

JUNE 5, 2019

CITY OF NORTH PORT

UNIFIED LAND DEVELOPMENT CODE ANALYSIS AND REVISION



MAJOR ISSUES AND RECOMMENDATIONS



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City of North Port

Development Code Analysis and Revision

(#Agreement No. 2018-16)

MAJOR ISSUES AND RECOMMENDATIONS

June 5, 2019

1. Introduction and Purpose

This report presents major issues and proposed solutions to these issues that were identified during the Discovery and Public Participation Phases of the Unified Land Development Code (ULDC) Analysis and Revision project undertaken by Calvin, Giordano & Associates, Inc. (CGA) for the City of North Port. The issues discussed in this report were identified and refined through a series of meetings and public workshops conducted between November of 2018 and March of 2019. Issues were also identified through previous studies conducted by the City and through an analysis of the ULDC conducted by CGA as a part of the current update project. Details regarding our analysis and issues identified during the initial phases of this project can also be found in our *Preliminary Analysis & Summary of Major Issues* report dated February 13, 2019. Potential solutions to the identified issues were address at two community workshops conducted in February and March of 2019, and in further discussions with the City's Staff Development Review Team throughout the process.

The purpose of this report is to present our findings and to receive direction on these major issues and potential solutions to these issues prior to preparing the specific regulatory language that will be incorporated into the first draft of the revised ULDC which will be completed by October of 2019. The report does not present all issues and proposed revisions that will be included in the revised ULDC. Obvious discrepancies, typographical errors, formatting improvements, and illustrations have also been identified and will be incorporated into the first draft of the ULDC.

2. Issues and Recommendations

The table below is a summary of major issues identified during the Discovery and Public Participation Phases of the project.

City of North Port ULDC Major Issues List – June 5, 2019

1. Organization
a. Group Similar Topics/Consolidate Chapters that are Similar.
b. Provide Cross-Section References/Remove Repetitive Language.
c. Move Sections in the ULDC that do not Relate to Zoning or Land Development to the Administrative Code.
d. Move Sections in the Administrative Code that Relate to Zoning or Land Development to the ULDC.
e. Move Engineering Standards to an Appendix/Technical Manual.
f. Consolidate and Emphasize Key Regulations.
g. Move Administrative Procedures to an Appendix/Technical Manual.
2. Modernization
a. Ensure Code is Consistent with Comp Plan, State and Federal Regulations.
b. Provide New or Updated Graphics/Illustrations as Needed.
c. Remove Obsolete or Outdated Provisions/Definitions.
d. Provide Summaries of Rules/Processes (Such as Decision Making and Appeals, Property Regulations at Time of Purchase).
3. Standardization
a. Remove Confusing Terminology/Definitions.
b. Format Document so Sections are Clearly Identified on the Page.
c. Reformat Numbering System.
d. Develop a Comprehensive Zoning District Use Table.
4. Environmental
a. Explore Environmental/Sustainability Initiatives (Such as Incentives for Green Building, Low Impact Development, Solar, Etc.).
b. Monitor Pending Staff Updates to ULDC for Consistency with Proposed ULDC Revisions
c. Encourage More Shade Trees in Parking Lots and Diversify Species.
d. Examine Earthmoving and Dredge and Fill Standards to Ensure That ULDC Standards are not Conflicting.
5. Zoning Standards
a. Establish criteria for granting Waivers.
b. Evaluate the Need to Establish a PCD District Designation Specific to Activity Centers.
c. Modify Transfer of Development Rights (TDR) Regulations, and Incentivize Procedures.
d. Evaluate Permitted, Prohibited, and Special Exception Uses by Zoning District, and Streamline.
e. Review Certain Uses for Inclusion/Exclusion within Each Zoning District.
f. Review ULDC for Opportunities to Encourage Employment Centers, Light Industrial and Other Business Hubs.

6. Housing Options
a. Encourage Mixed Use and a Variety of Residential Housing Options in Key Commercial and Industrial Areas as well as Activity Centers.
b. Consider Providing Incentives for Workforce Housing; Standards to Permit "Tiny Homes" or Accessory Dwelling Units in Specific Districts.
7. Process & Administrative Procedures
a. Create Greater Certainty in the Development Review Process.
b. Include in the ULDC the Process for Splitting and Consolidation of Lots When Less than Three Lots are Involved.
c. Update ULDC to Include Information on Requirements for State and Federal Reviews as Needed.
d. Remove Review Timeframes from the ULDC and Approve These Requirements by Resolution.
8. Parking and Loading Requirements
a. Consider Disincentive for Exceeding Parking Requirements; Incentive for Shared Parking.
b. Address Automated and Alternative Parking Methods.
c. Consider Incentives for the Provision of Electrical Vehicle Charging Stations/Parking Spaces
d. Consider Incentives for the Placement of Drive-Thru Facilities and Parking Behind Buildings When Located on Pedestrian-Friendly Corridors.
e. Consider Requiring Bike Racks, Benches, and Bus Shelters Citywide.

There is general consensus to proceed with the issues 1 through 3 above that are classified as organization, modernization, and standardization. CGA's efforts toward those ends have included revising specific regulatory language, preparing a draft ULDC outline, and developing a more user-friendly format, all of which will be incorporated into the first draft of the ULDC. The draft outline of the revised ULDC is provided as Attachment A of this report.

Major issues for which we are seeking direction are as follows:

4. Environmental

- a. **Explore Environmental/Sustainability Initiatives (Incentives for Green Building, Low Impact Development, Solar, Etc.).** This issue seeks to increase the use of environmentally sustainable techniques City-wide through the utilization of incentives. The existing ULDC currently contains language that *encourages* sustainable developments and Low Impact Development (LID) stormwater design. According to Section 18-10.D(1) – Sustainable Developments and Low Impact Development Design:

In order protect the limited, valuable natural resources within the City, developments must proceed in a sustainable manner. Sustainable measures such as construction to Florida Green Building Standards, LEED Certification and use of Low Impact Development (LID) designs are encouraged. The design engineer must demonstrate in the stormwater design, that LID practices are incorporated to the maximum extent practicable. Examples of LID design practices are to minimize impervious areas, and encourage the use of pervious pavement, green

roofs, rain cisterns, reuse of stormwater for irrigation, direct runoff to bioretention/ biotreatment vegetated swale areas prior to discharge stormwater pond, Florida Friendly native landscaping, and other surface water quality improvement controls and devices.

More specific criteria for sustainable development are required within the City's eight Activity Center districts. Section 55-4.C of the ULDC states:

All new construction, renovations, or redevelopment within Activity Centers shall incorporate 50 percent of the building with Leadership in Energy and Environmental Design (LEED) or Florida Green Building standards and the site shall be Low Impact Development (LID) design.

The City's *Urban Design Pattern Book 2010* requires that:

Buildings shall be developed with 50 percent of the cost of building being dedicated for green building standards. The site shall be developed to achieve 100 percent Low Impact Development (LID) or to the highest percentage possible."

Note that Section 55-4.C and the *Pattern Book* standards only apply within the City's eight Activity Center districts.

In our analysis of this issue, we determined that incentives may not achieve the desired results for the City of North Port. Commonly employed incentives used by other communities to encourage sustainable developments include expedited reviews, increases in residential densities, and increases in nonresidential intensities such as increases in maximum floor areas or building heights.

It is questionable whether or not the City's current site plan and subdivision review processes could be significantly expedited without establishing new and significantly shortened review processes and by allowing more staff level approvals. It is further questionable whether or not the review and approval times could be reduced enough to encourage developers to undertake the added cost and uncertainty of utilizing sustainable development techniques.

Increased densities and intensities of development are typically used as incentives in more urban areas where land available for development is relatively scarce and more expensive. It is questionable whether these increases would be useful incentives in the City of North Port.

Because of these concerns, we would recommend, rather than incentives, that the City consider establishing minimum standards for use of LID and possibly other green building techniques. Because green building certifications, such as LEED, and use of certain

techniques such as solar panels, can significantly increase the costs of construction, the City may want to limit minimum standards solely to use of LID for stormwater.

Recommendation: Establish a minimum standard for LID design applicable throughout the City based on the percentage of post-development impervious area addressed by the proposed LID.

- b. **Monitor Pending Updates to the ULDC for Consistency with Proposed ULDC Revisions.** CGA has and will continue to coordinate ongoing updates to the ULDC for incorporation into the revised version. No direction is required on this item at this time.
- c. **Encourage More Shade Trees in Parking Lots and Diversify Species.** This issue is based on the general observation that current parking lot landscaping standards for off-street parking areas do not provide sufficient shading and species diversification. The observation primarily stems from the overuse of palm trees in parking lots. Section 21-8 establishes the standard for landscaping for off-street parking facilities and other vehicular use areas. Section 21-10 addresses tree species mix requirements.

Recommendation: Specify that, if palm trees are used as shade trees in parking areas, three palm trees shall count as one shade tree. Specify that no single tree species shall account for more than 50 percent of the total number of required trees.

- d. **Examine Earthmoving Dredge and Fill Standards to Ensure that ULDC Standards are not Conflicting.** Earthmoving, Dredge and Fill Regulations are contained in Chapter 14 of the existing ULDC. The provisions of this Chapter as they relate to the establishment of borrow pits potentially conflict with the zoning use standards of Chapter 53 which do not list borrow pits as permitted or prohibited uses in any zoning district. As currently applied, borrow pits could be requested as a Special Exception in any zoning district.

Recommendation: Include borrow pits as permitted or prohibited uses by zoning district. Borrow pits would generally be prohibited in residential, commercial, open space, and conservation districts.

5. Zoning Standards

- a. **Establish Criteria for Granting Waivers.**

The City allows waivers from certain provisions of the ULDC for Planned Community Development (PCD) districts, Master Development Plans, and Village District Pattern Book/Plan review processes. However, the ULDC does not establish clear criteria for reviewing waiver requests. In regard to PCD districts, Section 53-118.C of the ULDC states:

Such waivers or modification shall only be granted where the City Commission finds that the waiver or modification would be consistent with the purpose and intent of this chapter, with the Comprehensive Plan, and with any criteria made specifically applicable by these regulations or conditions of approval that would not adversely affect the public interest.

The concern is that the existing language is fairly subjective and does not provide adequate guidance on which to base a decision to approve or deny a waiver. Additionally, applications do not always clearly state all necessary waivers creating confusion during the review and development processes.

Recommendation: Establish more objective criteria for waivers to provide additional guidance in the decision-making process. Require that all requested waivers are clearly indicated in the PCD, Master Development Plan, and Village District Pattern Book/Plan approval documents during the review and approval process.

- b. **Evaluate the Need to Establish a Planned Community Development (PCD) District Designation Specific to Activity Centers.** The City's PCD regulations are contained in Article VIII of Chapter 53 of the existing ULDC. There is conflicting language in Article VIII and in other portions of the ULDC regarding whether the PCD district is intended to be regulated as a specific zoning district or as an overlay district with underlying zoning designations. The intent of PCD districts is also unclear when applied within the City's Activity Centers which already contain very detailed development standards.

In most communities, Planned Developments (PDs) or Planned Unit Developments (PUDs) are custom zoning districts, the use and development standards of which are established during the rezoning process.

Recommendation: Provide language clarifying that PCD districts are zoning districts, and that use and development standards must be clearly specified during the rezoning process. When located in an Activity Center, the use and development standards of the applicable Activity Center must be clearly stated in the rezoning application, and more restrictive standards may be requested if clearly identified during the rezoning process. As noted in the previous issue, all requested waivers from other ULDC standards must be identified during the review process.

- c. **Modify Transfer of Development Rights (TDR) Regulations, and Incentivize Procedures.** The City's TDR regulations are contained in Chapter 41 of the existing ULDC. There is a concern that developers are not taking advantage of this opportunity for additional density and intensity, and consequently the City is not benefiting by the preservation of open space and the concentration of development in more desirable areas. There are two likely reasons that TDRs are not being utilized in the City. First, according to Chapter 41, TDRs are only permitted to be used in the Village district or in PCDs that are located within Activity Centers. Therefore, TDRs will only be applicable to

relatively large-scale developments. Secondly, the benefits of TDRs for developers, namely additional density and intensity, may not be sufficient in North Port because of the amount of land available for development and because of the existing pattern of relatively low densities and intensities of development. Typically, TDRs are more successful in more urban environments to encourage redevelopment within an urban core.

