



City of North Port

ORDINANCE NO. 2023-23

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATED TO LODGING OUT-OF-DOORS ON PRIVATE AND CITY-OWNED PROPERTY; CREATING A NEW SECTION 46-4 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA; REPEALING CHAPTER 46, ARTICLE V – CAMPING, OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port spans more than 104 square miles, consisting of numerous undeveloped lots with portions of the City being remote and heavily wooded; and

WHEREAS, the City Commission recognizes the need to restrict lodging out-of-doors on private and City-owned property because it can obstruct vehicular and pedestrian traffic; contribute to a disordered and unpleasant environment in the City; and cause public health, safety, and security hazards; 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.

SECTION 2 – ADOPTION

2.01 Section 46-4 of the Code of the City of North Port, Florida is hereby created as follows:

“Chapter 46 – OFFENSES

ARTICLE I. – OFFENSES INVOLVING PROPERTY

...

Sec. 46-4. – Lodging out-of-doors.

- (a) Definitions. For purposes of this section, the following terms, phrases, words, and their derivations shall have the meanings provided herein. The definitions in section 59-16 of this Code apply to any term, phrase, or word not defined in this section.
- (1) Lodging out-of-doors. The outdoor use of private or city-owned property for temporary living accommodation and/or sleeping purposes, including but not limited to the erection, use, or occupation of a tent, hut, lean-to, shack, temporary shelter, boat, bus, recreational vehicle (RV), trailer, light or heavy-duty vehicle, or the laying down of bedding such as a blanket, sleeping bag, or similar material for the purpose of sleeping. This definition includes but is not limited to the actions of an individual to live, dwell, or reside at an outdoor location on private or city-owned property for any period of time for the purpose of using the location as a living space.
 - (2) Developed property. Private or city-owned property on which a principal building with a valid certificate of occupancy is situated.
 - (3) Property owner. The owner(s) of real property as identified in the records of the Sarasota County Property Appraiser or the land records of the Sarasota County Clerk of Court.
 - (4) Sanitation facility. An operational sanitary toilet facility that separates human waste from human contact, available on the property where any individual is engaged in lodging out-of-doors.
 - (5) Undeveloped property. Private or city-owned property that does not contain a principal building with a valid certificate of occupancy.
- (b) Lodging out-of-doors on city-owned property. Lodging out-of-doors on city-owned or operated property is prohibited at all times, except in those areas that are developed, designated, or permitted for such use.
- (c) Lodging out-of-doors on private property. A lodging out-of-doors permit must be posted on the property authorized for its use in a location visible from the public right-of-way. Unless one of the above exceptions applies, an individual engaged in lodging out-of-doors must possess a lodging out-of-door permit and must provide the permit to a code enforcement officer or sworn law enforcement officer upon request.
- (d) Permit requirement and exceptions.
- (1) Permit required. An individual must obtain a lodging out-of-doors permit before engaging in lodging out-of-doors on private property.
 - (2) Permit exceptions. No lodging out-of-doors permit is required when the lodging out-of-doors includes:
 - a. Use of a manufactured home, trailer, or recreational vehicle that is located on a lot or lease pad within a licensed and city-approved campground, manufactured home park, or recreational vehicle park; or

b. Use of private undeveloped property by the private property owner or by the private property owner and their guests, provided that the property meets the following criteria:

- 1) The private undeveloped property is located in a district zoned residential single family (RSF, RSF-2, or RSF-3) or agricultural (AG);
- 2) No developed property containing a residential dwelling unit is located within a 500 foot radius of the property where lodging out-of-doors is occurring; and
- 3) The property has a sanitation facility.

(e) Lodging out-of-doors permit issuance.

(1) Permit holder. A permit will be issued only in the name of the private property owner.

(2) Eligible property.

a. Private developed property. A lodging out-of-doors permit will only be issued for use on private developed property when the developed property contains a single-family or two-family dwelling unit.

- 1) The use of a boat, bus, light- or heavy-duty vehicle, trailer, or recreational vehicle for lodging out-of-doors is only allowed when the vehicle is located or parked in compliance with section 59-16 of this Code.
- 2) The use of a tent, other temporary shelter, or bedding or similar material for lodging out-of-doors is only allowed when the use is fully contained to the rear yard of the dwelling unit.

b. Private undeveloped property. A lodging out-of-doors permit will only be issued for use on private undeveloped property when the undeveloped property is located in a district zoned residential single family (RSF-2 or RSF-3) or agricultural (AG).

(3) Application. Each application must include the following:

a. Property owner authorization and acknowledgments. The notarized signature of the property owner:

- 1) Authorizing named individuals to use the property for lodging out-of-doors; and
- 2) Acknowledging that the property owner is responsible for ensuring that persons lodging out-of-doors on the property comply with the requirements of this section.

b. Location and contact information. The address of the private property and the approximate location on the property where the lodging out-of-doors will occur.

- c. Lodging items. A description of the item(s) to be used to engage in lodging out-of-doors on the property (i.e. tent, recreational vehicle, etc.).
- d. Period of use. Identify the effective date and end date lodging out-of-doors is authorized on the property.
- e. Sanitation. The property owner's acknowledgment that they are responsible for ensuring that a sanitation facility is available on the property where lodging out-of-doors will occur. The application must include a description of the sanitary facility that will be utilized. For purposes of this section, a sanitation facility must be accessible and sufficient to accommodate every individual engaged in lodging out-of-doors on the property. Connecting to a property's septic system or the municipal water or wastewater system while lodging out-of-doors is prohibited.
 - 1) When lodging out-of-doors on developed property use of a permanent sanitation facility located within the property's primary structure must be available to all participants.
 - 2) When lodging out-of-doors on undeveloped property use of a temporary or portable sanitation facility must be available, accessible, and sufficient for all participants, and emptied or disposed of by a qualified vendor or taken offsite and disposed of at a sanitary dump station or septic facility.

(f) Frequency and duration.

- (1) Frequency. No more than two (2) lodging out-of-doors permits shall be issued for a private property during a twelve (12) month period. The number of permits issued is determined on a per property basis and not per property owner.
- (2) Duration. A lodging out-of-doors permit is valid for no more than thirty (30) days from its effective date.

(g) Enforcement.

- (1) Code enforcement action. Any code enforcement officer or sworn law enforcement officer may initiate enforcement proceedings for a violation of this section. This section shall be enforced by the city's hearing officer pursuant to chapter 2, article IX of this Code. The city's hearing officer may order any penalty authorized under chapter 2, article IX of this Code if the hearing officer determines that a property owner has failed to abide by the regulations set forth herein.
- (2) Administrative revocation. The city manager or designee may immediately revoke a lodging out-of-doors permit by providing written notice to the property owner upon the occurrence of any of the following:
 - a. A determination by the city manager or designee that, after receiving reasonable notice, a property owner has failed to comply with the requirements of this section;
or

b. Pursuant to an order of the city’s hearing officer finding a violation of this section.

(3) New permits. Upon the effective date of the revocation of a lodging out-of-doors permit, and for a period of twenty-four (24) months thereafter, the city will not issue a new lodging out-of-doors permit for the property. This prohibition shall not apply if the property is sold or transferred to a new owner.”

SECTION 3 – REPEAL

3.01 Chapter 46, Article V, entitled “CAMPING,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.

SECTION 4 – CONFLICTS

4.01 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 5 – SEVERABILITY

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phase, 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 6 – CODIFICATION

6.01 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 7 – EFFECTIVE DATE

7.01 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 September 12, 2023.

ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session on _____, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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