



City of North Port

ORDINANCE NO. 2024-24

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 70 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES; CREATING A NEW ARTICLE IV – CANOPY ROAD ZONE DESIGNATION; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 6, 2024, the City Commission adopted Ordinance No. 2024-13, providing for the repeal of Unified Land Development Code, Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41, 45, 49, 53, 54, 55, 57, 58, 59, 60, and 61, and replacement of those chapters with Chapters 1 through 4 and 6, and Appendices; and

WHEREAS, pursuant to Ordinance No. 2024-13, certain processes and regulations related to the administration of permits and inspections currently found in Chapter 70 of the Code of the City of North Port, Florida (“City Code”), now appear in the newly adopted Unified Land Development Code; and

WHEREAS, regulations regarding canopy roads are more appropriately addressed in the City Code than in the Unified Land Development Code, as these are not land development regulations as described in Florida Statutes Section 163.3202; and

WHEREAS, the City Commission finds that these 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 above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of this ordinance’s final reading.

SECTION 2 – ADOPTION

- 2.01 Chapter 70 of the Code of the City of North Port, Florida is hereby amended as follows:

“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.

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~~(b) *Building permits.* Any person who engages in any type of construction must obtain a building permit from the building division. The application must include the issued right of way use permit, if applicable.~~

~~(c) (b) *Fees.* All permit fees are payable to the 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.~~

~~(d) *Road and drainage facilities construction.*~~

~~(1) Any person who engaged in the construction of new roads and/or facilities shall provide three sets of construction and paving plans to the department of development services.~~

~~(2) The director of the department of development services or designee shall process these construction plans through the planning and zoning advisory board and ultimately to the city commission pursuant to provisions of the Unified Land Development Code, as amended.~~

~~(3) Upon the final action of the city commission, said plans shall be processed to the director of the department of public works, 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) Inspections and the ultimate acceptance of the road and drainage facilities will follow the provisions of the Unified Land Development Code.~~

Sec. 70-25. – Inspections.

...

~~(b) The building official shall not issue a certificate of occupancy until and unless all departments involved in the construction project evidence approval by affixing their signature or initials on the building official's building control card. Any and all deficiencies noted by any department involved in the construction project shall be corrected prior to the issuance of the certificate of occupancy.~~

~~(c) The director of the road and drainage district or his designee shall inspect stormwater management systems for which right of way use permits have been issued upon notification by the building official that a certificate of occupancy has been requested. No certificate of occupancy may be issued until the director of the road and drainage district is satisfied that any damage caused to a stormwater management system during development activities has been repaired or restored to preexisting conditions.~~

- (d) (b) The permittee of a right-of-way use permit issued for a development activity ~~which does not require a building permit~~ shall notify the director of the road and drainage district or his designee when all work associated with the right-of-way use permit has been completed. Upon receipt of notification from a permittee or upon the expiration of a right-of-way use permit, whichever occurs first, the director of the road and drainage district or his designee shall inspect the stormwater management system for which the permit was issued. The director of the road and drainage district or his designee shall notify the permittee of any damage to the stormwater management system observed during the inspection and shall direct the permittee to repair and restore the damaged stormwater management system to its preexisting condition.”

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ARTICLE III. – STREET NAMING AND PROPERTY NUMBERING

Sec. 70-54. – Definitions.

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Department. ~~The city’s development services department planning and zoning of the City of North Port, Florida.~~

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Owner. Any and all persons, firms, partnerships, trusts, corporations, associations or other legal entities ~~which that own the fee title to any structure or real property located within the city City of North Port, Florida.~~

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ARTICLE IV. – CANOPY ROAD DESIGNATION

Sec. 70-70. – Definitions.

Canopy road. A public travel way shaded by tree canopy and designated by the city commission pursuant to this article.

Canopy road clear zone. The tree canopy above a canopy road trimmed up to 16 feet above the travel way surface for vehicle clearance and/or the canopy above pedestrian zones trimmed to eight feet above ground surface and two feet laterally from edge of sidewalk.

Canopy road protection area. The width and length of a public travel way right-of-way that has been designated as a canopy road.

Sec. 70-71. – Canopy road characteristics.

(a) A canopy road must have a minimum of fifty percent (50%) overhead coverage per section of travel way as measured by branching, drip line, shadows, and other visual cues. Evaluation is based on tree canopy coverage as a percentage of overall travel way length, on canopy condition and composition.

(b) A canopy road must consist of a minimum of seventy-five percent (75%) native plant species and naturalized plant species.

- (c) A canopy road may be composed of more than one (1) segment of different travel ways, provided they are contiguous.

Sec. 70-72. – Canopy road authority and process for designation.

- (a) The city commission may designate any travel way having the characteristics specified in this article as a canopy road.
- (b) Any citizen or appropriate advisory board may submit a request seeking the designation of a travel way to as a canopy road. A request must explain how the travel way meets the characteristics set forth in this article.
- (c) The city will post signage designating a canopy road and will ensure maintenance of the canopy road clear zone.”

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.

SECTION 6 – EFFECTIVE DATE

- 6.01 This ordinance takes effect on October 28, 2024.

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

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

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY