



# City of North Port

## ORDINANCE NO. 2023-24

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REGARDING PARKING AND STORAGE OF CERTAIN VEHICLES ON RESIDENTIAL LOTS; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 59-1 AND SECTION 59-2; AND REPEALING SECTION 59-16 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, regulating the parking and storage of certain vehicles on residential lots will minimize the conditions that impact and contribute to the creation of blight, nuisance, and damage to the public right-of-way in residential neighborhoods; and

**WHEREAS**, providing a standard for the parking and storage of certain vehicles on residential lots will improve aesthetics along the public right-of-way, minimize damage to the public right-of-way (including drainage inlets, structures, and swales), and ensure costs associated with repairing damage to the public right-of-way are not borne by the City's taxpayers as a whole; 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 Chapter 59 of the Code of the City of North Port, Florida is hereby amended as follows:

#### **“Chapter 59 – PROPERTY STANDARDS**

#### **~~ARTICLE I. – IN GENERAL~~**

#### **Sec. 59-1. – Parking and storage of certain vehicles on residential lots.**

- (a) Definitions. For the purposes of this section, the following words, phrases, and terms shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

Boat. A vessel or watercraft for use as a means of transportation on water. This definition does not include a paddleboat, canoe, kayak, float, jet ski, or raft.

Buffer. A barrier consisting of landscaping, fencing, and/or a wall that provides year-round noise abatement and/or a visual screening between properties or between a property and the public right-of-way.

Building, front. The forward most portion or structural wall of a principal structure, typically containing the front door and aligned parallel with the street.

Bus. A vehicle designed for transporting 16 or more passengers over public streets.

Construction equipment. A vehicle used during construction, including but not limited to a backhoe, bulldozer, crane, ditch digger, excavator, front-end loader, pay hauler, scraper, and skid steer.

Driveway. An improved surface located between the public street and a private property that provides ingress and egress of vehicular traffic from the public street to a definite area on the private property, such as a carport, garage, or house.

Driveway apron. The paved driveway approach between the paved portion of a public right-of-way and the private property line.

Fence. An artificially constructed barrier of any material or combination of materials located along any portion of the private property line(s), or located within a private property line for the purpose of protection, confinement, a boundary, or to block a portion of the property from view or access.

Inoperable vehicle. A vehicle that cannot be driven upon a public street for reasons including but not limited to being unlicensed/unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Opaque. Not able to be seen through; not transparent.

Florida #1 Grade Landscaping. Plants and trees that may have some minor defects or require corrective pruning per the Florida Department of Agriculture and Consumer Services. These defects are typically correctable within a couple years of planting.

Principal building. A building or structure carrying out the primary use of the lot or parcel.

Public right-of-way. The lands covered or dedicated to the public for use as a public street, alley, walkway, drainage facility, along with associated infrastructure, and/or facilities designed for other public purposes, including but not limited to street pavement, sidewalks,

walkways, multipurpose/multiuse paths, drainage inlets and structures, swales, and unimproved areas within the platted public right-of-way.

Public street(s). Includes any city-owned street or road dedicated to the public for public access and use.

Recreational vehicle. A vehicle primarily designed for use as temporary living quarters that is movable under its own power or when mounted on or drawn by another vehicle, or as otherwise defined in FS § 320.01.

Residential lot. A recorded lot located in an area zoned for residential use that contains a single-family residence or duplex.

Semitrailer. A vehicle designed for the transportation of freight or cargo that is incapable of being moved under its own power, designed to be coupled, mounted, or drawn by a heavy duty vehicle so that some part of its weight and that of its load rests upon or is carried by the heavy duty vehicle. This definition does not include a recreational vehicle.

Sidewalk. A publicly maintained cement area on public or private property generally used by pedestrians and located parallel to the edge of a street, roadway, or curb.

Trailer. Any vehicle incapable of being moved under its own power, without motive power designed to be coupled, mounted to, or drawn by or used by in connection with a vehicle.

Vehicle, light duty. Any device, conveyance, or other motor vehicle as defined in F.S. Chapter 320, used or designed to transport property and/or 16 or fewer persons on the public streets. This definition includes but is not limited to any automobile, car, truck, van, sport utility vehicle (SUV), or an off-highway vehicle or ATV as defined in F.S. Chapter 317, a low-speed vehicle (LSV) as defined in F.S. Chapter 320, or any other device with an empty weight of 16,000 pounds or less.

Vehicle, heavy duty. Any device, conveyance, or other motor vehicle as defined in F.S. Chapter 320, used or designed to transport property and/or persons on the public streets. This definition includes but is not limited to any bus, semi-truck/trailer, dump-truck, with an empty weight of 16,001 pounds or more, excluding recreational vehicles.

