



Legislation Text

File #: ORD. NO. 2024-09, **Version:** 1

TO: Honorable Mayor & Members of the North Port Commission

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

TITLE: An Ordinance of the City of North Port, Florida, Amending the City of North Port Comprehensive Plan, Volume I; Repealing Chapter 1, Planning Framework; Amending Chapter 2, Future Land Use Element; Repealing and Replacing the Future Land Use Map; Amending Chapter 3, Transportation Element; Amending Chapter 4, Utilities Element; Amending Chapter 5, Conservation Element; Amending Chapter 6, Recreation and Open Space Element; Amending Chapter 7, Intergovernmental Coordination Element; Amending Chapter 9, Public School Facilities Element; Amending Chapter 10, Capital Improvement Element; Amending Chapter 11, Economic Development Element; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action

The City Commission approve the transmittal of Ordinance No. 2024-09 (CPAL-24-057) and related documents to the State of Florida Department of Commerce for review and continue the Ordinance to second reading on a date to be determined.

Recommended Action on Second Reading

The City Commission approve Ordinance No. 2024-09.

General Information

Chapter 163, Part II, Florida Statutes, requires that local governments in Florida adopt a comprehensive plan to guide and manage development within the community. This statutory requirement was enacted in 1985 as the Local Government Comprehensive Planning and Land Development Regulation Act. In 2011, the Legislature amended Chapter 163, Part II changing the title to the Community Planning Act.

The Community Planning Act establishes the important role of the North Port Comprehensive Plan as a policy setting document. In Florida, the comprehensive plan is elevated in terms of its legal status and enforceability. Importantly, the Community Planning Act in Chapter 163, Part II, incorporates fundamental requirements regarding consistency of land development regulations as follows:

Florida Statutes 163.3202 Land development regulations.-

(1) Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

The City of North Port has been in the process of amending the Unified Land Development Code (ULDC) since 2015.

While the City successfully updated the Comprehensive Plan via the Evaluation and Appraisal Review process in 2017, the land development regulations were never fully amended. Changing growth conditions and a new focus on a sustainable balance of land uses has resulted in a current draft ULDC pending adoption that is not consistent with the current Comprehensive Plan, necessitating this CPAL-24-057 to ensure compliance with Florida Statutes 163.3202.

Notice of the proposed ordinance was published in a newspaper of general circulation in the City of North Port on April 17, 2024.

On May 2, 2024, the Planning & Zoning Advisory Board continued their consideration of this item to their May 16, 2024, regular meeting, so staff could make revisions based on the City Commission Workshop discussion on April 22, 2024, wherein the Commission generally indicated a desire to allow low-density residential development in some portions of Activity Center 6. On May 14, the City Commission continued consideration of this ordinance to their May 28, 2024, Regular City Commission Meeting. As the agenda deadline for that meeting falls before the PZAB meeting, staff will provide information regarding the PZAB recommendation at the meeting on May 28.

On May 16, 2024, the Planning & Zoning Advisory Board on a 4 to 3 vote recommended the City Commission approve CPAL-24-057 via Ordinance No. 2024-09 and requested City Commission consideration of the May 15, 2024, email addressed to the PZAB members from Dan Lobeck, Esq. regarding the Comprehensive Plan Amendments as they relate to the Heron Creek Golf and Country Club (which email was also copied to the City Commissioners by Mr. Lobeck).

Information for Second Reading

During the City Commission Regular Meeting held on May 28, 2024, the City Commission heard this item and voted on several motions, two of which carried, as indicated below. The City Commission also voted 4-1 to continue Ordinance No. 2024-09 to second reading to a date to be determined.

Motions:

1. To remove all reference to .5 mile and 1.5 mile in medium and high-density corridors or to clarify intent and purpose of contiguity.
2. To remove the parcel commonly referred to as Italy Avenue from medium density corridor designation to public designation.

The ordinance for second reading has been amended to remove the language regarding 0.5 and 1.5 miles in the medium and high-density corridor future land use descriptions, and the future land use map has been revised to assign the City-owned Italy Avenue property a Public/Institutional future land use designation. In addition, the future land use data tables and supplemental data and analysis have been revised to reflect the reduction of 47.24-acres in the Medium Density Corridor designation and the addition of that acreage to the Public/Institutional designation.

On June 4, 2024, as required by the Florida Statutes, staff transmitted the proposed comprehensive plan for expedited state review. The City received responses from the Florida Department of Commerce, the Florida Department of Environmental Protection, the Florida Department of Transportation and the Southwest Florida Water Management District. None of the reviewing agencies provided any comments on the proposed amendment.

The adoption hearing for the proposed ordinance was published in a newspaper of general circulation in the City of North Port on July 7, 2024.

Business Impact Estimate

Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required as this ordinance is enacted to implement Part II of Florida Statutes Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.

Strategic Plan

Economic Development & Growth Management Pillar
Good Governance Pillar
Quality of Life Pillar

Financial Impact

Not Applicable.

Procurement

Not Applicable.

Attachments:

1. Ordinance No. 2024-09 with Exhibits - Second Reading
2. Future Land Use Data Tables - Revised for Second Reading
3. Supplemental Data and Analysis - Revised for Second Reading
4. Correspondence from State Agencies
5. Ordinance No. 2024-09 with Exhibits (Exhibits Revised 5-24-24)
6. Ordinance No. 2024-09 with Exhibits (Revised)
7. Supplemental Data and Analysis (Revised)
8. Future Land Use Data Tables (Revised)
9. Excerpts from Draft Chapter 3 of the ULDC
10. Ordinance No. 2024-09 with Exhibits
11. Supplemental Data and Analysis
12. Future Land Use Data Tables

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