



City of North Port

ORDINANCE NO. 2024-16

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 2.82. – QUASI-JUDICIAL MATTERS, TO PROVIDE FOR CONSISTENCY WITH THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 6, 2024, the City Commission adopted Ordinance No. 2024-13, repealing the Unified Land Development Code (ULDC), Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41, 45, 49, 53, 55, 57, 58, 59, 60, and 61, and replacing those chapters with Chapters 1 through 4 and 6, and Appendices; and

WHEREAS, the ULDC identifies new development application types and specifies application types that are subject to quasi-judicial proceedings; and

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

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

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of 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
 . . .

38 **Sec. 2.82. – Quasi-judicial matters.**
 39

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

46
 47 ~~(1) Site specific rezoning of land which rezoning will have an impact on a limited number of~~
 48 ~~persons or property owners where the decision is contingent on fact(s) arrived at from~~
 49 ~~distinct alternatives presented at a hearing and where the decision can be functionally~~
 50 ~~viewed as policy application rather than policy setting;~~

51
 52 ~~(2) Applications for special exceptions or amendments thereto;~~

53
 54 ~~(3)~~(1) Hearings on code enforcement violations by the code enforcement board or hearing
 55 officer;

56
 57 ~~(4) Applications for preliminary and final plats;~~

58
 59 ~~(5) Variances from the application of the land development code;~~

60
 61 ~~(6) Appeals from an administrative determination by the director of development services or~~
 62 ~~any city official interpreting the provisions of the land development code;~~

63
 64 ~~(7)~~(2) Hearings on applications for disability or service retirements before the board of
 65 trustees of the North Port Police Officers and Firefighters Pension Fund; ~~and~~

66
 67 ~~(8) Vacation of easements.~~

68
 69 (3) Appeals to the zoning hearing officer regarding development applications types where
 70 the staff of the planning & zoning division or the ULDC administrator is the decision-maker
 71 pursuant to Unified Land Development Code Chapter 2, Article II;

72
 73 (4) Appeals to the zoning hearing officer regarding the ULDC administrator's interpretation
 74 of the Unified Land Development Code that apply to a specific property;

75
 76 (5) Appeals to the Planning & Zoning Advisory Board regarding the ULDC administrator's
 77 interpretations of the North Port Comprehensive Plan that apply to a specific property;
 78 and

79
 80 (6) Hearings regarding development applications and amendments identified as quasi-judicial
 81 pursuant to Unified Land Development Code Chapter 2, Article II:

82
 83 a. Division of Land – Subdivision, Minor and Subdivision, Preliminary Plat;

84
 85 b. Master Concept Plan;

86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125

- c. Rezone;
- d. Public Art (when City Commission is the decision-maker);
- e. Special Exceptions;
- f. Vacations;
- g. Variances, Major; and
- h. Waivers.

...”

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 on October 28, 2024.

126 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
127 session on July 23, 2024.

128
129 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in
130 public session on August 6, 2024.

131
132 CITY OF NORTH PORT, FLORIDA

133
134
135
136 _____
137 ALICE WHITE
138 MAYOR

139 ATTEST

140
141
142 _____
143 HEATHER FAUST, MMC
144 CITY CLERK

145
146 APPROVED AS TO FORM AND CORRECTNESS

147
148
149
150 _____
151 AMBER L. SLAYTON, B.C.S.
152 CITY ATTORNEY