



Legislation Details (With Text)

**File #:** ORD. NO. 2019-01      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 9/24/2019      **In control:** City Commission Regular Meeting

**On agenda:** 11/12/2019      **Final action:** 11/12/2019

**Title:** 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 2019-01 Second Reading, 2. Ordinance 2019-01 First Reading, 3. Request for Legal Services dated December 20, 2018, 4. Response to Request for Legal Services dated September 19, 2019, 5. Resolution - 2018-R-28

Date	Ver.	Action By	Action	Result
11/12/2019	1	City Commission Regular Meeting	approved with staff recommendations	Pass
10/22/2019	1	City Commission Regular Meeting	approved as amended	Pass
10/22/2019	1	City Commission Regular Meeting	read by title only	Pass
10/22/2019	1	City Commission Regular Meeting	continued for second reading	
10/22/2019	1	City Commission Regular Meeting	amended	Pass

**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** Ordinance No. 2019-01, 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 and Revoking the Direction Provided in Resolution No, 2018-R-28.

**Recommended Action**

Continue Ordinance No. 2019-01 to second reading on November 12, 2019.

*Recommended Action for Second Reading:* Approve Ordinance 2019-01.

**Background Information**

The following provides a chronological order of events regarding the permitting fees and process for sheds that are less than 200 square feet in area, are prefabricated and will be installed without a slab:

1. November 1, 2018: During the Special City Commission Meeting, the following actions were taken by the Commission:

- There was a consensus by majority that the changes should make it easier and less costly to put up a prefabricated shed, not on a slab, that is 200 feet or less.
  - There was a unanimous consensus that there should not be a need for the Public Works permit, and that a building permit would still be required.
  - There was a unanimous consensus to use the Health Department Septic Site Plan or survey.
  - A motion was made to direct Staff to bring back a resolution to address implementation of the permit fees and processes for sheds 200 square feet and under as expressed in the Commission consensus while waiting for the legislation to come, and Staff will look into the code as to what needs to be modified.
  - A motion was made to amend the motion to have Staff present a resolution on or before December 6, 2018.
  - A vote was taken on the main motion, as amended, to bring back a resolution to address implementation of the permit fees and processes for sheds 200 square feet and under as expressed in the Commission consensus while waiting for the legislation to come, and Staff will look into the code as to what needs to be modified.
2. December 6, 2018: During the Special City Commission Meeting, the following actions were taken by the Commission:
- 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 less than 200 square feet in area, are prefabricated, and will be installed without a slab.
  - 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.
3. December 20, 2018: A Request for Legal Services was prepared by Rick Hopkins, Building Official requesting review of proposed Ordinance No. 2019-01, amending the North Port City Code, Chapter 14, Building and Construction Regulations, Article II, Florida Building Code, Section 14-20, (b), by amending Chapter 1 of the Florida Building Code, Section 107.2.5 Site Plan. The proposed Ordinance would provide an exception to utilize a Health Department site plan depicting the location of the proposed shed on the property for sheds constructed on-site and portable sheds under 200 square feet.
4. January 2019 - June 2019: Proposed Ordinance No. 2019-01 only addressed one of the Commission's directives pertinent to the use of the Health Department site plan for sheds that are less than 200 square feet in area, are prefabricated and will be installed without a slab. As such, the Departments of Neighborhood Development and Public Works coordinated with the City Attorney's Office to critique and revise Section 70-24 and Appendix A, Section K of the Code of the City of North Port, Florida, to ensure that all of the Commission's directives provided during the Special City Commission Meeting on November 1, 2018, were in fact included in proposed Ordinance No. 2019-01.
5. July 2019 - August 2019: The City Attorney's office incorporated the appropriate revisions into proposed Ordinance No. 2019-01.
6. September 19, 2019: The City Attorney's office provided the following Response to Legal Services pertinent to proposed Ordinance No. 2019-01:

"The above-referenced Request for Legal Services has been reviewed.

Ordinance No. 2019-01 Regarding Sheds

The attached Ordinance No. 2019-01 has been revised so as to be legally correct as to form.

Ordinance Template to Amend Building Code

Also attached is a draft ordinance that can be used to amend Chapter 1 of the Florida Building Code, which is adopted in Section 14-20(b) of the Code of the City of North Port, Florida; part of the North Port Building Code. Local amendments to Chapter 1 of the Florida Building Code can be made pursuant to the requirements set out in Florida Statutes Section 553.79(4)(a).

Statutory Requirements

Florida Statutes Section 553.79(4)(a) requires that local governments comply with the specific standards of the Florida Building Code, but allows amendments to be made to the administrative provisions found in Chapter 1 of the Florida Building Code as long as they are more stringent than the minimum standards provided by the statute. All local amendments must be transmitted to the Florida Building Commission within 30 days of enactment, and the local government must make such local amendments available to the general public in a usable format.”

In accordance with the Commission’s directive, staff has drafted proposed Ordinance No. 2019-01 for sheds that are less than 200 square feet in area, are prefabricated and will be installed without a slab. As such, staff recommends approval of proposed Ordinance No. 2019-01.

Added for Second Reading

During the City Commission Regular Meeting held on October 22, 2019, the Commission considered Ordinance No. 2019-01 at the First Reading and directed the following changes:

1. Page 1 of 5, third Whereas, lines 7 through 10 change to read as follows:

“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 ~~less than~~ less 200 square feet or less in area, are prefabricated, and will be installed without a slab; and”

2. Move Resolution No. 2018-R-28 to Second Reading.

At the conclusion of the discussion, the Commission moved to continue 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 and Effective Date, to clarify this includes sheds to 200 square feet or less, and moving Resolution No. 20219-R-28 to Second Reading.

**Strategic Plan**

Affordability, Growth & Development  
Efficient & Effective Government

**Financial Impact**

Historically, the Department of Public Works has received revenue for the plans review fee (\$55.00) and the right-of-way inspection fee (\$50.00) for sheds in the Road and Drainage District budget, account number 107-0000-349.30-00, City Wide Fee Ordinances. For example, in Fiscal Year 2017-2018, there were a total of 174 non-structural shed permits under 200 square feet in size issued. Public Works received a total of \$19,140.00 in revenue for the plans review fees and right-of-way inspection fees. In Fiscal Year 2018-2019, there were a total of 181 non-structural shed permits under 200 square feet in size issued. Public Works received a total of \$19,910.00 in revenue for the plans review fees and right-of-way inspection fees. Therefore, if between 175 - 200 non-structural sheds under 200 square feet in size are constructed in Fiscal Year 2019-2020, the Department of Public Works will have a decrease in revenue between \$19,000

and \$20,000 for plans review fees and right-of-way inspection fees. There will be a cost savings to the Road and Drainage District from lower overtime costs for the Infrastructure Inspectors as their overall workload will be reduced due to the fact it will no longer be necessary for them to review the plans and conduct inspections for prefabricated sheds less than 200 square feet in area installed without a slab.

**Procurement**

Not applicable.

**Attachments:**

1. Ordinance No. 2019-01 Second Reading
2. Ordinance No. 2019-01 First Reading
3. Request for Legal Services dated December 20, 2018
4. Response to Request for Legal Services dated September 19, 2019
5. Resolution No. 2018-R-28

**Prepared by:** Juliana B. Bellia, Public Works Director

**Department Director:** Juliana B. Bellia, Public Works Director