



City of North Port

ORDINANCE NO. 2024-23

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO THE NORTH PORT**
 2 **ROAD AND DRAINAGE DISTRICT AND THE CONSTRUCTION TRAFFIC ROAD FEE;**
 3 **AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 66, SPECIAL**
 4 **DISTRICTS, ARTICLE III. – ROAD AND DRAINAGE DISTRICT, TO ELIMINATE CONFLICTS**
 5 **WITH THE UNIFIED LAND DEVELOPMENT CODE, UPDATE REFERENCES, CLARIFY**
 6 **ENFORCEMENT PROVISIONS, AND CLARIFY THE TIMING OF PAYMENT FOR THE**
 7 **CONSTRUCTION TRAFFIC ROAD FEE; PROVIDING FOR FINDINGS; PROVIDING FOR**
 8 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND**
 9 **PROVIDING AN EFFECTIVE DATE.**

10
 11 **WHEREAS**, on August 6, 2024, the City Commission adopted Ordinance No. 2024-13, providing for the
 12 repeal of Unified Land Development Code (“ULDC”), Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41,
 13 45, 49, 53, 55, 57, 58, 59, 60, and 61, and replacement of those chapters with Chapters 1 through 4 and
 14 6, and Appendices; and

15
 16 **WHEREAS**, on August 6, 2024, the City Commission adopted Ordinance No. 2024-14 providing for the
 17 repeal of Unified Land Development Code, Chapter 29, and replacement of that chapter with Chapter 5;
 18 and

19
 20 **WHEREAS**, provisions in Chapter 66, Article III of the Code of the City of North Port, Florida (“City Code”)
 21 regarding review of construction and paving plans conflict with the ULDC; and

22
 23 **WHEREAS**, provisions in Chapter 66, Article III of the City Code regarding regulation and permitting of
 24 signs in the right-of-way conflict with Chapter 5 of the ULDC; and

25
 26 **WHEREAS**, these amendments are required to achieve consistency between the City Code and the ULDC;
 27 and

28
 29 **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare
 30 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 above recitals are true and correct and are incorporated in this ordinance by reference.

37
38 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business
39 impact estimate on the City’s website on or before the date the newspaper published notice of
40 this ordinance’s final reading.

41
42 **SECTION 2 – ADOPTION**

43
44 2.01 Chapter 66 of the Code of the City of North Port, Florida is hereby amended as follows:

45
46 **“Chapter 66 – SPECIAL DISTRICTS**

47 ...

48 **ARTICLE III. – ROAD AND DRAINAGE DISTRICT**

49 ...

50 **DIVISION 1. – IN GENERAL**

51 ...

52 **Sec. 66-47. – Legislative intent and purpose.**

53 ...

54 (c) In furtherance of said declarations, the specific purpose in creating this municipal service
55 assessment and benefit-dependent special district is:

56 ...

57 (2) To review construction and paving plans as an integral part of the ~~Staff Development~~
58 Review (SDR) development review pursuant to Chapter 2 of the Unified Land
59 Development Code regarding all streets and drainage that are subject to this Article;

60 ...

61
62 **Sec. 66-52. Powers and duties.**

63 (a) The District is charged with the authority and responsibility:

64 ...

65 (2) To review construction and paving plans as an integral part of the ~~Staff Development~~
66 Review (SDR) development review pursuant to Chapter 2 of the Unified Land
67 Development Code for all streets and drainage that are subject to this Article;

68 ...

69 (5) To require and grant permits for the placement of structures, ~~signs~~ and other fixtures
70 upon the right-of-way within the City of North Port.

71 ...

72
73 **Sec. 66-62. Culvert and right-of-way use permits.**

74 (a) Pursuant to authority of this Article, the District has the power to require permits for the
75 placement of structures, ~~signs~~ and other fixtures within the Road and Drainage right-of-way
76 of the City of North Port.

77

78 (b) The governing body shall, by resolution, adopt procedures for the issuance of permits for the
79 placement of structures, ~~signs~~ and other fixtures within the Road and Drainage right-of-way
80 of the City of North Port.