Yard, front. The area of a residential lot that extends from the front of the dwelling unit, typically containing the front door, and parallels the road to the public right-of-way. For purposes of enforcing the parking regulations in this section, a corner lot or through lot is deemed to have two front yards located adjacent to the roadways.

Yard, rear. The area that extends across the full width of a residential lot and lying between the rear lot line and the nearest part of the dwelling unit. Rear yard depth shall be measured at right angles to the rear line of the residential lot.

Yard, side. The area between the side property line of a residential lot and the nearest wall of the dwelling unit, located between the front of the dwelling unit and the rear lot line.

(b) Prohibited parking.

- (1) Right-of-way. No light or heavy duty vehicle shall be parked on the public right-of-way except during a short-term delivery, pick-up, or service activity, provided that:
  - a. The vehicle is parked in the direction of traffic;
  - b. The vehicle does not obstruct a sidewalk or create a hazard due to blocking visibility of traffic and/or pedestrians;
  - c. The vehicle can be parked and moved without causing damage the public right-of-way; and
  - d. The parked vehicle does not block the view of a principal structure’s front door or address numbers.
- (2) Heavy duty vehicle parking, except in compliance with Section 59-1(c)3.
- (3) Construction equipment. No construction equipment shall be parked on a residential lot unless an active building permit authorizing work on the lot requires use of the construction equipment.
- (4) Inoperable vehicle. No inoperable vehicle shall be parked on a residential lot unless it is contained within an enclosed structure, or in compliance with the standards contained herein.

(c) Allowed parking.

- (1) A property owner shall only have a boat, light duty vehicle, on-call/on-duty wrecker, recreational vehicle, or trailer parked on their residential lot when the lot contains a principal structure, and pursuant to the following limitations:
  - a. Combined maximum parking. The combined maximum number of light duty vehicles and boats allowed to park on a residential lot is determined based on the lot’s size, as follows:

<u>Residential Lot Size</u>	<u>Total Vehicles and/or Boats</u>
<u>10,999 square feet or smaller</u>	<u>Six (6)</u>
<u>11,000 to 20,999 square feet</u>	<u>Eight (8)</u>
<u>21,000 to 30,999 square feet</u>	<u>Nine (9)</u>
<u>31,000 to 40,999 square feet</u>	<u>Ten (10)</u>
<u>41,000 to 50,999 square feet</u>	<u>Eleven (11)</u>
<u>51,000 square feet and larger</u>	<u>Twelve (12)</u>

- b. Boat and trailer parking. A boat on a trailer shall count as one item towards the combined maximum parking allowed on a residential lot.
- c. Location limits. No boat, light duty vehicle, recreational vehicle, and/or trailer shall be parked on a residential lot except as follows:
  - 1. Front yard parking. A parked vehicle/boat must rest entirely upon a driveway in the front yard.
  - 2. Side or rear yard parking. A parked vehicle/boat must rest so that no part encroaches into an easement on the side or rear yard.

(3) Heavy duty vehicle parking. A property owner shall only have one heavy duty vehicle, on-call/on-duty wrecker, bus, or semitrailer parked on their residential lot at the same time, and pursuant to the following limitations:

- a. Lot size. The lot must be 30,000 square feet or larger and must contain a principal structure. A single lot comprised of three (3) or more contiguous lots must be legally combined under a unified title.
- b. A heavy-duty vehicle with attached trailer shall count as one vehicle.
- c. Combined maximum parking. The combined maximum number of heavy duty vehicles, on-call/on-duty wreckers, buses, and/or semitrailers allowed to park on a residential lot is determined based on the lot’s size, as follows:

<u>Residential Lot Size</u>	<u>Total Maximum Vehicles</u>
<u>29,999 square feet or smaller</u>	<u>Zero (0)</u>
<u>30,000 to 39,999 square feet</u>	<u>One (1)</u>
<u>40,000 to 49,999 square feet</u>	<u>Two (2)</u>
<u>50,000 square feet and larger</u>	<u>Three (3)</u>

- d. Location limits. No heavy duty vehicle, on-call/on-duty wrecker, bus, and/or semitrailer shall be parked on a residential lot except as follows:
  - 1. Front yard parking. No heavy-duty vehicle, on-call/on-duty wrecker, bus, or semitrailer shall be parked in the front yard of a residential lot.
  - 2. Side or rear yard parking. A parked heavy duty vehicle, on-call/on-duty wrecker, bus, or semitrailer may be parked in the side or rear yard only and must rest so that no part encroaches into an easement on the side or rear yard.
- e. Buffer required. A property owner must provide a visual buffer of a heavy duty vehicle, on-call/on-duty wrecker, bus, or semitrailer parked on the side or rear yard

that is sufficient to limit view of the vehicle from the public right-of-way and adjacent properties. Proper buffering includes the use of a fence, wall, and/or landscaping that complies with the following:

