~

~~*Applicant.* Any person, corporation or other legal entity who files with the submits a development application with the department responsible for land development services department an application for an action which has been determined by city staff to be the Unified Land Development Code requires a quasi-judicial public hearing(s). in nature as reflected on the agenda and within the agenda packet for that commission meeting at which said matter will be heard.~~

~~*Clerk.* For any proceeding before the city commission, the clerk is the city clerk. For any other board, the clerk will be the clerk or secretary designated for the respective board, ~~committee,~~ agency, authority, or hearing officer.~~

...

~~*Party or parties.* The applicant, the city, and any aggrieved or adversely affected party person who has complied with the notice provisions set forth in section 2-81 below.~~

...

Quasi-judicial body. The city commission sitting in its quasi-judicial capacity, or any other city board, ~~committee, authority,~~ or hearing officer sitting in its quasi-judicial capacity.

Quasi-judicial in nature. The application of a general rule or policy to specific individuals, interests, or activities by ~~the~~ a quasi-judicial body, as more specifically set forth in section 2-82 below.

Sec. 2-81. - Notice procedures for Requests for aggrieved or adversely affected persons party status and determination of standing to intervene.

...

(b) ~~Notice Request required.~~ Any aggrieved or adversely affected ~~party person~~ desiring to become a party in the quasi-judicial proceeding must ~~provide written notice~~ submit a request for aggrieved or adversely affected party status to the city clerk.

(1) *Contents.* The ~~aggrieved or adversely affected person's notice request~~ must state include:

- a. The ~~person's~~ party's name, address, email and telephone number;
- ~~b. A description of the effect that the decision will have on the person and their particular interests, such that the person meets the definition of "aggrieved or adversely affected person" in section 2-80;~~
- ~~c. A statement wWhether the person party is in favor of or opposed to approval of the development application or outcome of other types of quasi-judicial proceedings; and~~
- c. Whether the basis of their request complies with procedural requirements;
- d. Whether the basis of their request is the correct application of the Nort Port Comprehensive Plan or Unified Land Development Code and what protected interest may be affected by a decision rendered including how that effect exceeds the general interest in the community good shared by all persons in kind, degree, or intensity;
- e. Whether the basis of their request is the correct application of the Code and what legally cognizable interest may be affected by a decision rendered; and
- ~~d. f. A statement wWhether the person party requests notice of any special magistrate proceedings subsequent to the city commission's determination local appeals to the quasi-judicial body's decision.~~

(2) *Filing deadline.* The city clerk must receive the required ~~notice request~~ no later than 5:00 p.m. on the eighth calendar day before the hearing. ~~Delivery of the notice to the city clerk will be deemed notice of the aggrieved or adversely affected person's intent to appear at all applicable quasi-judicial proceedings to present testimony and evidence, cross-examine witnesses, and participate as described in the procedures for quasi-judicial proceedings.~~ The city clerk will include the notice request of an aggrieved or adversely affected ~~person~~ party with the agenda for the hearing(s).

~~(3) One notice requirement. Unless challenged by another party pursuant to subsection (c), an aggrieved or adversely affected party's notice that complies with this subsection shall be deemed proper notice for all quasi-judicial proceedings held on the matter.~~

(c) ~~Quasi-judicial body review ruling. Upon the request of any other party to a proceeding, the~~ quasi-judicial body must determine whether the requestor aggrieved or adversely affected person's notice complies with this section has standing. In making its determination, the quasi-judicial body may consider only the content of the notice aggrieved or adversely affected party status request and a map demonstrating the location of the requestor's residence or owned property in relationship to the notification boundary. ~~may not consider any additional evidence. If the quasi-judicial body finds that the request is not in compliance, then the person requesting to be recognized as an aggrieved or adversely affected party may only provide public comment in the hearing. The determination by a quasi-judicial body will not disqualify the aggrieved or adversely affected person's notice in any other quasi-judicial proceeding on the same application. In granting aggrieved or adversely affected party status request, the city commission must find:~~

a. If the basis of the request complies with procedural requirements, and that the requestor is a resident, citizen, or owner of property within the city's limit.

b. If the basis of the request is the correct application of the Nort Port Comprehensive Plan or Unified Land Development Code, that relates to:

1. Rezone and special exception hearings. The requestor resides or owns property within the 1,320-foot notification boundary, and that sufficient evidence and/or justification has been provided to support the requestors assertion of a protected interest the effect on which exceeds in kind, degree, or intensity compared to the general interest in the community good shared by all persons.

