



## Legislation Text

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**File #:** 17-0914, **Version:** 1

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

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

**TITLE:** Ordinance No. 2017-09, second reading, amending Part II, Chapter 42, Article II of the City Code, repealing Article II Lot Clearing in its entirety, enacting a new Article II Lot Clearing.

### **Recommended Action**

Approve Ordinance 2017-09, amending Part II, Chapter 42, Article II of the City Code, repealing Article II Lot Clearing in its entirety, enacting a new Article II Lot Clearing.

### **Background Information**

At the March 7, 2017 Commission Regular Meeting the Commission continued Ordinance No. 2017 to the April 25, 2017 meeting for second reading and directed staff to review and provide notes to the Commission.

At the February 21, 2017, Special Meeting the Commission discussed the current city code and potential revisions as it pertains to excessive growth and dead trees.

Prior to changes made to Chapter 42 Article II sec. 42-21 by adoption of Ordinance 2012-27 in February 2013, it had been a violation for growth of vegetation to impinge upon neighboring properties and property owners were required to remove any, and all dead trees on their property. Ordinance 2012-27 removed language pertaining to dead trees as well as impinging growth on neighboring properties therefore eliminating code enforcement action and instead by default corrective action would require civil action. The code changes were primarily driven by staffing and budgetary challenges during that time as well as to address the issue of property owners being restricted from allowing their land to return to its natural state.

Over time there has been public feedback expressing the desire to restore language in the code regarding dead trees and impinging growth on neighboring properties. At the February 21<sup>st</sup> meeting Mayor Yates mentioned that she had drafted a revised version of Article II in its entirety to address impinging growth and dead trees and, clean up some of the language that appeared inconsistent, irrelevant and or unclear. Commission directed the Mayor present the revised Article II in an Ordinance for first reading at the March 7th Commission Regular Meeting and provide a draft strike through/underline version of the language changes.

Ordinance 2017-09 as prepared by Mayor Yates is attached which repeals the existing Chapter 42 Article II code and replaces it with a new Article II. Also attached is the Mayor's updated draft showing changes in strike through/underline format with notations. The essential changes to the code language reflects the following:

- Consistency throughout Article II in defining excessive growth and its application.
- Reorganization of language including removing redundant text and combining relevant text.
- Clarifying a fire and/or health hazard and breeding places for critters and pests as created by accumulation of debris.
- Removing definitions which had no relevancy within the provisions of this section of the code.
- Added and clarified definitions relevant to provisions of this section of the code
- Added language to address impinging growth on improved or developed properties with enforcement actions

- prompted by a complaint made to the city.
- Considerations for existing habitat of state or federal endangered species.
- Clarified language to preserve private property rights in retaining or returning land to its natural state.
- Clarified private property owners are not burdened with responsibility for property they do not own nor for damages on their property caused by the public's use of right-of-way easement areas.
- Added language for removal of hazardous trees within striking distance of people or objects.

This item is for Commission consideration of Ordinance No. 2017-09.

The Ordinance has been approved as to form and correctness by the City Attorney.

### **Strategic Plan**

N/A

### **Financial Impact**

N/A

### **Procurement**

N/A

#### **Attachments:**

1. Email from Mayor Yates.
2. Ordinance 2017-09
3. Draft Revisions City Code Chapter 42 Article II Lot Clearing
4. Memorandum from Scott Williams

**Prepared by:** Patsy Adkins for Mayor Yates

**Department Director:** Patsy Adkins