Recommendations: We recommend maintaining the substance of the existing language in the ULDC regarding TDRs. The City may want to establish an application form and provide additional information to developers who would qualify for their use. The City may also want to consider expanding TDRs to smaller developments after prioritizing areas in which additional development should be concentrated and areas in which land should be preserved for open space, so that the program is instituted in a coordinated manner.

- d. **Evaluate Permitted, Prohibited, and Special Exception Uses by Zoning District, and Streamline.** The City's current zoning regulations list specific Permitted and Prohibited uses by zoning district. In most districts any uses that are not specifically listed as Permitted or Prohibited may be approved as Special Exceptions. Note that certain uses such as bars and liquor stores are listed in Section 53-254 as requiring Special Exception uses in all zoning districts, unless specifically prohibited in a particular district. The concern with this approach is with the open-ended nature of potentially allowing any use to be considered through the Special Exception process. With changing markets and technologies, there may be uses that have not yet been considered that could request approval as a Special Exception.

Recommendations: The City could consider listing specific uses as Special Exceptions for each zoning district. Any use not listed as Permitted, Prohibited, or as a Special Exception would not be permitted, unless the ULDC was specifically amended to allow the new use. Up until 1990, the City of North Port had a zoning district structure that listed Permitted, Prohibited, and *Conditional* uses. The recommendation would implement a similar type of structure.

- e. **Review Certain Uses for Inclusion/Exclusion within Each Zoning District.** This issue requests a complete review of the City's use regulations to ensure that they address changing markets and development trends, and to ensure that they are consistent with the intent of each district. The draft ULDC will include a number of revisions to address this issue. No specific direction is requested at this time.
- f. **Review ULDC for Opportunities to Encourage Employment Centers, Light Industrial, and Other Business Hubs.** We have and will continue to identify opportunities to promote economic development opportunities and modernize the ULDC, especially the zoning regulations, to reflect current and anticipated market trends. Based on our research we have determined that the opportunities to address this issue are for the most part not related to the ULDC, but would require changes to the Comprehensive Plan or the initiation of other City programs to promote economic development. At this time, there are no major ULDC recommendations regarding this issue.

6. Housing Options

- a. **Encourage Mixed Use and a Variety of Residential Housing Options in Key Commercial and Industrial Areas as Well as Activity Centers.** This issue seeks to offer alternative housing options to the detached, single-family residential lots and large multifamily apartment developments that are prevalent in the City. Although more effective means to address this issue are found outside of the ULDC, the revisions recommended below would promote more mixed-use developments and additional residential housing types.

Recommendation: Allow attached residential dwellings units in the Commercial General (CG-S); Light Industrial and Warehouse (ILW); Office, Professional, Institutional (OPI); and Commercial Redevelopment Low Impact (CRL) districts, as they are currently allowed and regulated in Commercial General (CG) zoning district. Section 53-240.A(8) of the ULDC states:

Primary structures located in Commercial General Zoning District (CG) may have on the same premises and in conjunction with the permitted principal uses and structures, dwelling units mated to an adjoining primary wall or floor. The dwelling unit shall meet all current City, Fire/Rescue and Building Codes.

This proposed revision would permit residential dwellings above commercial and office developments.

- b. **Consider Providing Incentives for Workforce Housing; Standards to Permit “Tiny Homes” or Accessory Dwelling Units in Specific Districts.** As previously discussed above under Incentives for Environmentally Sustainable Development, incentives to promote workforce housing may not produce desired results in the City of North Port because of the predominate development pattern in the City, and without first establishing a streamlined, staff-level review and approval process. Therefore, we recommend addressing the restrictions discussed below to provide additional flexibility in the ULDC to promote additional housing options.

Recommendation 1: Change the definition of multi-family to also allow *detached* residential units on a single parcel. The current definition of multi-family building specifies that all multi-family units be *attached* units. By allowing units to be attached or detached on a single parcel that is zoned for multi-family development, additional housing options, such as but not limited to “Tiny Homes,” can be accommodated beyond the traditional apartment developments.

Recommendation 2: For guest houses and guest apartments, reduce or eliminate the minimum lot size requirement of 20,000 square feet in Residential Single-Family (RSF) districts, and eliminate the 750-square foot minimum living area requirement in all districts (See Section 53-240.O of the ULDC).

7. Process and Administrative Procedures

- a. **Create Greater Certainty in the Development Review Process.** Uncertainty in review processes can discourage investment in a community. Regulations should be written to provide assurances to applicants and the City that if clear development standards are met and certain processes are followed, approval will be granted within a reasonable timeframe.

A specific area of concern that has been identified is the requirement of Section 53-6.B which states that any and all developments located in nine of the City's zoning districts (CG, CG/S, RMF, NC-HI, NC-LI, ILW, OPI, CD, and U/I) shall be approved as Development Master Plans (DMPs), regardless of the size of the proposed development. The DMP process in the City of North Port requires review by City staff and the Planning and Zoning Advisory Board, and is ultimately approved by the City Commission. This process is fairly involved and, in most communities, would be applicable to larger scale, multi-phase projects.

Recommendation: Eliminate the requirement of Section 53-6.B that all developments in the identified zoning districts be subject to Development Master Plan review. By elimination of this requirement, these developments would instead be subject to the Major or Minor Site Plan review processes (Chapter 33) depending on type and scale of development.

- b. **Include in the ULDC the Processes for Splitting and Consolidation of Lots When Less Than Three Lots are Involved.** The processes for splitting and consolidating lots that are not subject to the State of Florida's platting requirements are not currently included in the ULDC. Including these processes in the ULDC would provide valuable information to the public and to City staff.

Recommendation: Include information in the ULDC regarding the necessary processes for splitting and consolidating lots that are not subject to the State of Florida's platting requirements.

- c. **Update the ULDC to Include Information on Requirements for State and Federal Reviews as Needed.** The ULDC is being reviewed for opportunities to provide information on outside agency permits as needed. No specific direction is requested at this time.
- d. **Remove Review Timeframes from the ULDC, and Approve These Requirements by Resolution.** Certain processes in the ULDC specify staff review timeframes such as Section 33-8.D(1), which states that for Major Site and Development *"The City staff shall review the plans within a timely manner of receipt of the application. Depending on the size of the proposed development, a longer period of review time may be required by City staff but shall not exceed 60 days."*

Removing review timeframes that are not mandated by the State from the ULDC allows for the ability to more easily adjust review times to account for changes in workload, staffing, or technology. Establishing these timeframes by resolution would still require approval by the City Commission, but would not require an amendment to the ULDC.

Recommendation: Remove review timeframes from the ULDC and adopt these timeframes by resolution instead.

8. Parking and Loading Requirements

- a. **Consider Disincentives for Exceeding Parking Requirements; Incentives for Shared Parking.** This issue seeks to address the visual and environmental impacts of excessive parking. Like many communities, the City of North Port, in Section 25-17, establishes minimum parking requirements by use but does not address the provision of parking spaces above these minimums. Provisions for shared parking are found in Section 25-9 of the ULDC.

Recommendation: Establish parking maximums based on a percentage above the minimum parking standards, and specify that any parking spaces above the minimum standards that are pervious will not be counted toward the parking maximums.

We are not recommending any incentives for shared parking as a part of the ULDC update because such incentives already exist in the form of reduced development costs for parking and stormwater. The City may want to develop a model legal instrument that may be used by applicants for shared parking in order to reduce the cost and uncertainty with the approval of such parking.

- b. **Address Automated and Alternative Parking Methods.** This issue seeks to provide flexibility in parking standards to address changing technologies and changing markets. Automated parking, ridesharing, self-driving vehicles, and changes in the nature of retail shopping and manufacturing are currently and will continue to affect parking requirements.

Recommendation: Incorporate language in the ULDC that allows the submission and approval of a parking study as an alternative to the parking standards of the ULDC based on the nature of the proposed use. This approach provides flexibility to address changing technologies and markets, and allows in the case of mixed-use developments parking to be based on the specific requirements of the project. The proposed language will specify the acceptable methodologies for completion of a parking study.

