



City of North Port

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, CHAPTER 17 – FLOOD DAMAGE PREVENTION REGULATIONS, RELATING TO ACCESSORY STRUCTURES AND MANUFACTURED HOMES IN FLOOD HAZARD AREAS AND DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port participates in the National Flood Insurance Program (“NFIP”) and the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

WHEREAS, the City of North Port achieved an NFIP Community Rating of Class 8, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020, the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, in February 2020, the Federal Emergency Management Agency (“FEMA”) released FEMA Policy No. 104-008-03, Floodplain Management Requirements for Agricultural Structures and Accessory Structures, clarifying the definition of agricultural structures and accessory structures and establishing a process for ensuring compliance with NFIP design and performance standards for structures located within Special Flood Hazard Areas designated in FEMA’s Flood Insurance Studies and effective Flood Insurance Rate Maps; and

WHEREAS, in 2020, the NFIP Community Rating System established certain minimum prerequisites, allowing citizens in communities that qualify to purchase NFIP flood insurance policies with a premium discount; and

WHEREAS, for the City of North Port to maintain and satisfy the prerequisite for its current NFIP Community Rating, all manufactured homes installed or replaced in FEMA designated Special Flood Hazard Areas must be elevated to or above at least the base flood elevation plus one foot, requiring modification of the City’s existing requirements; and

WHEREAS, the City Commission desires to adopt regulations consistent with FEMA’s Policy No. 104-008-03, allowing the issuance of permits for non-elevated wet floodproofed accessory structures that comply with the FEMA policy; and

WHEREAS, the City Commission desires to amend the City’s floodplain management regulations to better protect manufactured homes and to allow the City to continue participating in the Community Rating System at the City’s current class rating; and

WHEREAS, the Planning and Zoning Advisory Board, designated as the local planning agency, held a properly noticed public hearing on August 18, 2022 to receive public comment on the subject matter of this ordinance and to make its recommendation to the City Commission; and

WHEREAS, the City Commission of the City of North Port held properly noticed public hearings at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive public comment on the subject matter of this ordinance; 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 The City Commission finds the regulations in this ordinance to be consistent with the North Port Comprehensive Plan.

SECTION 2 – ADOPTION

- 2.01 Chapter 17 of the Unified Land Development Code is hereby amended as follows:

“Chapter 17 – FLOOD DAMAGE PREVENTION REGULATIONS

...

ARTICLE IX. – BUILDINGS AND STRUCTURES

Sec. 17-53. – Design and construction of buildings, structures, and facilities ~~exempt from the Florida Building Code.~~

A. Buildings, structures, and facilities exempt from the Florida Building Code.

Pursuant to Section 17-26 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures, and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must ~~shall~~ comply with the requirements of Sections 17-78 through 17-81 of this ordinance.

B. Non-elevated accessory structures.

Accessory structures are permitted below elevations required by the Florida Building Code, provided the accessory structures are used only for parking or storage and:

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 square feet, and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential;
2. Are anchored to resist flotation, collapse, or lateral movement resulting from flood loads;
3. Use flood damage-resistant materials below the base flood elevation, plus one foot; and
4. Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation, plus one foot.

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ARTICLE XII. – MANUFACTURED HOMES

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Sec. 17-67. – Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas must be elevated to ensure the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R3222.2 (Zone A).

~~Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 17-68 or 17-69 of this ordinance, as applicable. Where elevation is achieved by any means other than fill, lots shall have sufficient area to permit steps; pilings shall be installed in stable soil.~~

~~**Sec. 17-68. General elevation requirement.**~~

~~Unless subject to the requirements of Section 17-69 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).~~

~~**Sec. 17-69. Elevation requirement for certain existing manufactured home parks and subdivisions.**~~

~~Manufactured homes that are not subject to Section 17-68 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an~~

existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. ~~Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or~~
2. ~~Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

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[Remainder of this article to be renumbered.]

ARTICLE XVI. – DEFINITIONS

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Sec. 17-84. – Terms not defined in the Florida Building Code.

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

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~~Existing manufactured home park or subdivision.~~ A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 2, 1981 for properties located east of the Myakka River and before July 30, 1971 for properties located west of the Myakka River

~~Expansion to an existing manufactured home park or subdivision.~~ The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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~~Market value.~~ The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the may be established by a qualified independent appraiser, actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

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~~New manufactured home park or subdivision.~~ A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 2, 1981 for properties located east of the Myakka River and on or after July 30, 1971 for properties located west of the Myakka River.”

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 ~~striketrough~~. 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 immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on September 13, 2022.

READ BY TITLE ONLY at second reading by the City Commission of the City of North Port, Florida, in public session on October 6, 2022.

ADOPTED by the City Commission of the City of North Port, Florida, on the third and final reading in public session on October 25, 2022.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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