

City of North Port

ORDINANCE NO. 2015-22

(Adoption of Amendments to the City of North Port, Florida Unified Land Development Code)

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING SECTION 22 OF CHAPTER 53 OF THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE (ULDC), ANNEXATIONS; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 171, Part I regulates municipal annexations; and

WHEREAS, section 22 of chapter 53 of the City of North Port Unified Land Development Code also regulates municipal annexations; and

WHEREAS, the two regulations are different and inconsistent; and

WHEREAS, the purpose, origin or history of section 22 of chapter 53 of the City of North Port Unified Land Development Code is unknown; and

WHEREAS, section 22 of chapter 53 was added in the 2010 rewrite of the Code; and

WHEREAS, there is no place in the minutes where section 22 of chapter 53 was discussed (see North Port City Commission Minutes of Continued Workshop Meeting Friday, January 8, 2010 marked Exhibit "A"); and

WHEREAS, the audio of the January 8, 2010 workshop reveals the Commission skipped from Line No. 22417 to Line No. 22705; and

WHEREAS, section 1.02 of the City Charter of the City of North Port provides:

The City of North Port, having been duly created as specified in Section 1.01, shall have all governmental, corporate and proprietary powers of the Home Rule Powers Act to enable it to conduct municipal government, perform municipal functions and render municipal services, and shall exercise any and all powers for municipal purposes within its corporate

*limits, **except as otherwise provided by the Constitution, General or Special laws of the State of Florida**, or County Charter, and as such shall have perpetual succession and seal. (emphasis added)*

WHEREAS, In Phantom of Brevard, Inc. v. Brevard County, 3 So.3d 309, 314 (2008), the Florida Supreme Court explained that ordinances are unenforceable when the county: (1) legislates in a subject area that has been preempted by the State; or (2) enacts an ordinance that directly conflicts with a statute:

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

SECTION 1. FINDINGS.

The City Commission hereby makes the following findings:

1.01 Preamble of Section 53-22:

Annexation shall be ~~voluntary~~ and by non-emergency ordinance and shall meet the requirements of the provisions of State Law, §171. Any change in City boundaries through annexation shall revise the official boundaries of the City and shall be shown on the Official Zoning Map.

1.02 Paragraph A. of section 53-22 – Annexations is stricken in its entirety:

~~A. Pre-annexation agreement. Prior to any application for annexation, the applicant shall enter into a pre-annexation agreement with the City. Upon approval, the pre-annexation agreement shall be filed with the City Clerk, and shall address major concerns of the City as established by the State and the City Commission, and shall include the following, but is not limited to:~~

~~(1) Concurrency management.~~

~~(2) Assessments.~~

~~(3) Fiscal impact.~~

~~(4) Traffic impact.~~

~~(5) Utilities management.~~

~~(6) Fire and emergency medical services.~~

~~(7) Law enforcement services.~~

~~(8) Property maintenance.~~

~~(9) Design standards.~~

~~(10) City's obligation.~~

~~(11) Developer's obligation.~~

1.03 Paragraph E.(2) of section 53-22 – Annexations is stricken in its entirety:

~~(2) The City Manager may negotiate with the property owner prior to entering into a municipal services and pre-annexation agreement as to the City's concerns pertaining to various aspects of the development of the particular parcel.~~

1.04 Paragraph E.(3) of section 53-22 – Annexations is stricken in its entirety:

~~(3) The City may supply water, sewer, or such other utilities which may be required for the property prior to annexation occurring only if a municipal services and pre-annexation agreement has been executed by the property owner. Said agreement shall provide that the monthly payments for such utility services shall include:~~

~~(a) Charges pursuant to City ordinance and any developer agreement for subject property; and~~

~~(b) A sum equal to one twelfth (1/12) of the current ad valorem tax millage applied to the current assessed valuation of the property, as well as all personal property located thereon, as such assessment may be made by the County tax assessor.~~

