



# City of North Port

## ORDINANCE NO. 2024-04

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE TO INCORPORATE THE REVISED FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AND RELATED DEFINITIONS BY AMENDING SECTIONS 17-9 AND 17-84; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Port participates in the National Flood Insurance Program (“NFIP”) and the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

**WHEREAS**, effective March 27, 2024, the Federal Emergency Management Agency (“FEMA”) shall issue a revised Flood Insurance Study and Flood Insurance Rate Maps for Sarasota County, Florida, and its incorporated areas; and

**WHEREAS**, the City Commission finds it in the public interest to amend the Unified Land Development Code (“ULDC”) to identify the effective date of FEMA’s revised Flood Insurance Study and Flood Insurance Rate Maps; and

**WHEREAS**, the Planning and Zoning Advisory Board, designated as the local planning agency, held a properly noticed public hearing on February 15, 2024, to receive public comment on the subject matter of this ordinance and to make its recommendation to the City Commission; and

**WHEREAS**, the City Commission of the City of North Port held properly noticed public hearings at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive public comment on the subject matter of this ordinance; and

**WHEREAS**, the City Commission finds that its action serves 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 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this ordinance is enacted to implement Part II of Florida Statutes Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.
- 1.03 The City Commission finds the regulations in this ordinance to be consistent with the North Port Comprehensive Plan.
- 1.04 The City Commission finds that, pursuant to Section 14 of Chapter 2023-304, Laws of Florida, this amendment to the land development regulations is not more restrictive or burdensome than current regulations.

**SECTION 2 – ADOPTION**

- 2.01 Chapter 17 of the Unified Land Development Code is amended to read as follows:

**“Chapter 17 – FLOOD DAMAGE PREVENTION REGULATIONS**

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**ARTICLE II. – APPLICABILITY**

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**Sec. 17-9. – Basis for establishing flood hazard areas.**

The Flood Insurance Study for Sarasota County, Florida and Incorporated Areas dated March 27, 2024 ~~November 4, 2016~~, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Department of Public Works located at 1100 N. Chamberlain Blvd., North Port FL, 34286 and on the City of North Port website.

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**ARTICLE XVI. – DEFINITIONS**

**Sec. 17-84. – Terms not defined in the Florida Building Code.**

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

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~~*Coastal high hazard area.* The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V.~~

...

*Letter of map change (LOMC).* An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- 1. *Letter of map amendment (LOMA).* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A

LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

2. *Letter of map revision (LOMR)*. A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. *Letter of map revision based on fill (LOMR-F)*. A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. *Conditional letter of map revision (CLOMR)*. A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

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### **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 immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on February 27, 2024.

ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session on March 5, 2024.

CITY OF NORTH PORT, FLORIDA

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ALICE WHITE  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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