

City of North Port

ORDINANCE NO. 2022-31

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY OF NORTH PORT COMPREHENSIVE PLAN; ADOPTING A NEW CHAPTER 13, COASTAL MANAGEMENT ELEMENT, INCLUDING GOALS, OBJECTIVES, AND POLICIES, AND ADOPTING A COASTAL MANAGEMENT MAP SERIES; AMENDING CHAPTER 5, CONSERVATION AND COASTAL ZONE MANAGEMENT ELEMENT AND ADOPTING A CONSERVATION MAP SERIES; AMENDING THE TABLE OF CONTENTS; AMENDING CHAPTER 2, FUTURE LAND USE ELEMENT; AMENDING CHAPTER 4, UTILITIES ELEMENT; AMENDING CHAPTER 9, PUBLIC SCHOOL FACILITIES ELEMENT; REPEALING CONSERVATION AND COASTAL ZONE MANAGEMENT MAPS 5-1 THROUGH 5-17; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port is committed to planning and managing the future growth and development of the City; and

WHEREAS, pursuant to Article VIII, Section 2(b) of the Constitution of the State of Florida, the North Port City Charter, and the Community Planning Act ("Act"), Florida Statutes Chapter 163, Part II, the City is authorized and required to adopt a Comprehensive Plan; and

WHEREAS, on March 15, 1989, the City Commission adopted Ordinance No. 89-3, establishing the North Port Comprehensive Plan ("Comprehensive Plan"), as amended; and

WHEREAS, on June 27, 2017, the City Commission adopted Ordinance No. 2016-34, approving the Evaluation and Appraisal Report-based Amendments to the Comprehensive Plan; and

WHEREAS, coastal zone management is currently addressed in North Port Comprehensive Plan Chapter 5, Conservation and Coastal Zone Management; and

WHEREAS, the City Commission desires to create a new Comprehensive Plan Chapter 13 to include the Coastal Management element required by Florida Statutes Section 163.3177(6)(g), and update the goals, objectives, and policies to address the peril of flood pursuant to Florida Statutes Section 163.3178(2)(f)1 through 6; and

WHEREAS, the City Commission desires to amend the Comprehensive Plan, Chapter 5, Conservation and Coastal Zone Management element to repeal those provisions to be addressed in Chapter 13, Coastal

Management, and to amend Chapter 2, Future Land Use Element to update references to Chapter 5 and eliminate associated conflicts; and

WHEREAS, the City Commission desires to amend the Comprehensive Plan, Chapter 2, Future Land Use Element to permit solar facilities in the Agricultural Estates future land use district and zoning district and to permit floating solar facilities (floatovoltaics) in the Agricultural Estates, Public, Industrial, and Utility/Industrial Corridor future land use pursuant to Florida Statutes Sections 163.3205 and 163.32051; and

WHEREAS, the Planning and Zoning Advisory Board, designated as the local planning agency, held a properly noticed public hearing on November 17, 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, pursuant to Florida Statutes Section 163.3184(3)(b)4.h, the State Land Planning Agency of the Florida Department of Economic Opportunity reviewed the proposed amendments for impacts to important state resources and facilities not within the jurisdiction of other state agencies; and

WHEREAS, the City Commission determined that the proposed 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 Pursuant to Florida Statutes Section 163.3184(3), the City followed the expedited state review process for text changes to a local government's comprehensive plan goals, objectives, and policies, as follows:
 - 1. Within ten (10) working days after the initial public hearing, the City transmitted the amendment and appropriate supporting data and analyses to the reviewing agencies and other local governments that filed a written request;
 - 2. Not later than thirty (30) days after the date the reviewing agencies and local governments first received the amendment, the City received the reviewing agencies' and local governments' comments, if any;
 - 3. The adoption hearing was held within 180 days after receipt of the agency comments; and
 - 4. Within ten (10) working days after the second public hearing, the City transmitted the adopted comprehensive plan amendment and supporting data and analyses to the state land planning agency and any affected person that provided comments; and

- 5. The City did not receive notice of any deficiencies within five (5) working days after the agency's receipt of the amendment.
- 1.03 The amendments incorporated herein are based upon the best available data and resources provided by the University of Florida GeoPlan Center, NOAA, FEMA, and other nationally recognized resources.
- 1.04 All identified exhibits are incorporated in this ordinance by reference.

SECTION 2 – ADOPTION

2.01 The City Commission hereby amends the City of North Port Comprehensive Plan to add Chapter 13 Coastal Management to read as follows:

"CHAPTER 13 COASTAL MANAGEMENT

COASTAL MANAGEMENT ELEMENT GOALS, OBJECTIVES, & POLICIES

GOAL 1: Prepare for, mitigate, and educate the public on the impacts of sea level rise, storm surge, and other coastal flood events on human life, public facilities and infrastructure, private structures, and coastal resources, both natural and cultural in the City of North Port.

Objective 1: The City shall balance the level of service needs for future growth with the realities of coastal flooding when considering the continued use, expansion, and construction of new public facilities and infrastructure.

Policy 1.1: The City shall not use public funds for new infrastructure or service expansions within the Coastal High-Hazard Areas (CHHA) or within FEMA Flood Zones "A," "AE," and/or "VE" (as determined by the latest adopted Flood Insurance Rate Maps [FIRM] and shown within Coastal Management Map Series), unless such funds are necessary to provide:

- 1. <u>Services necessary to ensure public access to public waterfront recreation/conservation areas;</u>
- 2. Services that restore or enhance natural resources;
- 3. <u>Services to existing subdivisions (structures approved for development prior to the adoption of this policy);</u>
- 4. <u>Services and/or facilities which are deemed necessary to maintain existing level-of</u> service standards;
- Support to public and private land development specifically designed to minimize storm hazards as deemed necessary for such public facilities by the Unified Land Development Code;
- 6. <u>Adequate evacuation times in the event of emergencies as specified in the most</u> recent Florida Statewide Regional Evacuation Study Program; or
- 7. An overriding public interest to ensure public health, safety, and welfare, such as essential life safety services.

This policy shall not apply to buildings and structures proposed within developments of regional impact for which the City has approved master development orders prior to the date of adoption of this policy.

Policy 1.2: The City shall create (and bi-annually update) a comprehensive inventory of the City's critical public facilities and infrastructure projected to frequently or permanently flood as a result of storm surge, coastal flood events, and sea level rise (as based upon the latest National Oceanic and Atmospheric Administration (NOAA) Extreme Projection Curve. This inventory shall be used to prioritize capital improvement projects that seek to maintain, repair, remove, and/or relocate critical facilities and infrastructure as needed.

Policy 1.3: The City shall seek to incorporate "green street" techniques into new and existing roadways located within the Coastal High Hazard Area (CHHA) and/or FEMA Flood Zones "A," "AE," and/or "VE" to divert, capture, or absorb water in a way to reduce flood impacts on public and private property, including but not limited to, street trees, landscaped areas, vegetative curb extensions, bioswales, and roadway redesigns.

Policy 1.4: The City shall, where appropriate, encourage the integration of green and gray infrastructure in stormwater management facilities, including but not limited to, bioretention, increasing pipe capacity, stormwater parks, rain gardens/bioswales, pumps, and water flow diversion strategies.

Policy 1.5: The City shall update its stormwater management regulations to reduce stormwater runoff by allowing for innovative solutions for onsite retention and the use of low impact development techniques and green infrastructure for all new development, redevelopment, and roadway projects.

Policy 1.6: The City shall prioritize efforts to bury overhead utilities underground in areas of the City which are located within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE."

Policy 1.7: The City shall amend the Unified Land Development Code to require greater water capture techniques on both public and private parking lots. Techniques may include the implementation of:

- 1. Permeable or semi-permeable paving;
- 2. Interconnected landscaped bioretention areas;
- 3. <u>Sizable planting areas which can accommodate a combination of shade trees,</u> shrubs, and grasses;
- 4. <u>Underground stormwater retention/detention vaults; and/or</u>
- 5. Silva cells and/or structural soils for tree wells.

Objective 2: The City shall review and update its Unified Land Development Code to include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas resulting from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Policy 2.1: The City shall continue to enforce FEMA, DEP, and local setback and height requirements for the safety of structures, especially those located along the Myakkahatchee Creek (or-other similar waterbodies) which are in the CHHA and/or FEMA Flood Zone "A," "AE," and/or "VE." Furthermore, the City shall discourage further development and redevelopment activities within these areas, with the exception of providing passive recreational access to these areas.

Policy 2.2: For those portions of the City within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE," the City shall require best management practices for structural design elements that mitigate damage from storm and coastal flood events to structures and allow for the freer flow of water, such as elevating structures via stilts, constructing stemwalls, and locating parking areas on the ground floor of commercial buildings.

Policy 2.3: In tandem with the development and redevelopment standards of the Unified Land Development Code, the City shall enforce:

- 1. The most recent Florida Building Code which provides for wind-resistant building construction;
- 2. The applicable flood-resistant construction requirements in the Florida Building Code; and
- 3. The applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Policy 2.4: The City shall amend its Unified Land Development Code to enforce practices designed to reduce losses due to flooding and claims made under flood insurance policies issued in the state. These practices may include:

- 1. Low-impact development techniques on private and public property that provide for site design, engineering, and/or stormwater management which reduces stormwater runoff, encourages greater onsite storage, and the reuse, absorption, and/or mitigation of flood impacts. These techniques may include:
 - a. Requiring minimum elevation of five feet above the Base Flood Elevation;
 - b. Reuse of stormwater for irrigation purposes;
 - c. Use of pervious pavement materials;
 - d. Reduction of impervious surface areas;
 - e. Implementation of bioretention/biotreatment swales;
 - f. Protection, preservation, and planting of native vegetation; and/or
 - g. Installation of green roofs and rain gardens;
- 2. <u>Prioritization of living shoreline installation and maintenance which fortify the integrity of littoral zones;</u>
- 3. Allowance of specialized fortification techniques as recommended by the Florida Green Building Council; and/or
- 4. Preservation and reinforcement of existing natural berms.

<u>Policy 2.5:</u> The City shall require that any construction activities seaward of the coastal construction control lines be consistent with Chapter 161, Florida Statutes F.S.

Policy 2.6: The City shall discourage the densification and intensification of land uses within Hurricane Evacuation Zones A and B (as depicted within the Coastal Management Element Map Series) the CHHA, and/or FEMA Flood Zones "A," "AE," and/or "VE."

Policy 2.7: The City shall identify and limit development within areas of the City that may be impacted by sea level rise by 2050 unless mitigation measures are taken by the property owner to ensure the future viability of the site.

Policy 2.8: To direct density and intensity away from areas of North Port that are at high risk of damage or destruction from sea level rise, storm surge, and coastal flooding, the City may permit lands located within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE" in the sending zone of the City's transfer and/or purchase of development rights program.

<u>Policy 2.9:</u> The City shall continue to promote the relocation of repeatedly damaged structures within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE" to safe locations.

Policy 2.10: The City shall develop and maintain policies for rebuilding structures within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE" that sustain damage after a natural or manmade disaster to current flood mitigation standards and building codes. Additionally, the Unified Land Development Code shall clarify that an existing structure is considered substantially damaged if damage from any origin is sustained and the cost exceeds 50 percent of the market value of the structure before it was damaged.

Policy 2.11: The City shall explore amending its Unified Land Development Code to prohibit the future development of healthcare facilities, nursing homes, assisted living facilities, group homes, and other structures primarily designed to serve vulnerable populations within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE."

Policy 2.12: The City, through implementation of its Unified Land Development Code and Comprehensive Plan, master planning processes, and support of local, state, or federal initiatives or agreements, shall limit impacts related to development or redevelopment activities which could have negative impacts upon wetlands, water quality, water quantity, wildlife habitat, living marine resources, shorelines, littoral zones, and historic resources.

<u>Objective 3:</u> The City shall protect significant natural and cultural (i.e., historic and archeological) resources from the direct and indirect perils of sea level rise, storm surge, and other coastal flood events.

Policy 3.1: The City shall continue to apply for grants; implement projects (such as the Myakkahatchee Creek initiative); and support local, state, or federal initiatives aimed at the restoration or enhancement of disturbed or degraded natural resources including shorelines, estuaries, wetlands, and drainage systems. The City shall also support programs aimed at mitigating future disruptions or degradations of significant natural systems in our region.

Policy 3.2: The City shall support initiatives such as the acquisition of lots and parcels along creeks, rivers, bays, and harbors that decrease the number of residents and businesses, and their associated impacts, located within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE" adjacent to the Myakkahatchee Creek and Myakka River.

Policy 3.3: Consistent with the provisions of the Conservation Element, the City shall abide by its "State – Local Agreement for Administering the Myakka River Wild and Scenic Protection Zone" with the Florida Department of Environmental Protection (FDEP) and shall coordinate with all applicable agencies development proposals of any type that would have an impact upon the shoreline, the Myakka River, or the plant and wildlife that are dependent upon the river.

Policy 3.4: The City shall seek to identify, study, protect, and preserve its significant cultural resources at high risk of damage or destruction within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE." Where protection or preservation is no longer practicable, these resources shall be relocated to less vulnerable and more stable locations.

Objective 4: The City shall work with local, regional, state, and federal partners to build a resiliency system (generally defined as "plans, projects, initiatives, and resources that are coordinated in a manner to maximize their overall ability to create a more resilient community") capable of protecting its current and future residents and businesses from the direct and indirect impacts of sea level rise, storm surge, and other coastal flood events.

Policy 4.1: In efforts to establish context-sensitive coastal resiliency goals and to create a comprehensive approach to achieving these goals, the City shall prioritize the creation of a Coastal Resiliency and Adaptation Action Plan. At minimum, the plan shall:

- 1. Assemble local stakeholders;
- 2. Set guiding principles and motivations for the project;
- 3. Describe the local planning, environmental, and social context;
- 4. Implement a community engagement program;
- 5. Conduct a vulnerability analysis;
- 6. Establish one or more Adaption Action Areas (AAA) in portions of the City that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. These areas shall be delineated based upon the best available data and resources provided by the University of Florida GeoPlan Center, NOAA, FEMA, and other nationally recognized resources;
- 7. Assess community capacity to adapt to changes in sea level rise;
- 8. Prioritize adaption needs;
- 9. Identify action strategies;
- 10. Survey funding options;
- 11. Integrate strategies into existing City plans and documents;
- 12. Create a schedule of activities; and
- 13. Monitor and evaluate, as needed.

- **Policy 4.2:** The City shall participate in transportation planning efforts to ensure that minimum evacuation times can be maintained during an evacuation on the City's evacuation routes consistent with the Southwest Florida Regional Strategic Plan.
- Policy 4.3: The City shall continue to work with the Sarasota-Manatee MPO (Metropolitan Planning Agency); the Charlotte County-Punta Gorda MPO; the Florida Department of Transportation (FDOT); and other applicable local, state, and federal agencies to seek funding for additional capacity to be added to the Sumter Boulevard, Toledo Blade Boulevard, and River Road hurricane evacuation routes to decrease evacuation times for residents and visitors in the event of a significant storm or coastal flood event.
- **Policy 4.4:** The City shall continue to participate in erosion and flood prevention programs for areas along the City's evacuation routes where these issues arise.
- **Policy 4.5:** Consistent with the Southwest Florida Regional Planning Council's Hurricane Evacuation Plan, the City shall continue to fulfill its assigned role as specified within the Sarasota County Comprehensive Emergency Management Plan and its policies regarding hurricane evacuation and sheltering.
- **Policy 4.6:** The City shall continue to meet and coordinate with Charlotte and Sarasota County Emergency Management; Red Cross officials; and other local, state, and federal agencies as applicable, for the purpose of identifying and designating additional public and private structures (including rental spaces), both inside and outside the City, as hurricane evacuation shelters, consistent with the Regional Hurricane Evacuation Plan.
- **Policy 4.7:** The City shall continue to cooperate with local, state, and regional agencies, including the School Board of Sarasota County, to ensure that safe shelter is available for the City's at-risk populace.
- **Policy 4.8:** The City shall coordinate with Sarasota County to identify the area's population of medically dependent persons and ensure that designated shelters can accommodate their unique needs in the event of a significant storm or coastal flood event.
- **Policy 4.9:** The City shall encourage new developments to provide for the emergency shelter needs of their residents and/or employees.
- **Policy 4.10:** The City shall encourage developers to construct hurricane resistant clubhouses as shelters for the residents of their new developments.
- Policy 4.11: The City shall continue to utilize its Comprehensive Emergency Management Plan for emergency management procedures for the periods before, during, and after natural or man-induced disasters that impact or threaten the City.
- Policy 4.12: The City shall continue to work with Sarasota County and other appropriate agencies to periodically update the City's Comprehensive Emergency Management Plan, the Sarasota County Comprehensive Emergency Management Plan, and the Sarasota County Unified Local Mitigation Strategy.

Policy 4.13: In the event the City declares a state of local emergency due to a hurricane, the City shall accelerate local recovery efforts by considering issuing emergency permits with or without fees, as determined by the City Manager or designee, for repair and cleanup of damage to private and public structures and utilities that are still marginally usable without such repair, consistent with state and federal permitting requirements.

Policy 4.14: The City shall pursue public and private funding sources for the development and implementation of the City's comprehensive adaptability and resiliency strategies by, but not limited to:

- 1. Federal and State grants and technical expertise assistance;
- 2. Local stormwater utility fees and capital improvement plan prioritization;
- 3. Public/private partnerships; and/or
- 4. Other sources of funding as they become available.

Policy 4.15: When appropriate, the City shall participate and coordinate with governmental, non-governmental, and private agencies in an effort to seek funding for implementation projects.

<u>Objective 5:</u> The City shall educate the public about the dangers associated with the direct and indirect impacts of sea level rise, storm surge, and other coastal flood events.

Policy 5.1: The City shall continue its programs to educate the public regarding disasters, disaster preparedness, disaster response, and post-disaster redevelopment and assistance. Such programs include, but are not limited to public presentations, television and radio programs or advertisements, publications, and social media campaigns.

Policy 5.2: The City shall continue to coordinate with other local, state, and federal agencies and other public or private agencies, as applicable, to coordinate public education regarding emergency preparedness.

Policy 5.3: The City shall strive to create an ongoing public education campaign targeting residents and businesses within the CHHA and/or FEMA Flood Zones "A," "AE," and/or "VE" regarding the direct and indirect impacts of sea level rise, storm surge, and coastal flood events.

Policy 5.4: The City shall work with Sarasota County and local nonprofits to establish an education and outreach program specifically targeting the area's vulnerable populations to increase their awareness regarding local evacuation and sheltering procedures and resources. Vulnerable populations include (but are not limited to) medically dependent persons, low-income households, elderly communities, and non-English speaking families.

- 2.02 The City Commission hereby amends the City of North Port Comprehensive Plan to add to Chapter 13 Coastal Management, the Coastal Management Map Series attached as Exhibit A.
- 2.03 The City Commission hereby amends the City of North Port Comprehensive Plan, Chapter 5, Conservation & Coastal Zone Management, to read as follows:

"CONSERVATION & COASTAL ZONE MANAGEMENT ELEMENT GOALS, OBJECTIVES, & POLICIES

...

Policy 1.1: The City shall, through implementation of the Unified Land Development Code, require that for all future land use map change proposals, the applicant submit supporting data and analysis review all future land use map amendment requests pertaining to rare, endangered and threatened species, and species of special concern. Prior to issuance of development permits, including land clearing, the applicant shall provide proof of compliance with appropriate state and federal regulations.

Policy 1.2: The City shall consult with the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service, as applicable, prior to the issuance of a land use <u>development</u> approval that would result in an adverse impact to any rare, endangered threatened species, and species of special concern, as shown on the Environmental Assessment for all proposed Future Land Use Map amendments and major development submittals.

...

Policy 4.11: Consistent with SARA Title III, the North Port Fire Rescue District and North Port Police Department, in conjunction with the Sarasota County Fire Department, shall continue to cooperate in the preparation of an inventory of hazardous materials generators in the City and in unincorporated areas where the Fire Rescue District and/or Police Department have responsibility.

...

Policy 10.6: The City shall prioritize the continued protection and preservation of Warm Mineral Springs due its value as an ecological and archaeological resource, recreational amenity, tourist destination, and as a nationally recognized historic icon within the City.

COASTAL ZONE MANAGEMENT GOALS, OBJECTIVES, & POLICIES

Goal 1: Lessen the impact of a destructive storm or other natural or man-induced event on human life, public facilities, private structures, infrastructure, and coastal natural resources in the City of North Port.

Objective 1: The City shall continue to require infrastructure necessary to meet its future land use demand for coastal infrastructure consistent with public safety, to maintain Levels of Service as described in the various elements of this Comprehensive Plan, while limiting impacts to natural and historic resources.

Policy 1.1: The City will continue to regulate development throughout the planning period to ensure that public facilities are provided concurrent with need and to maintain Levels of Service as described in the various elements of this Comprehensive Plan.

Policy 1.2: Man-made structures shall meet all applicable height and set-back requirements when constructed within the FEMA "A" zones or SLOSH Category 1 zones of the City of North Port. This policy shall continue to be reflected in the City's Building Code.

Policy 1.3: Public funds shall not be used for infrastructure or service expansion or improvements to areas designated as Coastal High Hazard Areas (CHHA) or in the "A" Zone (as determined by the latest adopted FIRM Maps, unless such funds are necessary to provide:

- Services necessary to ensure public access to public waterfront recreation/conservation areas;
- 2. Services that restore or enhance natural resources;
- 3. Services to existing subdivisions (structures approved for development prior to the adoption of this policy);
- 4. Services and/or facilities which are deemed necessary to maintain existing levelof-service standards;
- 5. Support to public and private land development specifically designed to minimize storm hazards as deemed necessary for such public facilities by the Land Development Regulations.
- Adequate evacuation times in the event emergencies as specified in the Florida Statewide Regional Evacuation Study Program, Volume 4-9, Florida Division of Emergency Management and Southwest Florida Regional Planning Council, 2015; and/or
- 7. An overriding public interest to ensure public health, safety, and welfare such as essential life safety services.

This policy shall not apply to buildings and structures proposed within developments of regional impact for which master development orders have been adopted pursuant to Florida Statutes, prior to the date of adoption of this policy.

Policy 1.4: The City, through implementation of its Unified Land Development Code and Comprehensive Plan, master planning processes, and support of local, state, or federal initiatives or agreements, shall limit impacts related to development or redevelopment activities which could have negative impacts upon wetlands, water quality, water quantity, wildlife habitat, living marine resources, shorelines, and historic resources within the coastal area.

Policy 1.5: The City shall continue to apply for grants, implement projects (such as the Myakkahatchee Creek initiative) and support local, state, or federal initiatives aimed at the restoration or enhancement of disturbed or degraded natural resources including shorelines, estuaries, wetlands, and drainage systems. The City shall also support programs aimed at mitigating future disruptions or degradations of significant natural systems in our region.

Policy 1.6: The City shall support initiatives such as the acquisition of lots and parcels along creeks, rivers, bays and harbors, which decrease the number of residents, and their associated impacts, living within FEMA designated "A" Zones and Category 1 SLOSH Zones located adjacent to the Myakkahatchee Creek and Myakka River.

Policy 1.7: Consistent with Policies 7.4 and 7.5 in the "Conservation" section of this Comprehensive Plan, the City shall abide by its "State — Local Agreement for Administering the Myakka River Wild and Scenic Protection Zone" with FDEP and FDCA

regarding the "Wild and Scenic" Myakka River, and shall coordinate development proposals of any type that would have an impact upon the shoreline, the River, and the plant and wildlife that are dependent upon the River with all applicable agencies.

Policy 1.8: The City shall designate the "Coastal High Hazard Area" (CHHA) as the area below the storm surge line of a Category 1 hurricane, as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computer model. The CHHA shall be depicted on the City's Future Land Use Map Series, Maps 2-3 and 2-4, and are hereby adopted as the City's CHHA designation maps.

Objective 2: The City shall continue to utilize, and amend when necessary, land development regulations which establish standards for types, sizes, densities, and intensities of all land use categories, minimize development within the established "Coastal High Hazard Area," aid in the provision of emergency shelters for current and future residents, and enhance the City and regional hurricane evacuation network, consistent with the County and Regional Hurricane Evacuation Plans

Policy 2.1: The City will continue to provide staff support and assistance to aid the Southwest Florida Regional Planning Council, Sarasota and Charlotte Counties, and other appropriate local governments and agencies, in the identification of public and private shelter, including rental space, for all City residents, consistent with the Southwest Florida Regional Planning Council's Hurricane Evacuation Plan.

Policy 2.2: The City will participate in all transportation planning efforts to ensure that minimum evacuation times can be maintained during an evacuation on the City's evacuation routes consistent with the Southwest Florida Regional Strategic Plan.

Policy 2.3: The City shall continue to work with the Sarasota Manatee MPO, the Charlotte County-Punta Gorda MPO, FDOT, and other applicable local, state, and federal agencies to seek funding for additional capacity to be added to the Sumter Boulevard, Toledo Blade Boulevard, and River Road Hurricane Evacuation Routes in order to decrease evacuation times for residents and visitors if the region is threatened by tropical systems, or other forms of disaster.

Policy 2.4: The City will continue to participate in erosion-prevention and flood-prevention programs for those areas along the City's evacuation routes where erosion and flooding are potential problems.

Policy 2.5: The City shall continue to cooperate with local, state and regional agencies, including the School Board of Sarasota County, to ensure that safe shelter is available for the City's at-risk populace.

Policy 2.6: Consistent with the Southwest Florida Regional Planning Council's Hurricane Evacuation Plan the City shall continue to fulfill its assigned role as specified within the

Sarasota County Comprehensive Emergency Management Plan and its policies regarding hurricane evacuation and sheltering.

Policy 2.7: The City will continue to meet and coordinate with Charlotte and Sarasota County Emergency Management and local Red Cross officials, as well as other local, state, and federal agencies as applicable, for the purpose of identifying and designating additional public and private structures, both inside and outside the City, as hurricane evacuation shelters, consistent with the Regional Hurricane Evacuation Plan.

Policy 2.8: The City will encourage new developments to provide for the shelter needs of their residents or employees.

Objective 3: In order to limit public expenditures that may be construed as subsidizing development and post-disaster redevelopment in coastal high-hazard areas, the City of North Port will continue to regulate the number and type of structures subject to damage in FEMA "A" Zones, or the designated Coastal High Hazard Area. Post-disaster redevelopment plans shall take into consideration the need to limit densities within these zones in order to protect life, property, and limit future public infrastructure needs in those areas, with the exception of the provision of passive recreational access to the water.

Policy 3.1: The City will continue to promote the relocation of repeatedly-damaged structures in FEMA "A" zones, or the designated Coastal High Hazard Area, to safe locations.

Policy 3.2: The City will continue to enforce FEMA, DEP, and local setback and height requirements for the safety of structures, especially those located along the Myakkahatchee Creek, and other similar waterbodies which are in FEMA "A" zones or the designated "Coastal High Hazard Area." Further, the City shall make all efforts to discourage further development, or redevelopment, in such areas, with the exception of providing passive recreational access to these areas.

Policy 3.3: In the event a hurricane strikes, the recovery effort will be accelerated by the immediate distribution of free emergency permits by the appropriate authority for repair and clean up of damage to private and public structures and utilities, to the extent such situations are still marginally usable without such repair.

Policy 3.4: The City will develop and maintain policies on requirements for rebuilding structures that sustain damage after a natural or manmade disaster to current flood mitigation standards and building codes. An existing structure is considered substantially damaged if damage from any origin is sustained and the cost exceeds 50 percent of the market value of the structure before it was damaged.

Policy 3.5: The City shall continue to utilize its Comprehensive Emergency Management Plan for emergency management procedures for the periods before, during, and after natural or man-induced disasters impact or threaten the City.

Policy 3.6: Coordinate research and planning efforts between the City, the Southwest Florida Regional Planning Council, and other appropriate agencies in order to update

pertinent sections of the City Comprehensive Emergency Management Plan, the Sarasota County Comprehensive Emergency Management Plan, and the Sarasota County Unified Local Mitigation Strategy (LMS), as applicable, to develop a post-hurricane disaster plan that addresses long term repair and redevelopment activities.

Policy 3.7: Consistent with SARA Title III, North Port Fire Rescue and the City Police Department, in conjunction with the Sarasota County Fire Department, shall continue to cooperate in the preparation of an inventory of hazardous materials generators in the City of North Port, or in unincorporated areas where the City Fire and Police Departments have responsibility. This shall be inclusive of areas both within and outside of the "coastal zone."

Policy 3.8: For those portions of the City within the Category 1 hurricane zone, the City will investigate limiting the types of development that may occur and requiring Best Management Practices for structural design elements that lessen potential damage to structures and allow freer flow of water, such as elevation of structures on stilts, stemwall construction and location of parking areas on the ground floor of commercial buildings.

Policy 3.9: Discourage the intensification of land uses within Hurricane Evacuation Zones A and B (Map 5-9, Conservation and Coastal Zone Management Element).

Objective 4: The City will educate the public about the dangers associated with tropical systems, floods, fires, and other natural or man-made disasters and emergencies.

Policy 4.1: The City shall continue its programs to educate the public regarding disasters, disaster preparedness, disaster response, and post disaster redevelopment and assistance. Such programs include, but are not limited to, public presentations, television and radio programs or advertisements, and publications.

Policy 4.2: The City shall continue to coordinate with other local, state, and federal governments and other public or private agencies, as applicable, to coordinate public education regarding emergency preparedness.

Objective 5: In coordination with Sarasota County and adjacent jurisdictions, the City of North Port shall factor in the impacts of sea level rise in relation to the location and design of existing infrastructure, the location and design of new city maintained infrastructure and facilities, and in the evaluation of proposed development projects within the City.

Policy 5.1 By 2022 The City will evaluate its existing public facilities and create a report that identifies and provides mitigation recommendations for properties owned and maintained by the City that may be impacted by sea level rise by 2050. The evaluation will be based on the Intermediate High Sea Level Rise scenario for Charlotte Harbor, as shown on the National Oceanic and Atmospheric Administration (NOAA) Sea Level Rise Viewer.

Policy 5.2: As part of this report, areas within the City that may be impacted by sea level rise by 2050 shall be identified and development on these sites shall be minimized

unless mitigation measures are taken by the property owner to ensure the future viability of the site.

Policy 5.3: The City will identify public investments and infrastructure at risk to sea level rise and other climate impacts. At least every five (5) years, the City will assess the vulnerability to public facilities and services, including but not limited to: water and wastewater facilities, roads, bridges, governmental buildings, medical facilities, and other assets plus the remainder of at risk areas.

Policy 5.4: The City will develop and implement adaptation strategies for areas vulnerable to tidal flooding, storm surge, stormwater runoff, salt water intrusion, and other impacts exacerbated by seal level rise with the intent to increase the City's comprehensive adaptability and resiliency capacities.

Policy 5.5: The City will pursue public and private funding sources for development and implementation of the City's comprehensive adaptability and resiliency strategies by, but not limited to:

- 1. Federal and State grants and technical expertise assistance
- 2. Local Stormwater Utility Fees and Capital Improvement Plan prioritization
- 3. Public/Private Partnerships
- 4.—Other sources

Policy 5.6: When appropriate, the City shall participate and coordinate with governmental, non-governmental, and other appropriate agencies proposed application requests for funding adaption implementation projects."

- 2.04 The City Commission hereby amends the City of North Port Comprehensive Plan to add to Chapter 5, Conservation & Coastal Zone Management, the Conservation Map Series attached as Exhibit B.
- 2.05 The City Commission hereby amends the City of North Port Comprehensive Plan, Table of Contents, to read as follows:

"...

2.06 The City Commission hereby amends the City of North Port Comprehensive Plan, Chapter 2, Future Land Use Element, to read as follows:

"FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, & POLICIES

...

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. Section 163.3202(1), Florida Statutes and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:

Agricultural, Estates - These lands are designated for agricultural related uses and very low density residential development, in order to retain the open character of the land (maximum of

1.0 residential unit per 3.0 gross acres). <u>Solar facilities and floating solar facilities (floatovoltaics)</u> shall also be permitted.

...

Industrial - These lands are designated for light manufacturing, processing, storage, warehousing, wholesaling, and distribution. <u>Floating solar facilities</u> (<u>floatovoltaics</u>) <u>shall also be permitted</u>. Institutional and residential uses are prohibited as they are not in character with activities conducted in these districts (0.95 FAR).

...

Recreation / Open Space - These lands are designated for either active or passive recreational uses. For the Myakkahatchee Creek project identified in Objective 5 of the Conservation and Coastal Zone Management Element, and other similar future projects, the City may wish to classify privately owned platted lots or tracts designated as Recreation / Open Space on the Future Land Use Map. Certain lands along the Myakkahatchee Creek may also qualify as Working Waterfronts in accordance with Florida law (Chapter 342, Florida Statutes) and other applicable laws. The density/intensity shall be the same as defined in the Low-Density Residential designation. Prior to permitting, the property owner shall be encouraged to seek other opportunities including transfer of development rights, land trade, acquisition to preserve such lands in an undeveloped condition, as well as other strategies and mechanisms that may be used to bring private lands into public control (Applies only to the City limits as of 1999). No active recreational facilities shall be permitted within wetlands or wetland systems, unless approved by the appropriate state and federal regulatory agencies.

Public - These lands are designated for sites where governmental, educational and public activities are conducted. <u>Floating solar facilities</u> (<u>floatovoltaics</u>) shall also be <u>permitted</u>. It is not the intent to classify all lands owned by government into this designation, but only those lands related to the public welfare and civic activities.

. . .

Utility/Industrial Corridor – These lands are designated to provide for transmission along limited access highways of electrical power, underground transmission of water, sewer and gas, rapid transit facilities, outdoor advertising, underground communication transmission lines, storm water drainage facilities, and other appurtenances, structures, or improvements for industrially zoned land. Floating solar facilities (floatovoltaics) shall also be permitted. Institutional and residential uses are prohibited as they are not in character with activities conducted in this land use. Any reference to industrial uses within this proposed designation is limited to only transmission and distribution lines (power, water, sewer, gas, etc.), rapid transit facilities, outdoor advertising, and drainage utilities. No industrial buildings will be located within this corridor.

...

Policy 9.26: Discourage the intensification of land uses within Hurricane Evacuation Zones A and B (Map 5-9, Conservation and Coastal Zone Management Element <u>map series</u>), consistent with Conservation and Coastal Zone Management Policy 3.9. The City shall discourage the densification and intensification of land uses within Hurricane Evacuation Zones A and B (as depicted within the Coastal Management Element Map Series) the CHHA, and/or FEMA Flood Zones 'A', 'AE', and/or 'VE.' "A," "AE," and/or "VE."

...

Policy 9.28: The City of North Port recognizes the importance of recreational and commercial working waterfronts to the economic, social, and environmental vitality and health of the community. Consistent with Policy 5.1 of the Conservation and

Coastal Management Zone–Element, the City will identify and implement techniques which encourage the preservation and expansion of recreational and commercial working waterfronts in the City of North Port.

...

Policy 13.1.k. Planning requirements for the design of each Village District Pattern Plan shall exceed or be consistent with 1) the requirements of the Florida Fish and Wildlife Conservation Commission, the United States Fish and Wildlife Service, and the Conservation <u>Element</u> and Coastal <u>Zone-Management Element</u>.

.,"

2.07 The City Commission hereby amends the City of North Port Comprehensive Plan, Chapter 4 Utilities, to read as follows:

"POTABLE WATER GOALS, OBJECTIVES, AND POLICIES

...

Policy 6.2: The City will continue to identify and implement management and protection programs and procedures to preserve and enhance the Myakkahatchee Creek as a Class I potable water supply pursuant to Objectives and Policies of the Conservation Element (see Conservation Element Map Series).

...

Policy 11.6: The City will amend the land development regulations consistent with F.S. Section 163.3202(2), Florida Statutes to regulate land use and development to protect natural drainage features and natural groundwater recharge areas consistent with the goals, objectives and policies in the Conservation element.

..."

2.08 The City Commission hereby amends the City of North Port Comprehensive Plan, Chapter 9 Public School Facility Element, to read as follows:

"PUBLIC SCHOOL FACILITY ELEMENT GOALS, OBJECTIVES, AND POLICIES

Policy 1.4.3: Consistent with the Conservation and Coastal Zone-Management Element Policies 2.6 and 2.7, the City will continue to coordinate efforts with the public school system to design, build, expand, and rehabilitate new school facilities facility rehabilitation and expansions to be designed to provide emergency shelters for emergency management purposes. The City of North Port will continue to fulfill the requirements of pursuant to Section 1013.372, Florida Statutes, such that as appropriate new educational facilities will serve as public shelters for emergency management purposes.

..."

SECTION 3 – REPEAL

3.01 The City Commission hereby repeals the City of North Port Comprehensive Plan, Conservation and Coastal Zone Management Maps 5-1 through 5-17.

SECTION 4 – TRANSMITTAL OF DOCUMENTS

- 4.01 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten (10) days after first reading, this ordinance and the appropriate supporting data and analyses provided by the City Manager or designee to:
 - a. Florida Department of Economic Opportunity;
 - b. Southwest Florida Regional Planning Council;
 - c. Southwest Florida Water Management District;
 - d. Florida Department of Environmental Protection;
 - e. Florida Department of State;
 - f. Florida Department of Transportation;
 - g. Sarasota County, Florida; and
 - h. Any other local government or governmental agency who has filed a request with the City.
- 4.02 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten (10) days of final adoption of this ordinance, all documents to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments.

SECTION 5 – CONFLICTS

5.01 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 6 – SEVERABILITY

6.01 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 7 – CODIFICATION

7.01 In this ordinance, additions are shown as <u>underlined</u> and deletions as <u>strikethrough</u>. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 8 – EFFECTIVE DATE

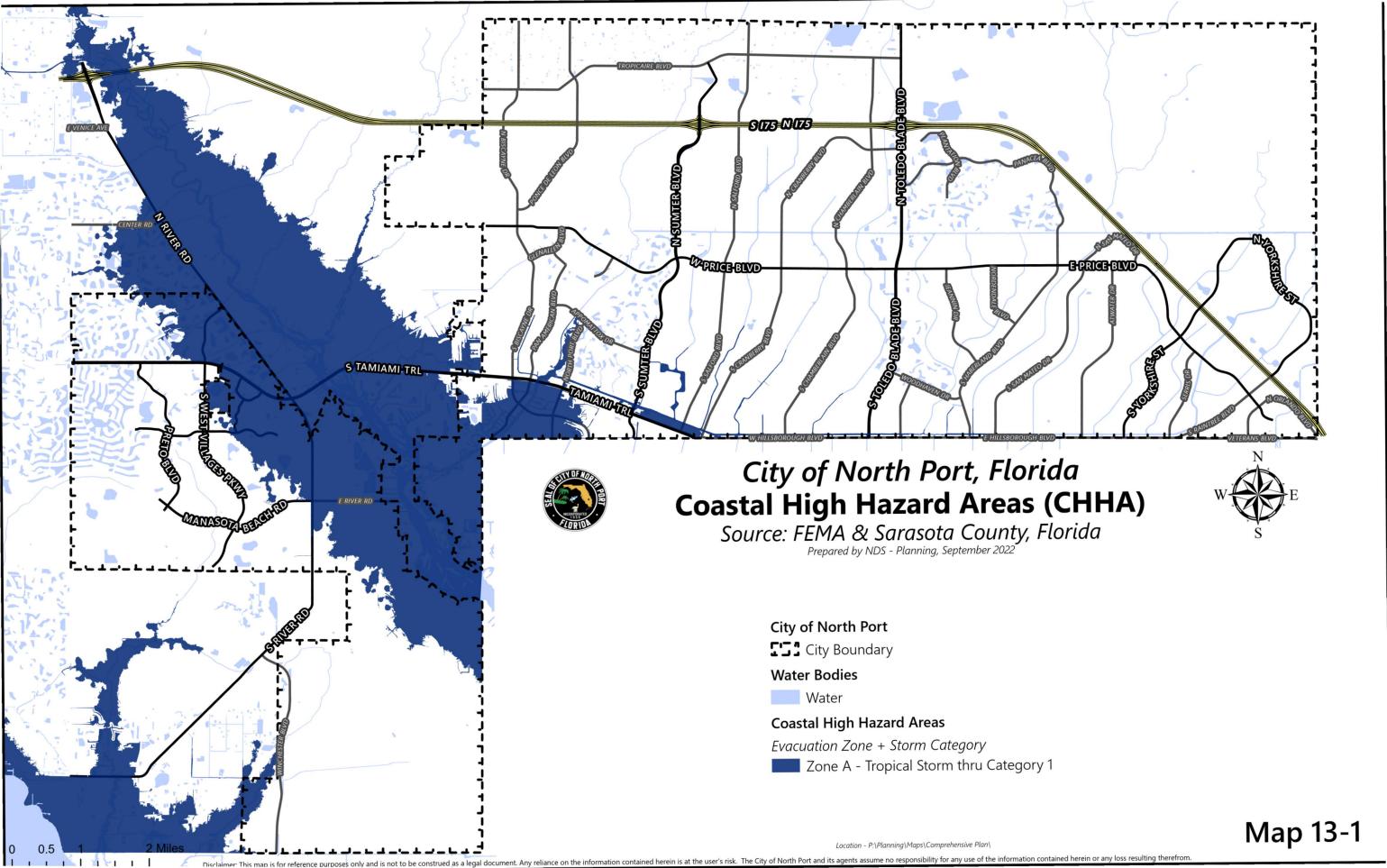
- 8.01 If not timely challenged, this ordinance takes effect thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City that the Comprehensive Plan Amendment package is complete, as provided in Florida Statutes Section 163.3184(3)(c).
- 8.02 If timely challenged, this ordinance takes effect upon the Florida Department of Economic Opportunity or Administration Commission entering a final order determining the adopted amendment complies with Florida Statutes Section 163.3184(3)(c).

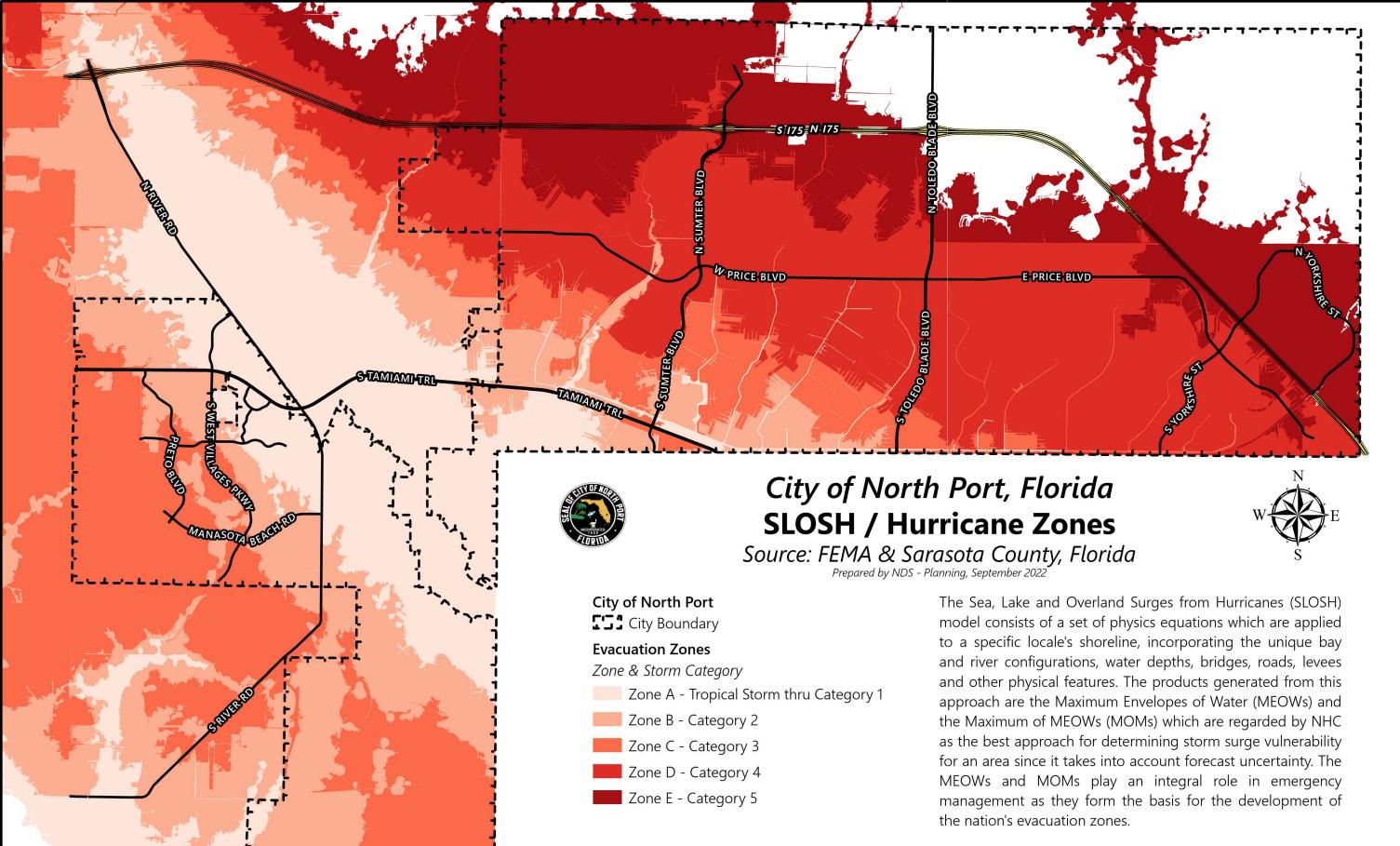
READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on November 22, 2022.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on January 24, 2023.

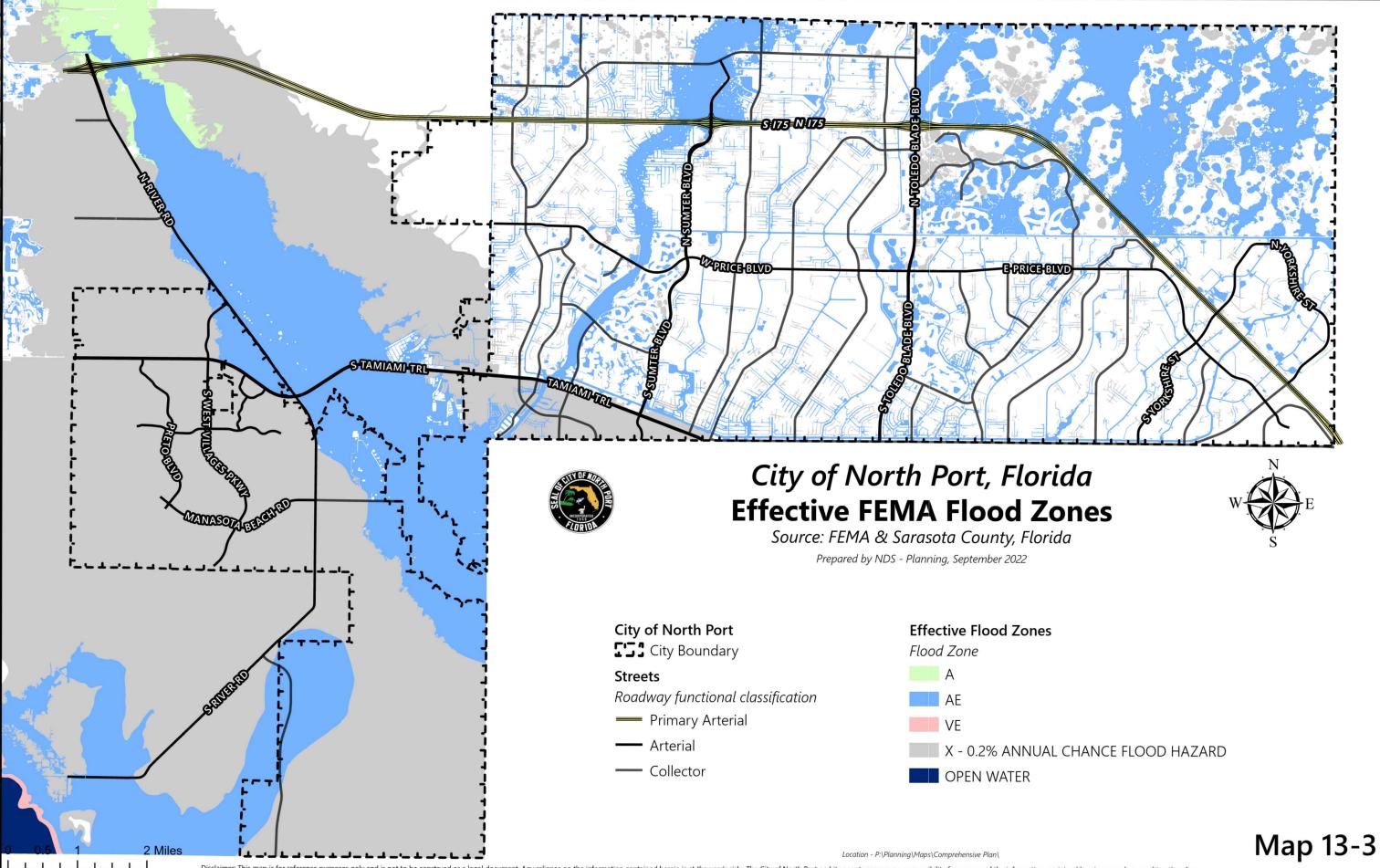
	CITY OF NORTH PORT, FLORIDA
	BARBARA LANGDON MAYOR
ATTEST	
HEATHER TAYLOR, MMC CITY CLERK	
APPROVED AS TO FORM AND CORRECTNESS	
AMBER L. SLAYTON, B.C.S. CITY ATTORNEY	

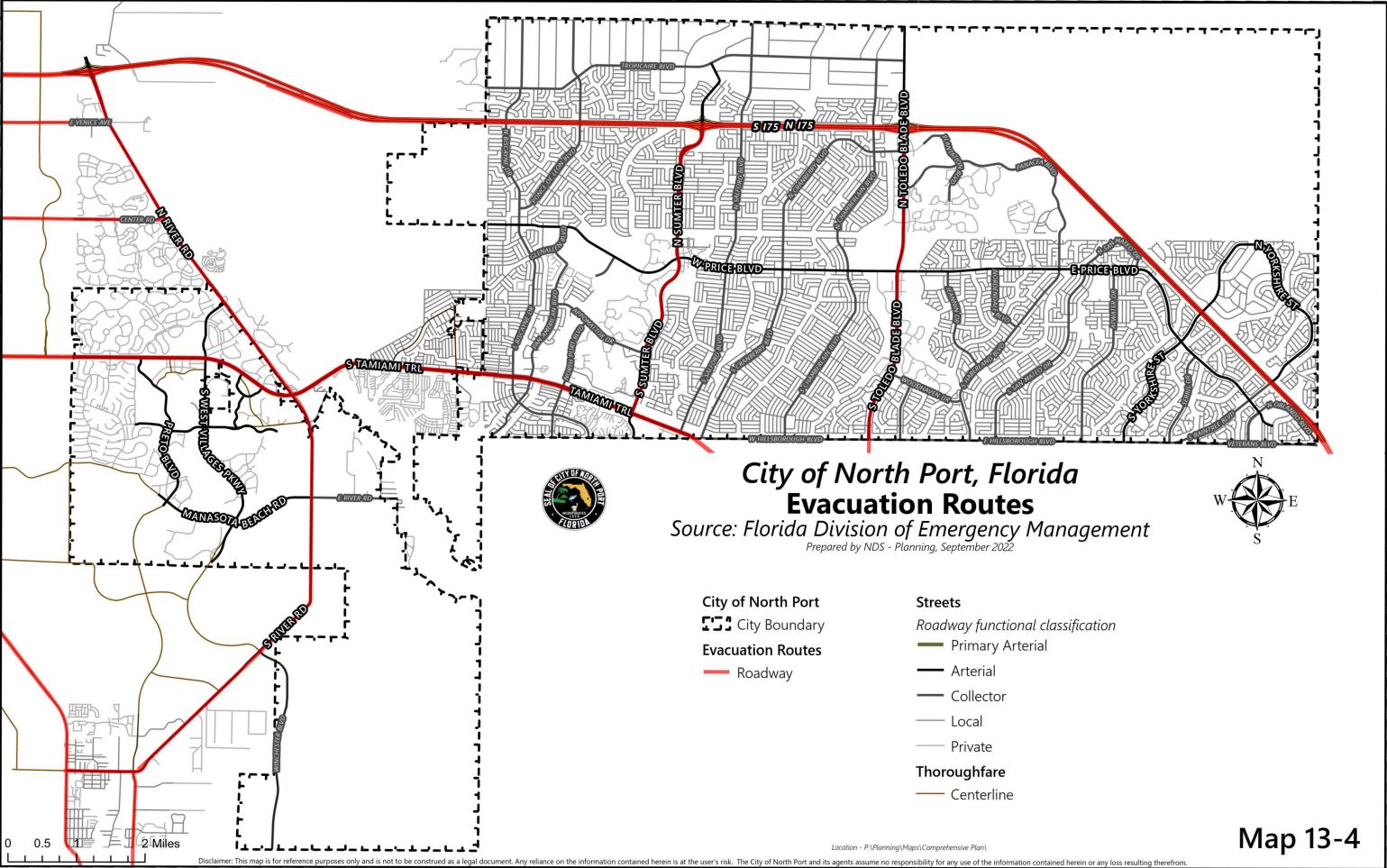
EXHIBIT A ORDINANCE NO. 2022-31

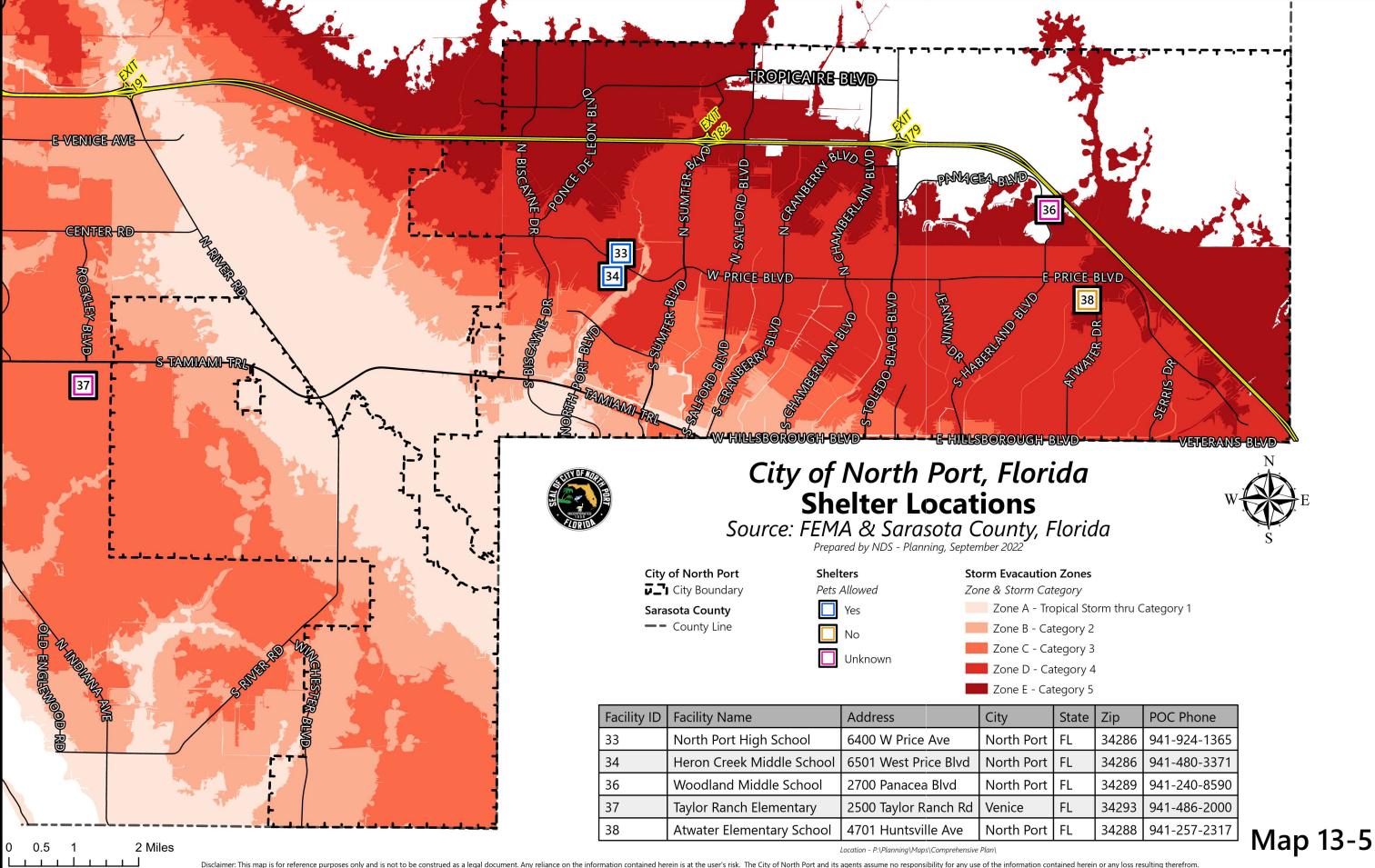


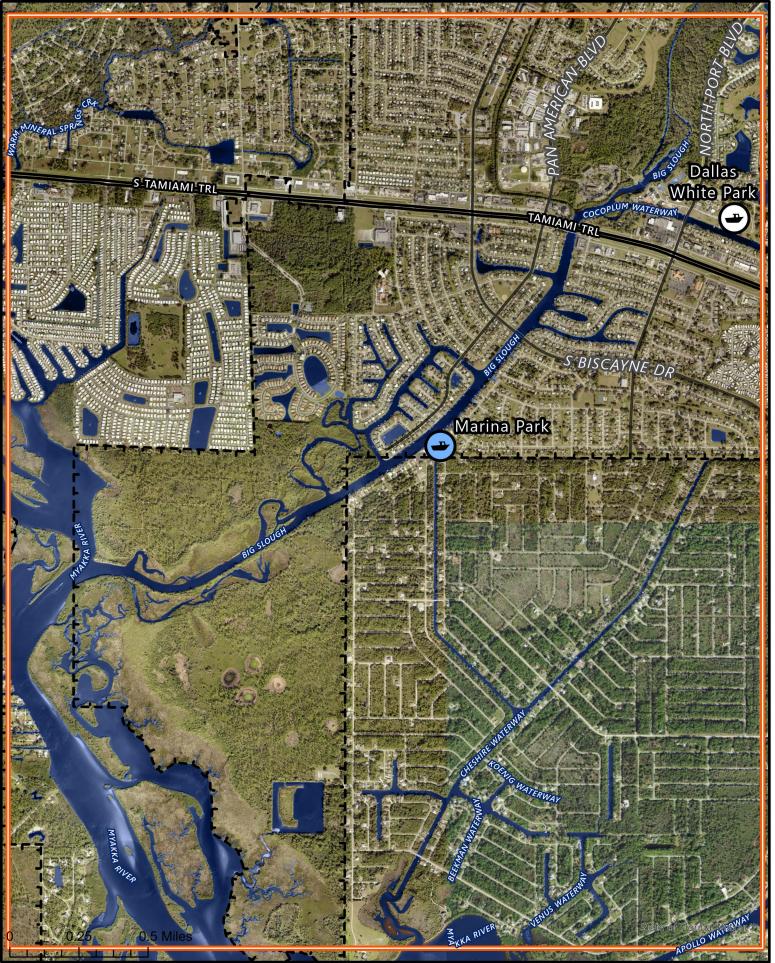


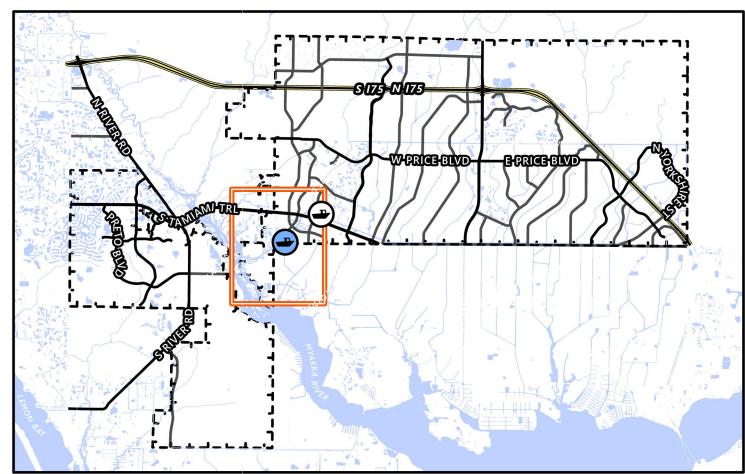
Map 13-2













City of North Port, Florida **Public Access to Coast**



Source: Sarasota County, Florida
Prepared by NDS - Planning, September 2022

City of North Port City Boundary

Map Extent

Extent Area

Public Coast Acccess Locations

Dallas White Park includes boat ramp



includes boat ramps and piers

Streets

Roadway functional classification

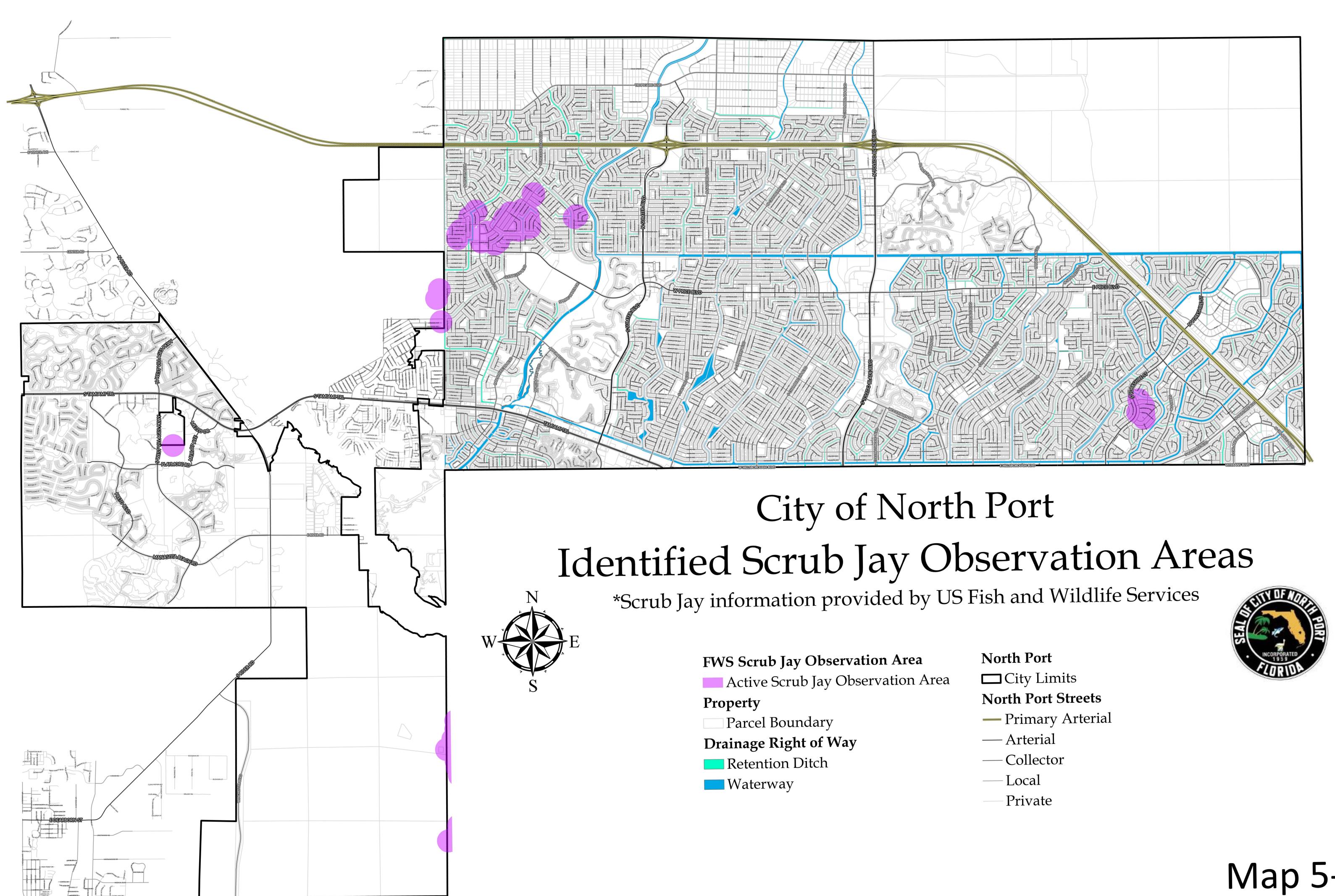
— Arterial

Collector

Map 13-6

Location - P:\Planning\Maps\Comprehensive Plan\

EXHIBIT B ORDINANCE NO. 2022-31



egal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting there from