- c. **Consider Incentives for the Provision of Electrical Vehicle Charging Stations/Parking Spaces.** This issue is identified for the purposes of promoting environmental sustainability and to accommodate existing electric vehicles. One incentive that was considered was to reduce the total number of required standard

parking spaces based on the number charging stations provided. Because of the expense involved with providing charging stations and because standard parking spaces may be needed to accommodate on-site traffic, it is questionable whether or not this incentive would achieve the desired result. Due to the limited options available through the ULDC to incentivize electrical vehicle charging stations, we are recommending a minimum standard that would be required for parking lots over a certain size.

Recommendation: Require that parking lots having over a certain number of spaces provide electrical charging stations for a certain percentage of those spaces. The standard would only apply to larger developments that require over at least 200 parking spaces.

- d. **Consider Incentives for the Placement of Drive-Thru Facilities and Parking Behind Buildings When Located on Pedestrian-Friendly Corridors.** This issue is intended to address safety and visual impacts of drive-thru facilities and parking in areas that are intended to be pedestrian-friendly. Because of limited options available through the ULDC to incentivize this type of design, we recommend that drive-thru facilities and parking be required to be placed behind buildings along certain corridors that are intended to be more walkable.

Recommendation: Require that drive-thru facilities and parking spaces be placed behind buildings in areas that are identified in the ULDC as being pedestrian-friendly.

- e. **Consider Requiring Bike Racks, Benches, and Bus Shelters Citywide.** Section 33-10.Q(4) of the ULDC requires that benches, bike racks, and tables shall be provided for all Major Site plan projects. Section 37-41.D establishes bike rack standards for retail, commercial, and amenity centers. This method, however, does not allow for a more detailed consideration of the expected bicycle traffic based on the type of use (For example, an appliance store would require less bicycle parking than a coffee shop per square foot of building area). In order to provide greater certainty regarding whether or not this standard has been met for a particular project, we recommend establishing a specific minimum standard for bicycle parking based on the proposed use and building size. We are not recommending a standard in the ULDC for bus shelters as this issue will need to be closely coordinated with Sarasota County Area Transit (SCAT) based on their long-range plans.

Recommendation: Establish a standard minimum number of bicycle parking spaces that is based on the proposed use and on the number of required vehicular parking spaces. This method would allow for consideration of expected bicycle traffic and the overall size of the building.

3. Conclusion

Before presenting the first draft of the updated ULDC, we are requesting direction on the important issues identified above because each will have a significant effect on the substance of this document.

4. Attachments

Attachment A: Draft Outline

City of North Port

Revised ULDC

Draft Outline

June 5, 2019

Revised ULDC Draft Outline
1. General Provisions <ul style="list-style-type: none">• Administration• Boards and Duties• Interpretations• Nonconformities• Appeals
2. Definitions
3. Administrative Procedures <ul style="list-style-type: none">• Site Plan Review• Subdivision Review• Concurrency• Transfer of Development Rights• Development Agreement Regulations• Earth Moving and Fill• Stormwater Regulations• Temporary Uses and Special Events
4. Zoning District Standards <ul style="list-style-type: none">• General Provisions• Districts Enumerated• Accessory Uses and Structures• Use and District Regulations
5. Special Districts <ul style="list-style-type: none">• Village District• Activity Center Design District
6. Master Planned Developments <ul style="list-style-type: none">• Planned Community Development (PCD) District• Master Site Development Plans
7. Special Exceptions, Variances, and Appeals
8. Text and Map Amendments <ul style="list-style-type: none">• Text Amendments• Rezoning• Comprehensive Plan Amendments
9. Supplemental Standards <ul style="list-style-type: none">• Landscaping• Public Art
10. Flood Damage Prevention

11. Resource Protection Standards <ul style="list-style-type: none"> • Groundwater wellhead protection. • Conservation Overlay • Tree Protection • Wetland Protection Regulations • Archeological • Myakka River Protection Zone
12. Off-Street Parking and Loading
13. Sign Regulations
14. Building and Structures – [Portions of this section recommended for inclusion in the Administrative Code] <ul style="list-style-type: none"> • Fire Safety • Docks, Seawalls, Marine Structures
15. Appendices <ul style="list-style-type: none"> • Technical Manuals • Administrative Procedures Manual