



# City of North Port

## ORDINANCE NO. 2024-21

1           **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE**  
2           **CITY OF NORTH PORT, FLORIDA, TO UPDATE REFERENCES TO THE DEVELOPMENT**  
3           **SERVICES DEPARTMENT IN CHAPTER 34 – LICENSES, PERMITS AND MISCELLANEOUS**  
4           **BUSINESS REGULATIONS, ARTICLE II – BUSINESS TAX RECEIPTS AND ARTICLE IV – ADULT**  
5           **ORIENTED BUSINESSES; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS;**  
6           **PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN**  
7           **EFFECTIVE DATE.**

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9           **WHEREAS**, on August 6, 2024, the City Commission adopted Ordinance No. 2024-13, providing for the  
10          repeal of Unified Land Development Code (ULDC), Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41,  
11          45, 49, 53, 55, 57, 58, 59, 60, and 61, and replacement of those chapters with Chapters 1 through 4 and  
12          6, and Appendices; and

13  
14          **WHEREAS**, Chapter 34 of the Code of the City of North Port, Florida incorrectly references the non-existent  
15          “Building Department,” both in Article II related to business tax receipts and in Article IV related to adult-  
16          oriented businesses; and

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18          **WHEREAS**, these amendments include only non-substantive revisions to the City’s adult-oriented business  
19          regulations, and the non-substantive changes do not implicate, change, or otherwise affect any first  
20          amendment rights; and

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22          **WHEREAS**, the City Commission’s findings in the whereas clauses and body of Ordinance No. 2002-57 and  
23          in Chapter 34, Article IV, are incorporated as if set forth in this ordinance; and

24  
25          **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare  
26          of the citizens of the City of North Port, Florida.

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28          **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

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30          **SECTION 1 – FINDINGS**

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32          1.01       The above recitals are true and correct and are incorporated in this ordinance by reference.

33 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business  
34 impact estimate on the City’s website on or before the date the newspaper published notice of  
35 this ordinance’s final reading.  
36

37 **SECTION 2 – ADOPTION**

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39 2.01 Chapter 34 of the Code of the City of North Port, Florida is hereby amended as follows:  
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41 **“Chapter 34 – LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS**

42 ...

43 **ARTICLE II. – BUSINESS TAX RECEIPTS**

44 ...

45 **Sec. 34-23. – Date taxes are due; delinquencies; penalties; proration of new business tax**  
46 **receipts.**

47  
48 (a) All business tax receipts shall be sold by the development services department ~~North Port~~  
49 ~~Building Department~~ beginning July 1 of each year and shall be due and payable on or before  
50 September 30 of each year and shall expire on September 30 of the succeeding year. In the  
51 event that September 30 falls on a weekend or holiday, the tax shall be due and payable on  
52 or before the first working day following September 30.  
53 ...

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55 **ARTICLE IV. – ADULT ORIENTED BUSINESSES**

56 ...

57 **Sec. 34-102. – Definitions.**

58 ...

59 *Department:* ~~The city’s development services department~~ Building Department for the City of  
60 North Port, Florida.

61 ...

62  
63 **Sec. 34-103. – Adult use permits required.**

64 ...

65 (b) The ~~building~~ department is responsible for granting, denying, revoking, renewing, suspending,  
66 and canceling adult use permits for proposed or existing adult uses. The ~~building~~ department  
67 is responsible for inspecting any proposed, permitted or non-permitted establishment in  
68 order to ascertain whether it is in compliance with criminal statutes and ordinances, and for  
69 enforcing applicable criminal standards and ordinances. The ~~building~~ department is  
70 responsible for ascertaining whether a proposed establishment for which a permit is being  
71 applied for complies with all local requirements of this article ~~section 34-106~~ and all applicable  
72 zoning regulations.

73  
74 (c) Any person desiring to operate an adult use shall file with the ~~building~~ department three  
75 copies of a sworn permit application form supplied by the ~~building~~ department and shall pay  
76 the nonrefundable fee, as set forth in section 34-107 ~~the City Code.~~

77 (d) The completed application shall contain the following information and shall be accompanied  
78 by the following documents:

79 . . .

80 (13) If the application is for an adult store, the application shall include, in addition to the  
81 requirements of subsections (1) through (12) hereof:

82  
83 A diagram of the premises showing a plan thereof specifying the gross floor area of the  
84 section or portion of the establishment set aside for the display of adult materials. A  
85 professionally prepared diagram in the nature of an engineer's or architect's blueprint  
86 is not required; however, each diagram should be oriented to the north or to some  
87 designated street or object and should be drawn to a designated scale with marked  
88 dimensions of all areas of the interior of the premises to an accuracy of plus or minus  
89 six inches. The building department may waive the foregoing diagram for renewal  
90 applications if the applicant adopts a diagram that was previously submitted and  
91 certifies that the configuration of the premises and size of the sections set aside for the  
92 display of adult materials has not been altered since it was prepared.

93  
94 (e) In the event the building department determines or learns at any time that the applicant has  
95 not properly completed the application for a proposed adult use, the building department  
96 shall promptly notify the applicant in writing of such fact and shall allow the applicant ten  
97 working days to properly complete the application. (The time period for granting or denying  
98 a permit shall be stayed during the period in which the applicant is allowed an opportunity to  
99 properly complete the application.)

100  
101 (f) By applying for a permit under this article, the applicant shall be deemed to have consented  
102 to the provisions of this article and to the exercise by the building department of their  
103 responsibilities under this article, including the inspection of an adult use for the purpose of  
104 insuring compliance with the law, at any time it is occupied or open for business.

105  
106 **Sec. 34-104. – Investigation of application.**

107  
108 (a) Upon receipt of an application properly filed with the building department and upon payment  
109 of the nonrefundable application fee, the building department shall immediately stamp the  
110 application received. At the conclusion of its review, the building department shall indicate  
111 on the photocopy of the application its approval or disapproval of the application, and shall  
112 date it, sign it, and, in the event of a disapproval, shall state the reasons therefore.

113  
114 (b) The building department shall disapprove an application if it finds that the proposed  
115 establishment will be in violation of any provision of any statute, code, ordinance, or  
116 regulation in effect in the City of North Port city.

117 . . .

120 **Sec. 34-106. – Issuance of permit.**  
121

122 (a) The ~~building~~ department shall grant or deny an application for a permit within 30 working  
123 days from the date of its proper filing. Upon the expiration of the 30th day or if the 30th day  
124 is a Saturday, Sunday, or holiday, upon expiration of the following work day, the applicant  
125 shall be permitted to begin operating the establishment for which a permit is sought, without  
126 benefit of a permit, unless and until the ~~building~~ department notifies the applicant of a denial  
127 of the application and states the reason(s) for that denial. Failure to timely grant or deny an  
128 application for a permit, and the provisions hereof that allow for the operation of a business  
129 without benefit of a permit, shall not serve to, or be interpreted to have, granted the permit.  
130 All operations of the establishment, under this subsection shall conform to the provisions of  
131 this article of these regulations during the pendency of the application review.  
132

133 (b) Grant of application for a permit:  
134

135 (1) If there are no grounds requiring denial, the ~~building~~ department shall grant the  
136 application; notify the applicant in writing of that action, and shall issue the permit to the  
137 applicant upon payment of the appropriate annual permit fee required by this article  
138 ~~section 34-107~~.  
139 ...

140  
141 (c) Denial of application for a permit:  
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143 (1) The ~~building~~ department shall deny the application for an adult use permit for any of the  
144 following reasons:

145 a. The ~~building~~ department has disapproved the application;  
146  
147 ...

148  
149 (2) If the ~~building~~ department denies the application, the ~~building~~ department shall notify  
150 the applicant of the denial by certified mail or hand delivery, and shall state the reason(s)  
151 for denial.  
152 ...

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154 **Sec. 34-107. – Annual permit fees.**

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In order to defray the administrative and inspection costs associated with these regulations, there is hereby levied an annual permit fee for adult uses in the sum of \$2,000.00. All permit fees are nonrefundable and are subject to modification by ordinance of the city commission.

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**Sec. 34-109. – Expiration of permit.**

(a) Each permit shall expire one year from the date of issuance and may be renewed only by the permittee making application for renewal as provided in this article ~~section 34-103~~. The director of the ~~building~~ department or his or her designee, may waive the certificate and straight-line drawing required by this article ~~specified in section 34-103(d)(12)~~ if the applicant adopts the certificate and straight-line drawing that was previously submitted and certifies their accuracy. Application for renewal should be made at least 30 days before the expiration date, and if made less than 30 days before the permit will not be stayed. It is a violation of this article to operate an adult use with an expired permit.

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(b) If the application for renewal of a permit is denied and the director of the ~~building~~ department, or his or her designee, subsequently finds that the basis for denial of the renewal permit has been corrected or abated, the applicant shall be granted a permit.

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**Sec. 34-110. – Suspension of permit.**

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(a) In the event the ~~building~~ department learns or finds upon sufficient cause that a permitted adult use is operating in violation of a zoning, code, ordinance or regulation, whether state or local, the ~~building~~ department shall promptly notify the permittee of the violation. Notice shall be given in writing, by hand delivery, or certified mail. The permittee shall have a 14-day period, from the date of mailing the certified notice or date of hand delivery, in which to correct the violation. If the permittee fails to correct the violation before the expiration of the 14-day period, the ~~building~~ department shall forthwith suspend the permit, and shall notify the permittee of the suspension. The adult use may not operate as an adult use during suspension of its permit. The suspension shall remain in effect until the ~~building~~ department finds that the violation has been corrected. Within 24 hours of receipt of notice that the violation(s) requiring the suspension have been corrected, the ~~building~~ department shall provide written notice to the permittee that the suspension is lifted.

