



City of North Port

ORDINANCE NO. 2024-23

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO THE NORTH PORT ROAD AND DRAINAGE DISTRICT AND THE CONSTRUCTION TRAFFIC ROAD FEE; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 66, SPECIAL DISTRICTS, ARTICLE III. – ROAD AND DRAINAGE DISTRICT, TO ELIMINATE CONFLICTS WITH THE UNIFIED LAND DEVELOPMENT CODE, UPDATE REFERENCES, CLARIFY ENFORCEMENT PROVISIONS, AND CLARIFY THE TIMING OF PAYMENT FOR THE CONSTRUCTION TRAFFIC ROAD FEE; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 6, 2024, the City Commission adopted Ordinance No. 2024-13, providing for the repeal of Unified Land Development Code ("ULDC"), Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41, 45, 49, 53, 54, 55, 57, 58, 59, 60, and 61, and replacement of those chapters with Chapters 1 through 4 and 6, and Appendices; and

WHEREAS, on August 6, 2024, the City Commission adopted Ordinance No. 2024-14 providing for the repeal of Unified Land Development Code, Chapter 29, and replacement of that chapter with Chapter 5; and

WHEREAS, provisions in Chapter 66, Article III of the Code of the City of North Port, Florida ("City Code") regarding review of construction and paving plans conflict with the ULDC; and

WHEREAS, provisions in Chapter 66, Article III of the City Code regarding regulation and permitting of signs in the right-of-way conflict with Chapter 5 of the ULDC; and

WHEREAS, these amendments are required to achieve consistency between the City Code and the ULDC; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City's website on or before the date the newspaper published notice of this ordinance's final reading.

SECTION 2 – ADOPTION

- 2.01 Chapter 66 of the Code of the City of North Port, Florida is hereby amended as follows:

"Chapter 66 – SPECIAL DISTRICTS

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ARTICLE III. – ROAD AND DRAINAGE DISTRICT

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DIVISION 1. – IN GENERAL

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Sec. 66-47. – Legislative intent and purpose.

...

- (c) In furtherance of said declarations, the specific purpose in creating this municipal service assessment and benefit-dependent special district is:

...

- (2) To review construction and paving plans as an integral part of the ~~Staff Development Review (SDR)~~ development review pursuant to Chapter 2 of the Unified Land Development Code regarding all streets and drainage that are subject to this Article;

...

Sec. 66-52. Powers and duties.

- (a) The District is charged with the authority and responsibility:

...

- (2) To review construction and paving plans as an integral part of the ~~Staff Development Review (SDR)~~ development review pursuant to Chapter 2 of the Unified Land Development Code for all streets and drainage that are subject to this Article;

...

- (5) To require and grant permits for the placement of structures, ~~signs~~ and other fixtures upon the right-of-way within the City of North Port.

...

Sec. 66-62. Culvert and right-of-way use permits.

- (a) Pursuant to authority of this Article, the District has the power to require permits for the placement of structures, ~~signs~~ and other fixtures within the Road and Drainage right-of-way of the City of North Port.
- (b) The governing body shall, by resolution, adopt procedures for the issuance of permits for the placement of structures, ~~signs~~ and other fixtures within the Road and Drainage right-of-way of the City of North Port.

- (c) Except as otherwise provided in this section, no person shall construct, install, place or maintain structures, ~~signs~~ or other fixtures within the Road and Drainage right-of-way of the City of North Port without a currently valid permit issued by the District.
- ~~(d) Right-of-way use permits shall not be required for the temporary placement of garage sale signs.~~
- ~~(e) Right-of-way use permits shall not be required for the temporary placement of real estate "Open House" signs provided that such temporary placement is in compliance with the following terms and conditions:~~
 - ~~(1) No more than three directional signs may be placed within the City right-of-way per "open house".~~
 - ~~(2) Directional signs shall not exceed two square feet in size.~~
 - ~~(3) The name, address and telephone number of the person placing the "Open House" sign within the City right-of-way and the date of the open house shall be written on each sign.~~
 - ~~(4) No more than three "Open House" signs may be placed within the City right-of-way adjacent to the real property for sale. Such signs shall not exceed four square feet in size.~~
 - ~~(5) "Open House" signs may be placed within the City right-of-way from dawn to dusk on the day the open house is to be conducted.~~
 - ~~(6) All "Open House" signs must be removed from the City right-of-way by dusk on the day(s) the open house is conducted.~~
 - ~~(7) No "Open House" sign may be nailed, fastened or affixed to any tree, utility pole, street sign or any traffic control device.~~
- ~~(fd)~~ The construction, installation, placement or maintenance of structures, ~~signs~~ or other fixtures within the Road and Drainage right-of-way of the City of North Port, without a currently valid permit issued by the District or in violation of the terms and conditions of this Section shall constitute a violation of this Article.
- ~~(ge)~~ Any structure, ~~sign~~ or other fixture constructed, installed, placed or maintained within the Road and Drainage right-of-way of the City of North Port, without a currently valid permit issued by the District or in violation of the terms and conditions of this Section, shall constitute a public nuisance and may be removed by the District as provided by law.
- ~~(h) All "Open House" signs shall be set back a minimum of 15 feet from the travel lane or, in the absence of a 15-foot right-of-way area, "Open House" signs shall be set back one-half of the distance of the right-of-way area from the travel lane.~~

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DIVISION 2. – ROAD MAINTENANCE REHABILITATION PROGRAM

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Sec. 66-69. Construction traffic road fee.

- (a) A construction traffic road fee is hereby established. The fee must be paid prior to the issuance of a ~~building~~ right-of-way use permit and will be assessed as follows:

...

Sec. 66-70. Enforcement.

- (a) In addition to other lawful enforcement procedures, the city may enforce the collection of charges required by the road maintenance rehabilitation program by withholding delivery of ~~building a right-of-way use permits~~ until the construction traffic road fees are paid.
- (b) Construction that has begun without the payment of the construction traffic road fees shall be ~~handled subject to enforcement pursuant to other sections~~ Chapter 2, Article IX of this Code and/or the Florida Building Code with regard to construction without a building permit.

...

Sec. 66-71. Fee waiver.

- (a) *Timing.* Prior to the issuance of a ~~building~~ right-of-way use permit, a property owner or authorized applicant intending to engage in construction of a multi-family residential, nonresidential, or commercial development may request a waiver of the applicable construction traffic road fee by submitting an application for the fee waiver on the city's approved form. In the event the property owner or authorized applicant seeks issuance of a ~~building~~ right-of-way use permit before the final determination is made on a pending fee waiver application, then the total construction traffic road fees due must be deposited with the city prior to its issuance of the ~~building~~ right-of-way use permit, and a refund shall be issued by the city if the waiver is granted

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SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

- 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

- 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect on October 28, 2024.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on July 23, 2024.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on August 6, 2024.

CITY OF NORTH PORT, FLORIDA



ALICE WHITE
MAYOR

ATTEST



HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY