



## City of North Port

### ORDINANCE NO. 2019-01

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATED TO RIGHT-OF-WAY USE PERMITS, BUILDING PERMITS, AND CERTAIN SHED PERMITS AND FEES, BY AMENDING SECTION 70-24 – ADMINISTRATION, PERMITS, AND APPENDIX A – CITY FEE STRUCTURE, SECTION K – ROAD AND DRAINAGE FEES; REVOKING THE DIRECTION PROVIDED IN RESOLUTION NO. 2018-R-28; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 70-24 of the Code of the City of North Port, Florida requires any person engaging in any type of construction to obtain a right-of-way use permit and pay the applicable permit fee; and

**WHEREAS**, Appendix A, Section K of the Code of the City of North Port, Florida establishes a \$55.00 administrative/plan review fee due at the issuance of any permit; and

**WHEREAS**, on December 6, 2018, the City Commission adopted Resolution No. 2018-R-28, directing the City Manager to suspend enforcement of the right-of-way use permits and fees, as well as administrative/plan review fees, as applied to applications for sheds that are 200 square feet or less in area, are prefabricated, and will be installed without a slab; and

**WHEREAS**, the direction provided to the City Manager in Resolution No. 2018-R-28 remains in effect through November 1, 2019, unless modified, revoked, or extended by the City Commission; and

**WHEREAS**, on October 22, 2019, by majority vote, the City Commission extended the direction provided to the City Manager in Resolution No. 2018-R-28 until the time this ordinance takes effect; and

**WHEREAS**, the City Commission has 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 recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

## SECTION 2 – ADOPTION

- 2.01 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

### **“Chapter 70 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

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### **ARTICLE II. – DAMAGE TO ROADS, DRAINAGE FACILITIES OR UTILITIES**

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#### **Sec. 70-24. – Administration of ; permits.**

- (a) Right-of-way use permit. A right-of-way use permit allows the use of the city road system and the traversing of the drainage (swale) system.
- (1) Generally. Any person who engages in any type of construction ~~shall~~ must, prior to applying for a land clearing or building permit, obtain a right-of-way use permit from the Department of Public Works, road and drainage district, which permit allows the use of the city road system and the traversing of the drainage (swale) system. ~~Permits shall be applied for on forms furnished by the road and drainage district. Said forms shall indicate the appropriate permit fee.~~
- (2) Exception. No right-of-way use permit is required to erect a shed that is 200 square feet or less in area, is prefabricated, and will be installed without a slab. Additionally, no administrative/plan review fee will be charged for such a shed.
- (3) ~~(b)~~ Permit issuance. The Director of the Department of Public Works or director of the road and drainage district or his ~~designee~~ shall have ~~has~~ the duty to approve or disapprove applications for right-of-way use permits. ~~Prior to approval, the director shall cause~~ Application review includes an inspection ~~to be made~~ of the stormwater management system, which may be impacted by the proposed ~~development~~ activity. During the inspection, photographs may be taken to accurately depict the condition of the stormwater management system prior to the issuance of the right-of-way use permit. All right-of-way use permits ~~shall~~ have a specified expiration date.
- (4) Repair and restoration. Permittees must repair and restore stormwater management systems to the condition that existed prior to the issuance of the right-of-way use permit. Failure of a permittee to repair or restore a damaged stormwater management system constitutes a violation of this Code. Upon the failure of a permittee to repair or restore a damaged stormwater management system to its preexisting condition, the city may perform necessary repairs or restoration
- ~~(b) (c)~~ Building permits. ~~The applicant shall then apply for~~ Any person who engages in any type of construction must obtain a building permit from the ~~Building department~~ Division. The application must and shall attach include the issued right-of-way use permit, if applicable. ~~road and drainage form to said building permit application.~~

(c) (d) Fees. All permit fees are payable to the ~~building department~~ City of North Port, Florida. The Finance Department will assure for the proper accounting of all permit fees collected and credits posted to each respective department.

~~(e) — The finance officer shall be responsible to assure for the proper accounting of all permit fees and that the proper credits are posted to each respective division.~~

~~(f) — The permit fee schedule shall be as established by ordinance. The permit fee is attached hereto and incorporated herein as Exhibit "A" [appendix A to this Code].~~

(d) (g) Road and drainage facilities construction.

(1) Any person who engaged in the construction of new roads and/or facilities shall ~~provide process~~ three sets of construction and paving plans to the Department of Neighborhood Development Services. ~~planning department.~~

(2) (h) The Director of the Department of Neighborhood Development Services or designee ~~director of the planning department~~ shall process said these construction plans through the ~~p~~Planning and ~~z~~Zoning ~~a~~Advisory ~~b~~Board and ultimately to the city commission pursuant to provisions of the ~~u~~Unified ~~l~~Land ~~d~~Development ~~e~~Code, as amended.

(3) (i) Upon the final action of the ~~e~~City ~~e~~Commission, said plans shall be processed to the Director of the Department of Public Works ~~director of the road and drainage division~~, who shall notify the person engaged in the construction project of the status of said plans and shall issue a no-fee permit for the same.

(4) (j) Inspections and the ultimate acceptance of the road and drainage facilities ~~shall~~ will follow the provisions of the ~~u~~Unified ~~l~~Land ~~d~~Development ~~e~~Code.

~~(k) Permittees shall repair and restore stormwater management systems to the condition that existed prior to the issuance of the right-of-way use permit. Failure of a permittee to repair or restore a damaged stormwater management system shall constitute a violation of this Code. Upon the failure of a permittee to repair or restore a damaged stormwater management system to its preexisting condition, the city may perform necessary repairs or restoration."~~

2.02 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

**"APPENDIX A – CITY FEE STRUCTURE**

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**K. ROAD AND DRAINAGE FEES**

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|   |         |
|---|---------|
| Right-of-way use permit ( <del>sheds 200 square feet or less are exempt</del> ) | \$50.00 |
| ...   |         |

### SECTION 3 – REVOCATION OF DIRECTION PROVIDED IN RESOLUTION NO. 2018-R-28

- 3.01 The direction provided to the City Manager in Resolution No. 2018-R-28 is hereby revoked by the City Commission.

### SECTION 4 – CONFLICTS

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

### SECTION 5 – SEVERABILITY

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

### SECTION 6 – CODIFICATION

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

### SECTION 7 – EFFECTIVE DATE

- 7.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on the 22nd day of October 2019.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this 12th day of November 2019.

CITY OF NORTH PORT, FLORIDA

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CHRISTOPHER HANKS  
MAYOR

ATTEST

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HEATHER TAYLOR, CMC  
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON  
CITY ATTORNEY