



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.

34 (a) Definitions. For purposes of this section, the following terms, phrases, words, and their
35 derivations shall have the meanings provided herein. The definitions in section 59-16 of this
36 Code apply to any term, phrase, or word not defined in this section.
37

38 (1) Lodging out-of-doors. The outdoor use of private or city-owned property for temporary
39 living accommodation and/or sleeping purposes, including but not limited to the erection,
40 use, or occupation of a tent, hut, lean-to, shack, temporary shelter, boat, bus, recreational
41 vehicle (RV), trailer, light or heavy-duty vehicle, or the laying down of bedding such as a
42 blanket, sleeping bag, or similar material for the purpose of sleeping. This definition
43 includes but is not limited to the actions of an individual to live, dwell, or reside at an
44 outdoor location on private or city-owned property for any period of time for the purpose
45 of using the location as a living space.
46

47 (2) Developed property. Private or city-owned property on which a principal building with a
48 valid certificate of occupancy is situated.
49

50 (3) Property owner. The owner(s) of real property as identified in the records of the Sarasota
51 County Property Appraiser or the land records of the Sarasota County Clerk of Court.
52

53 (4) Sanitation facility. An operational sanitary toilet facility that separates human waste from
54 human contact, available on the property where any individual is engaged in lodging out-
55 of-doors.
56

57 (5) Undeveloped property. Private or city-owned property that does not contain a principal
58 building with a valid certificate of occupancy.
59

60 (b) Lodging out-of-doors on city-owned property. Lodging out-of-doors on city-owned or
61 operated property is prohibited at all times, except in those areas that are developed,
62 designated, or permitted for such use.
63

64 (c) Lodging out-of-doors on private property. A lodging out-of-doors permit must be posted on
65 the property authorized for its use in a location visible from the public right-of-way. Unless
66 one of the above exceptions applies, an individual engaged in lodging out-of-doors must
67 possess a lodging out-of-door permit and must provide the permit to a code enforcement
68 officer or sworn law enforcement officer upon request.
69

70 (d) Permit requirement and exceptions.
71

72 (1) Permit required. An individual must obtain a lodging out-of-doors permit before engaging
73 in lodging out-of-doors on private property.
74

75 (2) Permit exceptions. No lodging out-of-doors permit is required when the lodging out-of-
76 doors includes:
77

78 a. Use of a manufactured home, trailer, or recreational vehicle that is located on a lot
79 or lease pad within a licensed and city-approved campground, manufactured home
80 park, or recreational vehicle park; or
81

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

- 85
- 86 1) The private undeveloped property is located in a district zoned residential single
87 family (RSF, RSF-2, or RSF-3) or agricultural (AG);
 - 88
 - 89 2) No developed property containing a residential dwelling unit is located within a
90 500 foot radius of the property where lodging out-of-doors is occurring; and
 - 91
 - 92 3) The property has a sanitation facility.

93

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

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

97

98 (2) Eligible property.

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

103

- 104 1) The use of a boat, bus, light- or heavy-duty vehicle, trailer, or recreational vehicle
105 for lodging out-of-doors is only allowed when the vehicle is located or parked in
106 compliance with section 59-16 of this Code.

107

- 108 2) The use of a tent, other temporary shelter, or bedding or similar material for
109 lodging out-of-doors is only allowed when the use is fully contained to the rear
110 yard of the dwelling unit.

111

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

115

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

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

120

- 121 1) Authorizing named individuals to use the property for lodging out-of-doors; and

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- 123 2) Acknowledging that the property owner is responsible for ensuring that persons
124 lodging out-of-doors on the property comply with the requirements of this
125 section.

126

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

129

130 c. Lodging items. A description of the item(s) to be used to engage in lodging out-of-
131 doors on the property (i.e. tent, recreational vehicle, etc.).

132
133 d. Period of use. Identify the effective date and end date lodging out-of-doors is
134 authorized on the property.

135
136 e. Sanitation. The property owner’s acknowledgment that they are responsible for
137 ensuring that a sanitation facility is available on the property where lodging out-of-
138 doors will occur. The application must include a description of the sanitary facility that
139 will be utilized. For purposes of this section, a sanitation facility must be accessible
140 and sufficient to accommodate every individual engaged in lodging out-of-doors on
141 the property. Connecting to a property’s septic system or the municipal water or
142 wastewater system while lodging out-of-doors is prohibited.

143
144 1) When lodging out-of-doors on developed property use of a permanent sanitation
145 facility located within the property’s primary structure must be available to all
146 participants.

147
148 2) When lodging out-of-doors on undeveloped property use of a temporary or
149 portable sanitation facility must be available, accessible, and sufficient for all
150 participants, and emptied or disposed of by a qualified vendor or taken offsite
151 and disposed of at a sanitary dump station or septic facility.

152
153 (f) Frequency and duration.

154
155 (1) Frequency. No more than two (2) lodging out-of-doors permits shall be issued for a private
156 property during a twelve (12) month period. The number of permits issued is determined
157 on a per property basis and not per property owner.

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159 (2) Duration. A lodging out-of-doors permit is valid for no more than thirty (30) days from its
160 effective date.

161
162 (g) Enforcement.

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164 (1) Code enforcement action. Any code enforcement officer or sworn law enforcement
165 officer may initiate enforcement proceedings for a violation of this section. This section
166 shall be enforced by the city’s hearing officer pursuant to chapter 2, article IX of this Code.
167 The city’s hearing officer may order any penalty authorized under chapter 2, article IX of
168 this Code if the hearing officer determines that a property owner has failed to abide by
169 the regulations set forth herein.

170
171 (2) Administrative revocation. The city manager or designee may immediately revoke a
172 lodging out-of-doors permit by providing written notice to the property owner upon the
173 occurrence of any of the following:

174
175 a. A determination by the city manager or designee that, after receiving reasonable
176 notice, a property owner has failed to comply with the requirements of this section;
177 or

178 b. Pursuant to an order of the city’s hearing officer finding a violation of this section.
 179
 180 (3) New permits. Upon the effective date of the revocation of a lodging out-of-doors permit,
 181 and for a period of twenty-four (24) months thereafter, the city will not issue a new
 182 lodging out-of-doors permit for the property. This prohibition shall not apply if the
 183 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