1.05 Paragraph E.(5) of section 53-22 – Annexations is stricken in its entirety:

~~(5) Review by the Administrative Staff. Upon receipt of a written petition for annexation, the Administrative Staff shall meet with the applicant to discuss all details of the annexation and negotiate an annexation agreement. The Administrative Staff shall forward all information to the Planning and Zoning Advisory Board and City Commission for review.~~

~~(a) The annexation agreement shall designate one (1) of the following zoning designations or a combination thereof and the amount of land to be assigned to each zoning designation for the annexed property with any conditions attached to the zoning designation which the City deems appropriate:~~

~~(i) Agricultural District.~~

~~(ii) Conservation District.~~

~~(iii) Commercial General.~~

~~(iv) Commercial/Recreation.~~

~~(v) Government Use.~~

~~(vi) Industrial.~~

~~(vii) Light Industrial and Warehousing.~~

~~(viii) Office, Professional, Institutional.~~

~~(ix) Planned Community Development.~~

~~(x) Residential.~~

- (xi) ~~Recreation/Open Space.~~
- (xii) ~~Village.~~

1.06 Paragraph F of section 53-22 – Annexations is stricken in its entirety:

~~F. Annexation agreement. The property being annexed shall be regulated by the annexation agreement, all State, Federal and City codes and this Unified Land Development Code. The annexation agreement shall address all matters of concurrency and any matter that may create adverse effects to the City, and shall be completed prior to the final annexation approval.~~

SECTION 2. SEVERABILITY.

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

SECTION 3. CONFLICTS.

3.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. EFFECTIVE DATE.

4.01 This Ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY in public session this 27th day of July, 2015.

PASSED and ADOPTED on second and final reading in public session this 14th day of September, 2015.

CITY OF NORTH PORT, FLORIDA

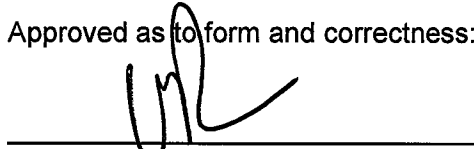
Ryda Franco
 RHONDA Y. DIFRANCO
 Mayor

ATTEST:



HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:



MARK MORIARTY
City Attorney

Exhibit A

NORTH PORT CITY COMMISSION MINUTES OF CONTINUED WORKSHOP MEETING FRIDAY, JANUARY 8, 2010

Present: Commissioner Garofalo, Chair; Commissioner Blucher, Vice-Chair; Commissioners Jones and Treubert; City Manager Crowell; City Attorney Robinson; City Clerk Raimbeau; Recording Secretary Strong; and Police Chief Lewis.

Absent: Commissioner Carusone.

The Commission Workshop Meeting reconvened at 9:02 a.m. in City Chambers by Commissioner Garofalo, Chair.

The Pledge of Allegiance was led by the Commission.

1. **REVIEW AND POSSIBLE ACTION REGARDING PROPOSED UPDATE OF THE UNIFIED LAND DEVELOPMENT CODE.**

Chapter 60 (Fire Safety)

Subsequent to a brief overview, the following changes to the backup material were provided for Chapter 60 of the Draft Unified Land Development Code:

- Line 38756 - should read, "Prior to commencement of any construction, the developer/contractor shall have approved by the City of North Port Fire Rescue District any rescue plan depicting primary and secondary project entrances."
- Line 38760 - (1) should be replaced with, " The primary access shall generally extend to within 100 feet of the areas of construction and as such construction progresses shall extend so as to consistently provide emergency access. The entry shall be a minimum of 20 feet wide stabilized base compacted to 90% density with an LBR lime rock baring ratio of 80. The access road is intended to support the weight of fire apparatus of up to 32 tons."
- Line 38764 - should be reworded to read, " ...of any and all construction prior to combustibles arriving on site, ..."
- Line 38770 - B. should read, " The secondary and all other means of access shall also be maintained throughout construction and be readily accessible to the property at all times. The secondary access shall be constructed to the same criteria as the primary access and is also intended to support the weight of fire apparatus of up to 32 tons."
- Line 38775 - "75 feet" should be changed to "100 feet".

Stakeholder comments as provided in the backup material were reviewed and clarified.

Addressing concerns Fire Marshal Michael Frantz clarified on site burning criteria and suggested that line 38898 read "up to four (4') feet directly behind the FDC..."

Public Comment from 8:17 a.m. to 8:22 a.m.

Consensus to approve Chapter 60 of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Carusone absent.

Chapter 53 (Zoning)

Subsequent to Planner McKeathon noting that due to the size of Chapter 53, review will be done in sections with a brief overview.

The following changes to the backup material were provided for Chapter 53 General Section of the Draft Unified Land Development Code:

- Line 21721 - the word "stormwater" should be added.
- Line 21839 - a space should be added between "resolution" and "as".
- Line 21844 - "activity center" should be capitalized.
- Line 21907 - the word "then" should be deleted.
- Line 21957 - a # 3 should be added and read, " All special exceptions must enhance the intent of the Zoning District as determined by the City Commission after consideration of the recommendations from the Planning & Zoning Advisory Board and staff."
- Line 21965 - "Temporary Certificate of Occupancy" should be added.
- Line 21977 - should read, "(CPA) Requires Commission approval."
- Line 21979 - should read at the end of the line, "Requires Commission approval."
- Line 21981 - should read, "Requires Commission approval."
- Line 21983 - "if determined to be needed and appropriate, required a staff review" should be deleted.
- Line 21988 - the end of the line should read, "Requires Commission approval."
- Line 22004 - the end of the line should read, "Requires Commission approval."
- Lines 22005; 22007, 22009, and 22011 - all should read at the end of the lines "Required Commission approval."
- Line 22016 - ""requires DRC review" will be deleted.
- Line 22019 - "requires staff review" will be deleted.
- Line 22022 - "requires staff review" will be deleted.
- Line 22034 - should read, "Commencement of construction shall not be permitted prior to all required documentation being approved and all review fees paid."
- Line 22092 - there should be a comma after "access".
- Line 22104 - "or a DMP" should be deleted.

- Line 22132 - the wording of "the twenty-five-year floodplain and/or the one-hundred-year floodplain" needs to be researched.
- Line 22172 - "DMP" should be deleted.
- Line 22190 - "DMP" should be deleted.
- Line 22199 - "concept" should be changed to "master".
- Line 22207 - "DCP" should be changed to "DMP".
- Line 22239 - will be researched for the sake of consistency.
- Line 22258 - "PCD" should be "Planned Community Development".
- Line 22288 - sentence structure should be rearranged for clarity and read; "The developer shall submit the number of copies necessary for a thorough review of the application to the department responsible for land development services."
- Line 22340 - "DMP" should be deleted.
- Line 22352 - the word "City" should be added before "Commission".
- Line 22370 - the word "void" should be deleted.
- Line 22378 - "or applicant" should be added at the end of the sentence.
- Line 22395 - should read, "pursuant to Section 53-7 E" at the end of the sentence.
- Line 22460 - should add (K) to read, "Extensions, the City Commission may grant an extension to a DMP for up to 2 years if the applicant shows reasonable cause as determined by the City Commission. A grant of an extension shall contain all conditions and specified time limits."
- Line 22476 - "DMP/DCP" should be deleted.
- Line 22480 - should be "any area".
- Lines 22483 to 22487 - should be copied into Chapter 1.

Discussion ensued regarding: 1) pattern book timelines, designs and amendment processes; 2) appropriate time to afford the City an opportunity to change a development pattern book; and 3) adopted Master Plans and development pattern book criteria's.

- Line 22705 - "Article XXV" should be changed to "Section 1-10"
- Line 22825 - the words "if applicable" should be added at the end of the line.
- Line 22828 - "if applicable" should be added.
- Line 22927 - should be rearranged for clarity and read, "If a re-zoning petition is not filed and continued to completion within one year of the final approval of the annexation petition, the zoning designation in the previously approved annexation agreement for the effective property will apply."

- Line 22992 - "feet" should be changed to "foot".
- Line 22998 - should add "300 or".
- Line 23003 - should also be "300 or 3,120".

Stakeholder comments as provided in the backup material were reviewed and clarified.

Discussion ensued regarding: 1) required financial feasibility study; 2) Comprehensive Plan criteria to require a financial feasibility study; and 3) bike path and hiking trail lighting.

Addressing concerns, staff agreed to add language requiring lighting on bike and hiking paths as determined by the City.

Public Comment from 9:34 a.m. to 11:05 a.m.

Recess from 11:08 a.m. to 11:26 a.m.

After reconvening, Commissioner Garofalo, Chair was absent.

Subsequent to discussion, Peter Van Buskirk, Kimley-Horn and Associates and Nick Bonsky, North Port Contractors Association, agreed to meet with staff to review concerns for clarification.

Addressing concerns, Director Collins agreed to change the word "analysis" to "stormwater assessment", and on line 22511 the word "unbuildable" will be deleted and replaced with "without reasonable use."

Discussion ensued regarding the prohibition of utilizing split face block as a building material. Commissioner Jones noted concerns regarding cost savings measures utilizing split face block as a building material and Commissioner Blucher noted concerns regarding the aesthetics of split face block.

Consensus to remove the prohibition of split face block. Passed two-to-one (2-1) with Commissioner Blucher dissenting. Commissioner Garofalo and Commissioner Carusone absent.

Consensus to allow split face block as a building material pending City approval. UNANIMOUS. Three-to-zero (3-0). Commissioner Garofalo and Commissioner Carusone absent.

Commissioner Jones expressed concerns regarding developer costs for bridge connectivity.

Discussion ensued regarding: 1) definition of development; 2) bridge connectivity; 3) bridge connectivity study and citizen input; and 4) bridge connectivity Impact Fee credit.

Consensus to leave the bridge connectivity requirements as written. Passed two-to-one (2-1) with Commissioner Jones dissenting. Commissioner Garofalo and Commissioner Carusone absent.

Consensus to approve Chapter 53 General Section of the Draft Unified Land Development Code with changes as presented and Commission recommendations. Unanimous. Three-to-zero (3-0). Commissioner Garofalo and Commissioner Carusone absent.

Chapter 53 Agriculture District Section

The following changes to the backup material were provided for Chapter 53 Agriculture District Section of the Draft Unified Land Development Code:

- Line 24063 - "Commercial/Businesses" will be deleted.

- Line 24304 - the strike thru should be deleted and "special exception within all Activity Centers" should be added.
- Line 24312 - should read, "Adult Living Facilities".
- Line 24315 - should read "not less than 100 rooms."
- Line 24506 - should be deleted and should read, "15 dwelling units/.95 floor area ratio."
- Line 24552 - "along I-75 only" should be added at the end of the line and adding #4 which would read, "typical" and #5 "flags."

Stakeholder comments as provided in the back-up material were reviewed and clarified.

There was no Public Comment for this Section.

Subsequent to discussion line 24063 will remain as written adding Equestrian Stables as permitted use.

Consensus to approve Chapter 53 Agriculture District Section of the Draft Unified Land Development Code with changes as presented, adding Equestrian Stables as permitted use. Unanimous. Three-to-zero (3-0). Commissioner Garofalo and Commissioner Carusone absent.

Chapter 53 Commercial General Section

The following changes to the backup material were provided for Chapter 53 Commercial General Section of the Draft Unified Land Development Code:

- Line 24174 - add #3 - flag.
- line 24304 - keep #19 with added language "special exception with all Activity Centers".
- Line 24312 - the word "congregate" will be deleted.
- Line 24315 - change the word "that" to "than".
- Line 24506 - replace with "15 dwelling units/.95 floor area ratio."
- Line 24552 - add "along I-75 only' at the end of sentence and add #4 typical and #5 flag.

Stakeholder comments as provided in the backup material were reviewed and clarified.

Public Comment from 11:37 a.m. to 11:43 a.m.

Consensus to approve Chapter 53 Commercial General Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Three-to-zero (3-0). Commissioner Garofalo and Commissioner Carusone absent.

Chapter 53 CGS District

The following changes to the backup material were provided for Chapter 53 CGS District of the Draft Unified Land Development Code:

- Line 24827 - the Comprehensive Plan will be researched for density/intensity.

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 CGS Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Three-to-zero (3-0). Commissioner Garofalo and Commissioner Carusone absent.

Recess from 11:45 a.m. to 3:09 p.m.

Upon reconvening, Commissioner Garofalo, Chair was absent.

It was noted that Commissioner Carusone and Acting City Attorney Sarah Blackwell were present.

Chapter 53 Office Professional District

The following changes to the backup material were provided for Chapter 53 Office Professional District of the Draft Unified Land Development Code:

- Lines 25444-25448 - verification is needed that this is the same as Commercial Development.
- Line 25449 - "D" should be added and should read "water front yard 20 feet."
- Line 25462 - should be #3 "flag"

Stakeholder comments as provided in the back-up material were reviewed and clarified.

There were no Public Comments for this section.

Consensus to approve Chapter 53 Office Professional District of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Planned Community Developments

- Line 25706 - "the development" should be deleted.
- Line 25714 - "and Neighborhood Commercial District" should be deleted.
- Line 25719 - "Commercial General" should be deleted.
- Line 25737 - should add language "as set forth in each default Zoning District as shown on the Development Master Plan."
- Line 25803 - "RMF" will be deleted.

At 3:36 p.m. it was noted that Captain Kevin Vespia was present for the Police.

- Line 25838 - "NC" will be deleted.
- Line 25840 - "RMF" will be deleted.

Stakeholder comments as provided in the back-up material were reviewed and clarified.

Public Comment from 3:17 p.m. to 3:19 p.m.

Discussion ensued regarding Planned Community Development guideline clarification.

Consensus to approve Chapter 53 Planned Community Development Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Residential Zoning District

The following changes to the backup material were provided for Chapter 53 Office Professional District of the Draft Unified Land Development Code:

- Line 26531 - add #1 - "parking of business vehicles may be permitted if there is no business located on the property and/or the City street weight limit is not exceeded."

Discussion ensued regarding parking of business vehicles and semi-truck with trailer parking within a residential zone.

- Line 26532 - would be re-written for clarification and should read, "any car service activity other than that done by the homeowner to the homeowners vehicle shall be expressly prohibited."

Planner McKeathon agreed to clarify Line 26532 permitting the resident to grant permission for anyone to work on their vehicle in their driveway or garage.

- Line 26620 - "6.7" should be changed back to "10.0."

Stakeholder comments as provided in the backup material were reviewed and clarified.

There was no Public Comment for this section.

Addressing concerns regarding overcrowded platted lots, it was noted that staff agrees with increasing the lot coverage to 50% but does not agree with increasing the building coverage to 35% with a lanai considered in the size of building if covered.

Public Comment from 3:35 p.m. to 3:50 p.m.

Discussion ensued regarding: 1) semi-truck parking; 2) current trend of families living together and mother-in-law suites; 3) 12 ft. set back requirement; 4) 35% building coverage; 5) larger corner lots; 6) criteria for lot coverage; 7) lot coverage with renovated homes.

Commissioner Blucher expressed concerns if building size should exceed 30%, then 2 lots should be utilized to determine the criteria of building size and semi-truck cab parking on private property with no obstruction coverage regulations.

Consensus to allow for 35% building coverage on a platted lot. Passed three-to-one (3-1) with Commissioner Blucher dissenting. Commissioner Garofalo absent.

Consensus to allow for a 10 ft. set back for RSF-2 and RSF-3 abutting a road. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Consensus to permit semi-truck cab parking on private property. Passed three-to-one (3-1) with Commissioner Blucher dissenting. Commissioner Garofalo absent.

Consensus to permit semi truck cab parking on private property with 80% obstruction coverage. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Commissioner Carusone expressed concerns that with the 80% obstruction coverage, an impervious surface should not be a requirement.

Consensus to require semi truck cab parking on private property to be parked on an impervious surface. Passed three-to-one (3-1) with Commissioner Carusone dissenting. Commissioner Garofalo absent.

Consensus to approve Chapter 53 Residential Zoning District of the Draft Unified Land Development Code with changes as presented and Commission recommendations. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Residential 2 Family Section

The following changes to the backup material were provided for Chapter 53 Residential 2 Family Section of the Draft Unified Land Development Code:

- Line 26837 - "the parking of a business vehicle may be permitted if there is no business located on the property and/or the City weight limit is not exceeded and the parking of bobcats may be permitted on an improved surface with 80% opacity" should be added.

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 Residential 2 Family Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 RMF Section

The following changes to the backup material were provided for Chapter 53 RMF Section of the Draft Unified Land Development Code:

- Line 27136 - should read, "5,000 sq. ft. per attached dwelling unit; minimum project lot size".
- Line 27143 - should read, "2,900 sq. ft. per attached dwelling unit..."
- Line 27164 - should read, "RMF: 900 sq. ft."
- Line 27213 - should read, "One Primary Class A sign..."

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 RMF Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Residential Manufactured Home District

The following changes to the backup material were provided for Chapter 53 Residential Manufactured Home District of the Draft Unified Land Development Code:

- Line 27345 - the same language as in 53-122 (D) should be added.
- Addressing concerns, "exotic animals" will be included in the definitions section of the ULDC.
- Line 27422 - should read, "One Primary Class A sign..."
- Line 27460 - should read, "...Modular/Manufactured..."
- Line 27501 - "pursuant to 37-496." should be added to the end of the line.
- Line 27503 - should read, ".4 foot candles"
- Line 27510 - should read, "Facilities shall be completed prior to a Certificate of Occupancy being issued for the applicable phase."

- Line 27515 - should read, "Modular/Manufactured"
- Line 27554 - Pursuant to Public Works specifications" should be added at the end of the line.
- Line 27582 - should read, "...having made by the Building Department..."
- Line 27625 - should read, "Modular/Manufactured Home Park..."
- Line 27629 - should read "...Modular/Manufactured Home Park..."
- Line 27631 - should read, "...Modular/Manufactured Home Subdivision Park"
- There were no Stakeholder Comments for this section.

There were no Stakeholder Comments or Public Comments for this Section.

Consensus to approve Chapter 53 Residential Manufactured Home District Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Utility Industrial Corridor

The following changes to the backup material were provided for Chapter 53 Utility Industrial Corridor of the Draft Unified Land Development Code:

- Line 27740 - the word "congregate" will be deleted.

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 Utility Industrial Corridor Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Neighborhood Commercial High and Low Intensity Districts

The following changes to the backup material were provided for Chapter 53 Neighborhood Commercial High and Low Intensity Districts of the Draft Unified Land Development Code:

- Line 28075 - the word "congregate" will be deleted.
- Line 28206 - "Public Art" will be deleted.
- Line 28248 - #4 - Typical and #5 - Flag, will be added.

Stakeholder Comments for this section were reviewed and clarified.

Public Comment from 4:17 p.m. to 4:22 p.m.

Discussion ensued regarding: 1) floor ratio; and 2) clarification on lot coverage.

Subsequent to discussion, Planner McKeathon agreed to research line 28168 regarding floor ratios and lot coverage.

Consensus to approve Chapter 53 Neighborhood Commercial High and Low Intensity Districts of the Draft Unified Land Development Code with staff verifying lot coverage requirements. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Recess from 4:27 p.m. to 4:48 p.m.