81

- 82 (c) Except as otherwise provided in this section, no person shall construct, install, place or
83 maintain structures, signs or other fixtures within the Road and Drainage right-of-way of the
84 City of North Port without a currently valid permit issued by the District.
85
- 86 ~~(d) Right of way use permits shall not be required for the temporary placement of garage sale~~
87 ~~signs.~~
88
- 89 ~~(e) Right of way use permits shall not be required for the temporary placement of real estate~~
90 ~~"Open House" signs provided that such temporary placement is in compliance with the~~
91 ~~following terms and conditions:~~
92
- 93 ~~(1) No more than three directional signs may be placed within the City right of way per "open~~
94 ~~house".~~
95
- 96 ~~(2) Directional signs shall not exceed two square feet in size.~~
97
- 98 ~~(3) The name, address and telephone number of the person placing the "Open House" sign~~
99 ~~within the City right of way and the date of the open house shall be written on each sign.~~
100
- 101 ~~(4) No more than three "Open House" signs may be placed within the City right of way~~
102 ~~adjacent to the real property for sale. Such signs shall not exceed four square feet in size.~~
103
- 104 ~~(5) "Open House" signs may be placed within the City right-of-way from dawn to dusk on the~~
105 ~~day the open house is to be conducted.~~
106
- 107 ~~(6) All "Open House" signs must be removed from the City right of way by dusk on the day(s)~~
108 ~~the open house is conducted.~~
109
- 110 ~~(7) No "Open House" sign may be nailed, fastened or affixed to any tree, utility pole, street~~
111 ~~sign or any traffic control device.~~
112
- 113 ~~(fd) The construction, installation, placement or maintenance of structures, signs or other fixtures~~
114 ~~within the Road and Drainage right-of-way of the City of North Port, without a currently valid~~
115 ~~permit issued by the District or in violation of the terms and conditions of this Section shall~~
116 ~~constitute a violation of this Article.~~
117
- 118 ~~(ge) Any structure, sign or other fixture constructed, installed, placed or maintained within the~~
119 ~~Road and Drainage right-of-way of the City of North Port, without a currently valid permit~~
120 ~~issued by the District or in violation of the terms and conditions of this Section, shall constitute~~
121 ~~a public nuisance and may be removed by the District as provided by law.~~
122
- 123 ~~(h) All "Open House" signs shall be set back a minimum of 15 feet from the travel lane or, in the~~
124 ~~absence of a 15 foot right of way area, "Open House" signs shall be set back one half of the~~
125 ~~distance of the right-of-way area from the travel lane.~~
126 ...
127
128

DIVISION 2. – ROAD MAINTENANCE REHABILITATION PROGRAM

...

Sec. 66-69. Construction traffic road fee.

(a) A construction traffic road fee is hereby established. The fee must be paid prior to the issuance of a building right-of-way use permit and will be assessed as follows:

...

Sec. 66-70. Enforcement.

(a) In addition to other lawful enforcement procedures, the city may enforce the collection of charges required by the road maintenance rehabilitation program by withholding delivery of ~~building a right-of-way use permits~~ until the construction traffic road fees are paid.

(b) Construction that has begun without the payment of the construction traffic road fees shall be ~~handled subject to enforcement pursuant to other sections Chapter 2, Article IX of this Code and/or the Florida Building Code with regard to construction without a building permit.~~

...

Sec. 66-71. Fee waiver.

(a) *Timing.* Prior to the issuance of a building right-of-way use permit, a property owner or authorized applicant intending to engage in construction of a multi-family residential, nonresidential, or commercial development may request a waiver of the applicable construction traffic road fee by submitting an application for the fee waiver on the city's approved form. In the event the property owner or authorized applicant seeks issuance of a building right-of-way use permit before the final determination is made on a pending fee waiver application, then the total construction traffic road fees due must be deposited with the city prior to its issuance of the building right-of-way use permit, and a refund shall be issued by the city if the waiver is granted

...”

SECTION 3 – CONFLICTS

3.01 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 4 – SEVERABILITY

4.01 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 5 – CODIFICATION

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

176 **SECTION 6 – EFFECTIVE DATE**

177
178 6.01 This ordinance takes effect on October 28, 2024.

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180
181 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
182 session on July 23, 2024.

183
184 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in
185 public session on August 6, 2024.

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187
188
189 CITY OF NORTH PORT, FLORIDA

190
191
192
193 _____
194 ALICE WHITE
195 MAYOR

196 ATTEST

197
198
199 _____
200 HEATHER FAUST, MMC
201 CITY CLERK

202
203 APPROVED AS TO FORM AND CORRECTNESS

204
205
206
207 _____
208 AMBER L. SLAYTON, B.C.S.
209 CITY ATTORNEY