1. Fence or wall. A fence or wall may be utilized alone or in combination with landscaping, as follows:
  - a) Height. A fence or wall must be a minimum of six feet in height and a maximum of eight feet in height;
  - b) Location. A fence or wall may be located in the side or rear yard and must be parallel to the property’s perimeter. A fence or wall may be located on the property line except when combined with a landscape buffer. If used in combination with a landscape buffer, the landscaping must be located between the fence or wall and the property line(s) running parallel to the fence or wall;
  - c) Opaque. A fence or wall must be opaque and constructed of wood, PVC, vinyl, concrete block, or brick. Gates must be opaque and constructed of the same material as or complimentary to the fence or wall; and
  - d) Cinder block. A wall made of cinder block must be finished with a treatment such as paint or stucco. Unfinished cinder block is not allowed.
  
2. Landscape buffer. A landscape buffer must be made of plants that are a minimum grade of Florida #1, as defined by the Florida Department of Agriculture and Consumer Services. Proper buffering must comply with the following:

<u>Landscape Buffer</u>					
<u>Location</u>	<u>Width</u>	<u>Minimum Plantings</u>			
		<u>Type</u>	<u>Species</u>	<u>Height/size at planting</u>	<u>Placement</u>
<u>Parallel to property perimeter</u>	<u>10-foot minimum</u>	<u>Shrubs</u>	<u>Simpson’s Stopper</u> <u>Wax Myrtle</u> <u>Cocoplum</u> <u>Clusia</u> <u>Sweet Viburnum</u>	<u>24-inches tall or 3 gallons</u>	<u>1-foot on center</u>
<u>5 foot setback</u>	N/A	<u>Understory Trees</u>	<u>Crape Myrtle</u> <u>E. Palatka</u> <u>Holly, Chaste Tree</u> <u>Simpson’s Stopper (if</u>	<u>1.5-inch DBH or 6-foot tall</u>	<u>2 per 100-lineal feet</u>

			allowed to grow to mature tree size)		
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3. Landscape buffer exceptions. Substitution requests for alternate plant species for use as a landscape buffer may be reviewed and approved by the department responsible for land development services. Approved substitutions shall promote the use of slow growing or native plant materials.

a) Parallel to property perimeter. Alternate species for use parallel to a property perimeter must be capable of growing to a 36-inch-wide hedge/continuous landscape screen at 6-feet in height with an opaque appearance within 1 year of planting.

b) 5 foot setback. Alternate species for use in a 5 foot setback must provide year-round foliage.

(d) Vehicles under repair. Normal light-duty vehicle maintenance and repair is allowed on residential lots. No visible evidence of such maintenance or repair shall be left on the residential lot when vehicle maintenance or repair is not actively occurring. No more than one vehicle at a time may be in a badly damaged or destroyed state, major disassembly, or inoperable. A vehicle in a badly damaged or destroyed state or major disassembly must be covered with a non-transparent tarp that is in good repair and free of tattering. A vehicle that has remained in a state of disassembly, active repair, or is badly damaged or destroyed for a period of more than 21 consecutive days shall be considered inoperable.

(e) Vehicles for sale. Only a boat, light-duty vehicle, recreational vehicle, or trailer may be offered for sale on a residential lot, and only one type at a time. A boat loaded on a trailer, with both items offered for sale as a package, will be considered one type. The boat, light duty vehicle, recreational vehicle, or trailer must be owned by and registered in the name of a resident of the residential lot. No other vehicles may be offered for sale on a residential lot at any time.

**Sec. 59-2. Damage to the public right-of-way, abatement by city.**

(a) Property owner responsibility. A property owner is responsible for any damage caused to the public right-of-way abutting their property that is caused by a vehicle moving over or parked on the public right-of-way. Damage to the public right-of-way includes but is not limited to any damage to public curbing, drainage facility, drainage inlet or structure, swale, street, or sidewalk. When damage to the public right-of-way occurs the responsible property owner must ensure all damage to the affected area is repaired in accordance with this Code and any other standards required by the city.

(b) Abatement by city. If a property owner fails to repair the damage to public right-of-way, is found in violation following a hearing, and the hearing officer orders the city to abate the violation at its discretion, the city is authorized to cause the damage to be repaired in whole or part at the property owner’s expense. The city manager is authorized to expend city funds as may be reasonably necessary and available to carry out the abatement, the expenditure of

such funds being found a proper municipal purpose. The city shall not be responsible for any damage to other property or vegetation that is in the vicinity of such abatement activity.

**SECTION 3 – REPEAL**

3.01 Section 59-16, entitled “Parking and storage of certain vehicles on residential lots,” 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, 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 6 – CODIFICATION**

6.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. 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

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