2. All other quasi-judicial development application hearings. The requestor resides or owns property within the 1,200-foot notification boundary and that sufficient evidence and/or justification has been provided to support the requestors assertion of a protected interest, the effect on which exceeds the general interest in the community good shared by all persons in kind, degree, or intensity.

c. If the basis of the request is the correct application of Code, the requestor must show a legally cognizable interest.

Sec. 2-82. Quasi-judicial matters.

(a) Matters that are quasi-judicial in nature include any decision involving the implementation, rather than formation, of a city policy involve the actions of that requires public officials who ~~are required~~ to ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from such facts; as a basis for their official action, and to exercise discretion of a judicial nature ~~and any other decision involving the implementation, rather than formation, of city policy.~~ Quasi-judicial matters include, but may not necessarily be limited to the following:

...

(3) Appeals to the zoning hearing officer regarding development applications types where the staff of the planning and zoning division or the ULDC administrator is the decision-maker pursuant to Unified Land Development Code Chapter 2, Article II;

...

- (b) ~~For all~~ When the approval document for a quasi-judicial matters which require more than one reading, is an ordinance, the city commission's first reading shall must constitute the quasi-judicial proceeding. Once a decision is rendered to grant or grant with conditions the relief sought by the applicant, then If the city commission approves the ordinance on first reading and continues the item to a date certain, the second reading shall be is procedural only in nature with the quasi-judicial body ratifying and affirming its prior decision, unless a party submits a written notice to the city clerk within seven calendar days before the second reading stating they have new factual evidence to present that was not presented during the first reading. In that event, the city clerk will notify all parties of the notice of new evidence and that the second reading will be held consistent with these quasi-judicial proceedings. Each party must respond confirming attendance or waiving their participation in the proceedings. If the city clerk does not receive affirmative attendance responses or waiver of participation from each party, within 48-hours of the scheduled second reading, the matter will be pulled from the city commission agenda and readvertised for a new hearing date according to Chapter 2 of the Unified Land Development Code. If new evidence is introduced which, if brought to the attention of the quasi-judicial body at the first reading, would have had a material impact on its decision, the quasi-judicial body may reopen the quasi-judicial hearing. If the quasi-judicial body reopens the quasi-judicial hearing, it shall be scheduled for a date and time certain and provide notice to all parties.

Sec. 2-83. Procedures for quasi-judicial proceedings.

(a) The following is a guideline for conducting quasi-judicial hearings:

- (1) Development application agenda items. Development application agenda items that are quasi-judicial in nature must include the term "QUASI-JUDICIAL" in the title of the item.
- ~~(1)~~ (2) Introduction. The presider will introduce the case and if appropriate, defer to the clerk for the reading of the ordinance or resolution caption.
- (3) Determination of standing for aggrieved or adversely affected party status requests. If the city clerk has received a request(s), the quasi-judicial body must rule on the standing of each person or entity requesting aggrieved or adversely affected party status according to Sec. 2-81(c)(2) before commencing the remainder of the proceedings.
- ~~(2)~~ (4) Swearing in. All persons wishing to speak on a quasi-judicial matter shall must take an oath to tell the truth. This includes attorneys representing parties, as well as and members of the public providing comment.
- ~~(3)~~ (5) Ex parte disclosures. The presider shall calls for disclosure of ex parte communications by the members of the quasi-judicial body. Such disclosures shall be made Each member must disclose these communications in accordance with this article.

(4) ~~(6)~~ *Presentation of evidence.* ~~The presider shall have the option of determining the order to expedite the proceedings. However, a~~ All parties shall must be provided the opportunity to present their case. If after notice of hearing, a party does not appear, the hearing may be conducted, and an order entered in the absence of the party. The general order of the presentation of evidence ~~shall be~~ is as follows:

- a. *Presentations.* The applicant, city staff, and any aggrieved or adversely affected party person, in that order, ~~shall~~ each have 20 minutes to make an initial presentation.
- b. *Rebuttal.* The applicant, city staff, and any aggrieved or adversely affected party person, in that order, ~~shall~~ each have five minutes ~~for rebuttal.~~ During this time, the parties may to present rebuttal testimony, cross-examine opposing witnesses, impeach witnesses, and rebut evidence.
- c. *Public comment.* Any person who did not speak during presentations and rebuttals may speak for not more than three minutes. Prior to being heard, each public commenter speaker must take an oath to tell the truth and must state his/her name and address for the record. The quasi-judicial body may by motion extend the time for an individual speaker, provided that all other speakers are allowed the same time extension.
- d. *Questions.* The presider and quasi-judicial body may ask questions of any party, witness, or person providing public comment.
- e. *Closing argument.* Any aggrieved or adversely affected party, city staff, and the applicant, in that order, ~~shall~~ each have five minutes for closing argument.

~~(5)~~ (7) *Action by the quasi-judicial body.*

- a. At the conclusion of the presentation of the evidence and testimony, the quasi-judicial body ~~shall~~ closes the public hearing. The presider ~~shall~~ entertains any motions, and then the quasi-judicial body ~~shall~~ proceeds to deliberate and vote on the motion(s). The quasi-judicial body ~~shall~~ must make its determination based upon competent substantial evidence.
- b. ~~If after notice of hearing, a party does not appear, the hearing may be conducted and an order entered in the absence of the party.~~
- c. If during the deliberations a question arises which the quasi-judicial body desires to ask, it ~~shall~~ must reopen the public hearing, pose the question and allow each party the opportunity to respond to the question posed prior to closing the public hearing again and resuming deliberations.

(b) *Representation of parties.*

- (1) *Attorney.* Any ~~natural person or~~ party may represent himself/herself themselves or may be represented by an attorney. If the party chooses to be represented by an attorney, a

~~notice of representation, signed by their attorney, shall be~~ must filed a notice of representation with the city clerk ~~prior to~~ before the hearing.

(2) *Non-attorney.* In the event any party (other than a corporation or the city) chooses to be represented by a non-attorney, such party ~~shall~~ must file a written, notarized power of attorney with the city clerk ~~prior to~~ before the hearing stating that the person appearing has the full power and authority to act on behalf of the party in the matter.

(3) *Business representative.* A corporation or limited liability company may appear through a representative who is listed with the Florida Department of State as a current officer or manager of an active corporation or limited liability company entity. The representative must identify ~~himself/herself~~ themselves in that business capacity.

(c) *Evidence.*

(1) All relevant evidence ~~shall~~ must be admitted. The quasi-judicial body may exclude irrelevant, immaterial, or unduly repetitious evidence.

(2) Hearsay evidence may be accepted for the purpose of either supplementing or explaining any direct evidence, provided it is not offered to prove the truth of the matter asserted, but such hearsay evidence ~~shall~~ must not, in and of itself, be considered sufficient to support a finding or decision unless the evidence would be admissible over objections in any civil litigation proceeding in a state or federal court in Florida.

(3) Except as provided herein, neither the Federal Rules of Evidence nor the Florida Evidence Code ~~shall~~ apply, but fundamental due process ~~shall~~ must be observed and ~~shall~~ will govern said proceedings ~~at all times~~.

(d) *Orders.*

(1) If the quasi-judicial body denies development application approval or relief to the applicant, the quasi-judicial body's legal counsel ~~shall~~ must issue a subsequent written order setting forth the reasons ~~therefor~~ thereof.

(2) The quasi-judicial body ~~shall have~~ has the authority to issue ~~any and all~~ approvals and orders to afford the proper relief, ~~and this authority shall~~ includes the authority to grant continuances to a date certain upon good cause shown.

(e) *Hearing record.* The city clerk ~~shall~~ must maintain custody of all recordings of testimony, evidence, and documents submitted into evidence at the hearing. This ~~shall~~ includes the official file in the matter, as well as any document presented at the hearing or demonstrative exhibit seen by the quasi-judicial body ~~while making its decision during the proceedings. Nothing herein shall be deemed to prohibit a~~ Any party from may providing engage a court reporter ~~for~~ to attend the proceedings. Any party wishing to appeal the decision of a quasi-judicial body ~~shall~~ must ~~have the responsibility to ensure compliance with F.S. § 286.0105.~~

Sec. 2-84. Ex parte communication.

- (a) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or city commission on which the local public official is a member. The provisions of this article ~~shall~~ must be followed for all such communications.
- (b) The following process is hereby established for ex parte communications with any local public official:
- ...
- (2) *Written communications.* A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall must not be presumed prejudicial to the action, and such written communication ~~shall~~ must be made a part of the record before final action on the matter.
- (3) *Investigations and site visits.* Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities ~~shall~~ are not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.
- (4) *Timing of disclosure.* Disclosure made pursuant to ~~subsections (1)–(3)~~ this section must be before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.”

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

- 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

- 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

- 6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on September 9, 2025.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on September 23, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY