



# City of North Port

## ORDINANCE NO. 2019-27

1           **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE**  
2           **UNIFIED LAND DEVELOPMENT CODE, CHAPTER 1 – GENERAL PROVISIONS,**  
3           **ARTICLE II – ADMINISTRATION OF UNIFIED LAND DEVELOPMENT CODE, SECTION**  
4           **1-22 – FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;**  
5           **PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**  
6

7           **WHEREAS**, Section 1-22 of the Unified Land Development Code (ULDC) requires all applicants filing  
8 application materials required by the ULDC must pay an application fee at time of filing; and  
9

10          **WHEREAS**, the ULDC does not provide a mechanism by which to defer, waive, or refund such fees; and  
11

12          **WHEREAS**, the City codifies its fees at Appendix A to the Code of the City of North Port, Florida; and  
13

14          **WHEREAS**, Section 1-22 includes outdated language referring to adoption of fees by resolution; and  
15

16          **WHEREAS**, on November 13, 2018, the City Commission of the City of North Port directed the City  
17 Manager to present an ordinance related to the deferral, waiver, or refund of application fees for those  
18 vacation of easements involving encroaching structures built pursuant to improperly-issued building  
19 permits; and  
20

21          **WHEREAS**, on July 2, 2019, the City of North Port Planning and Zoning Advisory Board, designated as the  
22 Local Planning Agency for the City, held a properly noticed public hearing to receive public comments on  
23 the revision to the Unified Land Development Code; and  
24

25          **WHEREAS**, the City Commission has held properly-noticed public hearings to review the  
26 recommendations of the Planning and Zoning Advisory Board and to receive public comments on the  
27 revision of the Unified Land Development Code; and  
28

29          **WHEREAS**, the City Commission has determined that the proposed amendments serve the public health,  
30 safety, and welfare of the citizens of the City of North Port, Florida.  
31

32          **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**  
33

34 **SECTION 1 - FINDINGS**

35

36 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set  
37 forth herein.

38

39 **SECTION 2 - ADOPTION**

40

41 2.01 The City Commission hereby approves and adopts the following amendments to the Unified Land  
42 Development Code:

43

44 **“Chapter 1 – GENERAL PROVISIONS**

45

46 **ARTICLE II. – ADMINISTRATION OF UNIFIED LAND DEVELOPMENT CODE**

47 . . .

48 **Sec. 1-22. – Fees.**

49

50 A. ~~Upon filing all application materials required in these regulations, an application fee pursuant~~  
51 ~~to the City Commission adopted fee ordinance, as amended from time to time shall be paid.~~  
52 Except as provided herein, all application fees must be paid at the time of filing an application.  
53 Additionally, within thirty (30) days of invoice, applicants must pay ~~Any~~ all expenses incurred  
54 by the City ~~that exceed the amount of the application fee,~~ including but not limited to,  
55 advertising, postage, ~~or and~~ attorney costs, ~~over and above any application fee shall be~~  
56 reimbursed to the City by the applicant within thirty (30) days of invoice. Checks shall be made  
57 payable to the City of North Port. Applications or petitions initiated officially by the City, by  
58 its duly authorized agents, or officers are exempt from the payment of the fees and charges.

59

60 B. ~~Fees and charges are set forth in the Code of the City of North Port, Florida, Appendix A – City~~  
61 ~~Fee Structure. A schedule of these fees and charges shall be posted in the department~~  
62 ~~responsible for land development services and viewable by the public. The City Commission~~  
63 ~~hereby establishes a fee schedule and charges for matters pertaining to these zoning~~  
64 ~~regulations. It is the intent of these regulations that the City of North Port shall not be required~~  
65 ~~to bear any part of the cost of applications or petitions made under these zoning regulations~~  
66 ~~and that the fees and charges represent the actual cost of required legal advertising, postage,~~  
67 ~~clerical, filing and other costs involved in the processing of applications and petitions.~~

68

69 C. ~~The schedule of fees and charges shall be approved by the City Commission and may be~~  
70 ~~amended from time to time and shall be posted in the Department responsible for land~~  
71 ~~development services.~~

72

73 (1) ~~The charges may be changed by resolution of the City Commission and are not subject to~~  
74 ~~the procedure for amendment of these zoning regulations set out in Sec. 1-12.~~

75

76 (2) ~~Applications or petitions initiated officially by the City, by its duly authorized agencies, or~~  
77 ~~officers are exempt from the payment of the fees and charges.~~

78

79 C. ~~D.~~ Except as otherwise provided by this section, no action of any type or kind shall be taken on  
80 an application or petition until ~~Until~~ the applicable fees have been paid in full and proof of  
81 clear ownership has been verified, ~~no action of any type or kind shall be taken on an~~

82 ~~application or petition.~~ The ~~director~~ Director responsible for land development services may,  
83 prior to or at the time of application for rezoning or special exception, establish an  
84 alternative method of payment of the applicable fees and charges.  
85

86 D. Deferral of application fee. The provisions in this section apply only to applications to vacate  
87 easements.  
88

89 (1) Application. When applying to vacate an easement, an application to defer payment of  
90 the application fee may also be submitted if the vacation request is based upon a  
91 structural encroachment into the easement due to a building permit issued contrary to  
92 this Code. An application to defer must be submitted to the department responsible for  
93 land development services on an application provided by the city.  
94

95 (2) Review. The City Manager or designee will review the application to defer and determine  
96 whether, based on the information submitted, the vacation request is based upon a  
97 structural encroachment into the easement due to a building permit issued contrary to  
98 this Code. Within five (5) business days of a request being submitted, the City Manager  
99 or designee must approve or deny the request and notify the Planning Division.  
100

101 (a) If approved, the city shall process the application to vacate easement. Payment of the  
102 application fee shall be deferred, pending final determination by the city commission  
103 on the application to vacate easement.  
104

105 (b) If denied, the application to vacate easement will not be processed until the city  
106 receives full payment of the application fee.  
107

108 (3) Public hearing. At the public hearing regarding an application to vacate easement, the city  
109 commission may waive or require payment of any deferred application fee. The city  
110 commission may waive and refund any paid application fee.  
111

112 (4) Payment. If the city commission requires payment of a deferred application fee, the  
113 applicant must submit payment to the department responsible for land development  
114 services no later than three (3) business days after the date of the public hearing.  
115

116 (a) Payment is due regardless of whether the city commission grants or denies the  
117 vacation of easement.  
118

119 (b) Where the city commission grants an application for vacation of easement and  
120 requires payment of the application fee, the resolution granting the vacation of  
121 easement will not become effective or be recorded with the Sarasota County Clerk of  
122 Circuit Court until the application fee is paid.  
123

124 (c) Failure to make timely payment in full constitutes a violation of this Code and is  
125 enforceable through Chapter 2, Article IX of the Code of the City of North Port, Florida,  
126 as well as through any other remedy available at law to the city."

127 **SECTION 3 – CONFLICTS**

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129 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or  
130 portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

131

132 **SECTION 4 – SEVERABILITY**

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134 4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason  
135 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be  
136 deemed a separate, distinct, and independent provision and such holding shall not affect the  
137 validity of the remaining portions hereof.

138

139 **SECTION 5 – CODIFICATION**

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141 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any  
142 additional codification information and notations appear in *italics*. These editorial notations shall  
143 not appear in the codified text.

144

145 **SECTION 6 – EFFECTIVE DATE**

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147 6.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of  
148 North Port, Florida.

149

150 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public  
151 session this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

152 PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final  
153 reading in public session this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
CHRISTOPHER HANKS  
MAYOR

ATTEST:

\_\_\_\_\_  
KATHRYN WONG  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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AMBER L. SLAYTON  
CITY ATTORNEY