Chapter 53 Commercial Recreation District

The following changes to the backup material were provided for Chapter 53 Commercial Recreation District of the Draft Unified Land Development Code:

- Line 28313 - the word "structure" should be capitalized.
- Line 28357 - "other than those listed as permitted or special exceptions" should be deleted.

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 Commercial Recreation District Section of the Draft Unified Land Development code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Recreation Open Space

The following changes to the backup material were provided for Chapter 53 Recreation Open Space of the Draft Unified Land Development Code:

- Line 28467 - the word "congregate" should be deleted.
- Line 28506 "DRC" should be changed to "City Staff."
- Lines 28503 to 28512 - should be copied and pasted to the "Transfer of Development Rights Section".

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 Recreation Open Space Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Four-to-zero (4-0). Commissioner Garofalo absent.

Chapter 53 Conservation District

The following changes to the backup material were provided for Chapter 53 Conservation District of the Draft Unified Land Development Code:

- Lines 28636 - 28645 - to be copied and pasted to the "Transfer of Development of Rights" section.
- Line 28649 - the word "then" should be deleted and the "Planning and Zoning Department" should be changed to "Department responsible for land development services."

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 Conservation District Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS. Three-to-zero (3-0). Commissioner Garofalo and Commissioner Carusone absent.

Chapter 53 Village District

The following changes to the backup material were provided for Chapter 53 Village District of the Draft Unified Land Development Code:

- Line 28736 - should read, "the City"
- Line 28773 - the word "one" will be changed to "two".
- Line 28895 - the word "should" will be changed to "shall".
- Line 29615 - "for residential units" will be added after the word "wells".
- Lines 29655 - 29659 - starting with "transfer of development rights" and ends in "transferred" should be copied and pasted to the "Transfer of Development Rights Section".
- Lines 29725 - 29728 and 29734 - 29736 - should be copied and pasted to the "Transfer of Development Rights Section".
- Lines 29742 - 29748 - should be copied and pasted to the "Transfer of Development Rights Section."

There were no Stakeholder Comments for this section.

Public Comment from 4:48 p.m. to 5:02 p.m.

It was noted that Commissioner Garofalo arrived at 5:00 p.m.

Recess from 5:03 p.m. to 5:38 p.m.

Subsequent to Public Comment, discussion ensued regarding: 1) removal of Public Art from line 29002; 3) "amenities such as public art" will be removed from line 29076; and 4) Town Center design as provided on line 29202 providing flexibility.

Staff agreed to research the numbers provided on lines 29202 - 29206 and to add the language, "the following Town Center design standards shall be used unless amended by the City."

Consensus to approve Chapter 53 Village District Section of the Draft Unified Land Development Code with changes as provided and Commission recommendations. UNANIMOUS.

Chapter 53 Commercial Redevelopment

The following changes to the backup material were provided for Chapter 53 Commercial Redevelopment of the Draft Unified Land Development Code:

- Line 30025 - there should be a comma after "committed".
- Line 30032 - the word "in" should be changed to "of".
- Line 30039 - (d) Parking shall be one half of the requirement found in Chapter 25 only with Commission approval.

There were no Stakeholder Comments or Public Comment for this section.

Consensus to approve Chapter 53 Commercial Redevelopment Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS.

Chapter 53 Special Circumstances Section

The following changes to the backup material were provided for Chapter 53 Special Circumstances Section of the Draft Unified Land Development Code:

- Line 30084 - a comma should be added after "lots".
- Line 30087 - the word "is" will be deleted.
- Line 30105 - 800 feet should be 1000 feet.
- Line 30160 - should be "/manufactured".
- Line 30621 - "RMH" should be "Residential Manufactured Home."
- Line 30700 - should be "Public Works Director".
- Line 30833 - the word "the" should go before "roadway."
- Line 30860 - the word "to" should go after "apply."
- Line 30888 - should read, "Set back requirements shall be enforced to the extent possible. Approval of set backs shall be determined by the Building Official or designee."
- Line 31021 - "Board of Zoning Appeals" should be changed to "Zoning Board of Appeals."
- Line 31088 - "side yards are to be measured from front plane to rear plane of the home to the property line" and, "rear of primary structure to rear of property line" should be added.
- Line 31163 - "Director responsible for land development services" should be added.
- Line 31183 - should be deleted.
- Line 31201 - the word "designated" will be deleted and the word "will" changed to "shall".
- Line 31233 - should be "1,500 feet"
- Line 31234 - the word "Congregate" will be deleted.
- Line 31244 - "if located within a residential zoning district" will be added.
- Line 31264 - "Residential Zoning District" should be changed to "Agricultural Zoning District", "not" should be deleted and read, "In Agricultural Zoning Districts guest houses or guest apartments shall be attached or detached from the primary structure, and must be permitted separately".
- Line 31270 - should be changed to read, "may contain kitchen facilities".
- Line 31274 - should be deleted.
- Line 31783 - should read, "modular home".

- Line 31791 - "MHP" will be deleted and in each section language should be added "light industrial warehousing".
- Line 31795 - it was noted that this is where a vehicle may be stored in the side or rear yard only upon an improved surface.
- Line 31799 - "if stored on a residential lot or parcel, the RV shall be shielded with 80% opacity or greater" should be added.
- Line 32164 - the reference of "Article 22" has to checked.
- Line 32190 - "in a CG District or in any other District" should be deleted and read, "in any District".

Subsequent to discussion, it was noted that air driven signs can be used under "Special Event" twice per year to be reviewed by the Director in charge of land development services.

- Line 32330 - the word "mobile" will be deleted.

Discussion ensued regarding set backs and fences located on property lines.

Stakeholder Comments were reviewed and clarified as provided in the backup material.

Public Comment from 5:42 p.m. to 6:01 p.m.

Discussion ensued regarding: 1) residential single family guest houses on combined lots with conditions; 2) Housing Element Policy 9.8 of the Comprehensive Plan; 3) costs involved in construction of guest house on a separate lot; 4) guest house regulations; 6) house square footage requirements; and 7) long term build out calculations.

Consensus for staff to bring back an Ordinance for Public Input regarding Chapter 53 Agriculture Section guest house/mother-in-law suite/additional building regulations. UNANIMOUS.

Discussion continued regarding line 32309 and car washes as an accessory use.

Consensus to approve Chapter 53 Special Circumstances Section of the Draft Unified Land Development code with changes to the backup material and Commission recommendations. UNANIMOUS.

Chapter 53 Nonconformity Section

The following changes to the backup material were provided for Chapter 53 Nonconformity Section of the Draft Unified Land Development Code:

- Line 32877 - at the end of "regulations" it should read, "upon substantial improvement to the land structure or water or any combination thereof unless otherwise permitted by this Unified Land Development Code
- Line 33113 - the distance should be 1000 feet.
- Line 33119 - the distance should be 1000 feet.
- Line 33217 - at the end of the sentence "board" should be capitalized.
- Lines 33453; 3454; 33459; and 33461- the word "void" should be deleted.

There were no Stakeholder Comments or Public Comments for this section.

Consensus to approve Chapter 53 Nonconformity Section of the Draft Unified Land Development Code with changes as presented. UNANIMOUS.

Chapter 53 Administration and Enforcement

There are no corrections; Stakeholder Comments; or Public Comments to this section,

Consensus to approve Chapter 53 Administration and Enforcement Section of the Draft Unified Land Development Code as presented. UNANIMOUS.

2. **PUBLIC COMMENT**

There was no further Public Comment.

3. **ADJOURNMENT**

Commissioner Garofalo, Chair adjourned the January 8, 2010 Commission Workshop Meeting at 6:21 p.m.

CITY OF NORTH PORT, FLORIDA

ATTEST:

BY: 

DAVID J. GAROFALO, SR. COMMISSION
CHAIR


HELEN M. RAIMBEAU, MMC
CITY CLERK

Minutes approved at the Commission Regular
Meeting this 26th Day of July 2010.