

From: [Julie Bellia](#)
To: [Commissioners](#)
Cc: [Jerome Fletcher](#); [Jason Yarborough](#); [Anna Duffey](#); [Lori Hollingshead](#); [Alaina Ray](#); [Lori Barnes](#); [Amber Slayton](#); [Michael Golen](#); [Heather Faust](#)
Subject: City Commission Regular Meeting December 13, 2022: 6. Public Hearings, Ordinance No. 2023-02, Amending the Unified Land Development Code Regarding Unified Control Requirements and Related Definitions
Date: Tuesday, December 13, 2022 10:04:00 AM
Importance: High

PLEASE DO NOT REPLY TO ALL

Commissioners:

Good morning. Below are responses to a Commissioner's inquiries regarding the above referenced agenda item. Staff just completed composing these responses this morning. As such, staff will be prepared to address the responses to these questions at today's City Commission Meeting:

1. **Question:** Line 59 and 68 – What is a title opinion? Is it a legal document similar to a recorded deed?

Response: A title opinion is a report prepared by an attorney attesting to a deed's validity to a piece of property. It shows that the public records related to a property have been thoroughly searched to determine if any covenants, restrictions, liens, mortgages, judgments, unpaid taxes, easements, encroachments, or easements affect the property. The title opinion ensures a clear title to the property.

2. **Question:** Line 174 – Why is staff suggesting the removal of the definition of an Abutting property?

Response: Chapter 61 includes two definitions of "abutting property." The ordinance deletes one definition and modifies the remaining definition.

3. **Question:** Line 182 - Why is staff suggesting the removal of the definition of Boundary Walls and Fences?

Response: The term "boundary wall" is commonly understood and does not need to be defined. The definition of fence includes a constructed barrier of any material, so a wall would be included in that terminology.

4. **Question:** Line 193 – Why is staff suggesting the removal of "under single ownership" from the duplex definition? That wording is precisely the reason it's a duplex versus a villa (which is defined as separate ownership)?

Response: Elimination of mandates regarding ownership is necessary for consistency with property rights legislation and North Port’s own property rights element. The definition of “villa” provides for separate ownership of both the structure and the land, “on two separately owned lots, designed for two attached dwelling units under separate ownership. Retaining the duplex language, “under single ownership,” would prevent the sale of the dwelling unit alone under a condominium plat, where the underlying land (lot) remains under single ownership.

5. **Question:** Line 213 – can you give a few examples of MULTIPLE OCCUPANCY COMPLEX?

Response: A multiple occupancy complex is a single structure housing two or more units for occupancy by residential, commercial, institutional, or industrial uses, or a combination thereof. For example, a grocery-anchored shopping center, a vertically-integrated mixed-use building with retail on lower floors with residential above, or a light industrial flex-space building that includes multiple units and multiple businesses.

6. **Question:** Line 234 – Why is staff suggesting the removal of the definition for a Planned Community Development? This is an active and existing zoning district.

Response: The planned community development zoning district is fully described in Chapter 53, Article VIII, and defined in the F.S. as planned unit development, which terms are synonymous, rendering the definition in Chapter 61 redundant.

7. **Question:** Line 240 - Why is staff suggesting the removal of the specific language for a shopping center?

Response: Elimination of mandates regarding ownership is necessary for consistency with property rights legislation and North Port’s own property rights element. Furthermore, a shopping center may include outparcels that are under separate ownership, not necessarily designed under a unified architectural theme nor owned or managed as a unit.

SHOPPING CENTER — A grouping of consumer-oriented commercial establishments, ~~planned and developed as a single structure or under a unified architectural theme, owned and managed as a unit,~~ and providing a range of goods and services specific to a definable market area and 242 providing customer and employee parking off street and on site.

Respectfully,

Juliana B. Bellia

Assistant City Manager

City of North Port

4970 City Hall Boulevard

North Port, FL 34286

Cell Phone: 941.628.8455

Fax: 941.429.7079

Email: jbellia@northportfl.gov

A City where you can “Achieve Anything”

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under Florida Public Records Act.

From: [Alaina Ray](#)
To: [Lori Barnes](#)
Subject: FW: Response to Commissioner Questions - Agenda #6D - Ord. No. 2023-02 Amending Unified Land Development Code
Date: Tuesday, December 13, 2022 11:32:10 AM
Attachments: [image001.png](#)

FYI

Thanks,
Alaina



From: Lori Hollingshead <lhollingshead@northportfl.gov>
Sent: Thursday, December 8, 2022 1:22 PM
To: Commissioners <Commissioners@cityofnorthport.com>
Cc: Jerome Fletcher <jfletcher@northportfl.gov>; Jason Yarborough <jyarborough@northportfl.gov>; Julie Bellia <jbellia@northportfl.gov>; Amber Slayton <aslayton@northportfl.gov>; Heather Faust <hfaust@northportfl.gov>; Alaina Ray <aray@northportfl.gov>; Anna Duffey <aduffey@northportfl.gov>
Subject: Response to Commissioner Questions - Agenda #6D - Ord. No. 2023-02 Amending Unified Land Development Code

PLEASE DO NOT REPLY TO ALL

Good Afternoon, Commissioners,

Below are questions raised at a recent Agenda Briefing regarding Ord. No. 2023-02 Amending Unified Land Development Code and the corresponding staff response:

Question 1: Why are the definitions being changed?

Response: Definitions are proposed to be changed because they do not align with industry standards and/or development procedures.

Question 2 and 3: Why was “Unified Control” mentioned? And what is the layman’s term for Unified Control?

Response: “Unified Control” is a term within the current ULDC that is problematic in that it is unnecessarily restrictive, contrary to long-standing procedures, and does not comply with best practices.

In layman’s terms, Unified control means that all parcels within a proposed development

are owned by only one individual. It also prohibits multiple owners from partnering together to assemble their parcels for a proposed development, and would instead require one person to first buy all of the parcels from the other owners.

This issue arose because an application came in for development and the property is jointly owned by several companies. Under the current ULDC, the Unified Control provision would prohibit approval of this application, even though the authorized representatives from each company have signed authorizations allowing the application to be processed.

In discussing with staff who have been with the City for several years, it was realized that prior staff were not aware that the ULDC contained this provision and did not enforce it. However, once we are aware of a regulation we must address it.

Question 4: What are unintended consequences of Unified Control?

Response: There are no unintended consequences. There is no compelling public interest to require that only one individual own a parcel or parcels proposed for development. The City's only concern should be to ensure the appropriate parties have authorized the application.

Question 5: How does Unified Control affect the property owner?

Response: Unified Control makes it harder for a property owner to develop their property, since they cannot partner with adjacent property owners or have part-owners in their property. Elimination of this term will remove an unnecessary burden from property owners.

Lori Hollingshead

Administrative Services Specialist

Office of the City Manager

City of North Port

PH: 941-429-7240

lhollingshead@northportfl.gov

www.northportfl.gov

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.