



## Legislation Text

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager

**TITLE:** Discussion and Possible Direction Regarding the Draft of the Unified Land Development Code Chapter 1 - General Provisions Relating to the Adoption of the ULDC, Zoning Districts and the Official Zoning Map, Concurrency Management, and Transfer of Development Rights.

### **Recommended Action**

No action is required.

### **Background Information**

The purpose of this Commission Workshop is to solicit feedback on the draft of ULDC, Chapter 1 - General Provisions. Staff presented the draft to the Planning and Zoning Advisory Board (PZAB) at their Regular PZAB Meeting on September 15, 2022, for comments and discussion.

During the Commission Workshop on September 6, 2022, the Commission requested that staff share PZAB's questions and general discussion of the draft chapters. Staff paraphrased PZAB's questions for clarity and conciseness below and organized the questions by topic.

### **Zoning Districts:**

1. Question: Are the proposed zoning districts different than the existing districts?

Staff Response: The proposed zoning districts condense the current districts (20) into fourteen (14) new districts. Some districts have substantive changes to permitted uses, while others are simple changes to the district's name. In districts where permitted uses have changed, the proposed Code augments the number of permitted uses. No property should lose any use allowances from the existing ULDC in the new Code, but they might have more use allowances under the proposed zoning districts. *This was a clarification question. No additional action is necessary at this time.*

2. Question: Why are some of the existing zoning districts shown in more than one of the proposed districts in Table 1.2.4?

Staff Response: Because the new Code condenses the existing zoning districts, there is not always a direct correlation between the current designations and the proposed zoning districts. Additionally, Staff has not drafted a new zoning map that reflects the proposed zoning districts, so Table 1.2.4 will change as the map evolves. *This was a clarification question. No additional action is necessary at this time.*

### **Zoning Map:**

1. Question: Should the language regarding the maintenance and record keeping of the official zoning map in Section 1.2.3.C. more clearly reflect the digital age?

Staff Response: The Section states, “Should the map or any portion thereof become damaged, destroyed, or lost, the City Commission is authorized, by Ordinance, to replace the map or damaged portion.” While someone may initially interpret this phrase as physical damage, the language also encompasses digital damage. The metadata that creates the official zoning map in GIS may be deleted or corrupted, damaging the map. *Staff will research alternative language to denote the digital nature of the official zoning map.*

### Concurrency Management:

1. Question: Table 1.3.3 indicates the reviewing agency for each concurrency agency. Should Planning be a reviewing agency as well?

Staff Response: Planning staff reviews all concurrency requirements as part of the application process, but the individual Departments are the experts in their respective categories. *Staff will clarify the language in Section 1.3.3.B to denote that the separate departments will review each category in addition to the planning department.*

2. Question: Are the Level of Service Standards up to date?

Staff Response: The Level of Service (LOS) standards included in this draft are directly from the Comprehensive Plan. Staff has not yet reached out to the respective Departments to determine if these are the most up to date standards but will be reaching out shortly. *Staff will coordinate with the other City Departments that review for concurrency to ensure the LOS standards are up to date.*

3. Question: Section 1.3.4.A.(6) indicates the LOS standard for roads is a “D.” Should the City consider increasing this to a level “C”?

Staff Response: LOS “D” comes from the Comprehensive Plan. Upgrading the LOS standard would require a Comprehensive Plan Amendment. *Staff will coordinate with the City Engineer to ensure the LOS standard for roads is up to date.*

4. Question: Section 1.3.4.A.(7).a indicates the development orders that are exempt from school concurrency review. Has the School Board vetted this list?

Staff Response: The Sarasota County School Board has not vetted the list yet; however, the list of exempt permits comes from the current ULDC. Staff has altered the section on Public School concurrency in this draft of the update. The current ULDC provides direction on what the School Board should review, which staff has removed. The ULDC is not a guiding document for the School Board. Staff updated the language to reflect only the City’s role in the School Concurrency process. *Staff will coordinate with the Sarasota County School Board to ensure the exemptions are appropriate.*

5. Question: Section 1.3.5.D addresses options for instances where the City has insufficient capacity for a project. Should phasing be an option, and should we specify when it is an option? PZAB is concerned about phasing causing incomplete projects.

Staff Response: Phasing is an option when capacity exists for only a portion of a project, but something to expand capacity is already in process. Expanded capacity could come from a Capital Improvement, Development Agreement, or another method. It is unlikely that staff would approve a phased approach to maintain concurrency standards if a clear timeline of the required improvements did not already exist. *No additional action is necessary at this time.*

6. PZAB requested that the Annual Concurrency Report in Section 1.3.2 go through PZAB before it is provided to City Commission. *Staff does not disagree with this request and will revise the language.*

### Transfer of Development Rights:

1. PZAB asked questions on how sending and receiving zones worked, and staff provided clarification. *No additional action is necessary at this time.*

**General Comments and Questions from PZAB:**

1. Reviewing the draft of Chapter 1 and comparing it to the Comprehensive Plan has highlighted the need for updates to the Comprehensive Plan.
2. Question: What are the next steps in the process?

Staff Response: Staff will combine the comments from PZAB and the Commission to update the draft as noted in the meetings. When staff brings the next chapter for review in a Commission Workshop, staff's presentation will start with the content changes based on the comments received on the previous chapter. The complete, edited draft will not come back for review until adoption. Between PZAB Meetings and Commission Workshops, staff will coordinate reviews with the City Attorney's Department and the other applicable City Departments.

**Scrivener's Errors:**

1. Section 1.3.5.C refers to the Concurrency Management Officer → Concurrency Management Coordinator.
2. Section 1.1.10.B.(2) refers to "ULDC Enforcement" → Code Enforcement

**Strategic Plan**

Economic Development and Growth Management

**Financial Impact**

Not applicable.

**Procurement**

Not Applicable.

**Attachments:**

1. Presentation
2. ULDC Chapter 1: General Provisions Draft
3. Directions for Feedback
4. ULDC Chapter Outline

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