



EMERGENCY ORDER NO. 2022-11

**ORDER AMENDING EMERGENCY ORDER NO. 2022-10
RELATING TO THE TEMPORARY REDUCTION OF MEMBERS REQUIRED
TO CONSTITUTE A QUORUM FOR THE ZONING BOARD OF APPEALS**

WHEREAS, on September 23, 2022, Florida Governor Ron DeSantis issued Executive Order Number 22-218, declaring a state of emergency in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties; and

WHEREAS, on September 24, 2022, Governor DeSantis issued Executive Order Number 22-219, amending Executive Order Number 22-218 to declare a state of emergency in the entire State of Florida; and

WHEREAS, Florida Statutes Section 252.38(3)(a) gives authority to public subdivisions to declare and enact a state of local emergency for a period of up to seven (7) days and to take certain measures that are in the interest of the public health, safety, and welfare; and

WHEREAS, on September 25, 2022, the City Commission of the City of North Port, Florida adopted Ordinance No. 2022-30, declaring a state of local emergency due to Hurricane Ian; and

WHEREAS, Ordinance No. 2022-30 conferred on the City Manager or designee the power and authority set forth in Florida Statutes Section 252.38(3)(a); and

WHEREAS, pursuant to Florida Statutes Section 252.46, the City Manager has the power to issue emergency orders with the force of the law; and

WHEREAS, the impact of Hurricane Ian has caused damage throughout the City and displaced many City residents from their primary residences; and

WHEREAS, Section 1-28(E)(4)(b) of the Unified Land Development Code ("ULDC") provides that a quorum for the Zoning Board of Appeals ("ZBA") to transact business shall consist of four (4) members; and

WHEREAS, Section 1-30(B) of the ULDC provides that in the absence of there being sufficient appointed members of the ZBA to constitute a quorum, the Hearing Officer shall have the same jurisdiction and authority as the ZBA and shall exercise all powers of the ZBA; and

WHEREAS, temporally modifying the quorum requirements for the ZBA is necessary for emergency management purposes and to ensure the health, safety, and welfare of the community; and

WHEREAS, on October 18, 2022, the City Manager issued Emergency Order No. 2022-10 regarding this same subject matter; and

WHEREAS, this emergency order includes clarifying language and amends and replaces Emergency Order No. 2022-10 in its entirety.

THEREFORE, IN HIS EMERGENCY AUTHORITY, THE CITY MANAGER OF THE CITY OF NORTH PORT, FLORIDA ORDERS:

1. This Emergency Order No. 2022-11 amends and replaces Emergency Order No. 2022-10 in its entirety.
2. A quorum for the Zoning Board of Appeal to transact business shall consist of a majority of the appointed membership.
3. The City's Hearing Officer shall have the same jurisdiction and authority as the Zoning Board of Appeals when a quorum of the appointed members of the Zoning Board of Appeals cannot be reached.
4. This order does not suspend or waive any other regulations related to the Zoning Board of Appeals or the City's Hearing Officer.
5. To the extent this order conflicts with any provision of the Unified Land Development Code, this order controls.

This order is effective immediately. Unless otherwise terminated, this order expires simultaneously with the expiration of the state of local emergency.

ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF NORTH PORT, FLORIDA ON OCTOBER 18, 2022 AT 10:52 A.M./P.M. BY


A. JEROME FLETCHER II, ICMA-CM, MPA
CITY MANAGER