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(b) In the event that the ~~building~~ department learns or finds, upon sufficient cause, that a permittee has engaged in a permit transfer contrary to the requirements of this article, ~~section 34-118~~, the ~~building~~ department shall forthwith suspend the permit, and notify the permittee of the suspension in the manner provided for in subsection (a) above. The suspension shall remain in effect until the ~~building~~ department is satisfied that all requirements of this article have been met.

198 **Sec. 34-111. – Revocation of permit.**

199  
200 (a) The director of the ~~building~~ department or his or her designee, shall revoke a permit if a cause  
201 for suspension in this article ~~section 34-110~~ occurs and the permit has been previously  
202 suspended within the preceding 12 months.

203  
204 (b) The director of the ~~building~~ department or his or her designee shall revoke a permit if it is  
205 determined in a judicial or administrative proceeding that:

206 ...  
207  
208 (d) When the ~~building~~ department revokes a permit, the revocation shall continue for one year  
209 and the permittee shall not be issued an adult use permit for one year from the day the  
210 revocation became effective. If, subsequent to revocation, the ~~building~~ department finds that  
211 the basis for revocation has been corrected or abated, the applicant may be granted a permit.  
212 If the permit was revoked because of the conviction of a permittee under subsection (b)(5) of  
213 this section, an applicant may not be granted another permit until the number of years set by  
214 section 34-106(c)(1)e has elapsed.

215 ...

216  
217 **Sec. 34-113. – In-store viewing booth regulations.**

218  
219 A person who operates or causes to be operated an adult store, which offers viewing booths for  
220 the use of its patrons, shall comply with the following requirements:

221  
222 (1) Upon application for an adult use permit, the application shall be accompanied by a diagram  
223 of the premises showing the plan thereof, specifying the location of one or more manager's  
224 stations, the location of all overhead lighting fixtures, and designating any portion of the  
225 premises in which patrons will not be allowed. A manager's station may not exceed 32 square  
226 feet of floor area. The diagram shall also designate the place at which the adult use permit  
227 will be conspicuously posted, if granted. A professionally prepared diagram in the nature of  
228 an engineer's or architect's blueprint shall not be required; however, each diagram should be  
229 oriented to the north or to some designated street or object and should be drawn to a  
230 designated scale with marked dimensions sufficient to show the various internal dimensions  
231 of all areas of the interior of the premises to an accuracy of plus or minus six inches. The  
232 ~~building~~ department may waive the requirement of a new diagram for renewal applications  
233 if the applicant certifies that a diagram previously submitted is still the existing configuration  
234 of the premises.

235  
236 (2) The application shall be sworn to be true and correct by the applicant.

237  
238 (3) No alteration in the configuration or location of a manager's station may be made without  
239 prior approval of the ~~building~~ department.

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242 **Sec. 34-115. – Adult photographic or adult modeling studios.**

- 243 . . .
- 244 (1) Upon application for an adult use permit, the application shall be accompanied by a  
245 diagram of the premises showing the plan thereof, specifying the location of one or more  
246 manager's stations, the location of all overhead lighting fixtures and designating any  
247 portion of the premises in which patrons will not be allowed. A manager's station may  
248 not exceed 32 square feet of floor area. The diagram shall also designate the place at  
249 which this permit will be conspicuously posted, if granted. A professionally prepared  
250 diagram in the nature of an engineer's or architect's blueprint shall not be required;  
251 however, each diagram should be oriented to the north or to some designated street or  
252 object and should be drawn to a designated scale with marked dimensions sufficient to  
253 show the various internal dimensions of all areas of the interior of the premises to an  
254 accuracy of plus or minus six inches. The ~~building~~ department may waive the requirement  
255 of a new diagram for renewal applications if the applicant certifies that a diagram  
256 previously submitted is still the existing configuration of the premises.
- 257
- 258 (2) The application shall be sworn to be true and correct by the applicant.
- 259
- 260 (3) No alteration in the configuration or location of a manager's station may be made without  
261 prior approval of the ~~building~~ department.

262 . . .

263

264 **Sec. 34-117. – Appeal.**

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266 Any decision of ~~building~~ department pursuant to ~~this article~~ these regulations may be reviewed  
267 as a matter of right by the circuit court upon the filing of an appropriate pleading by an aggrieved  
268 party.

269

270 **Sec. 34-118. – Transfer of permit.**

- 271
- 272 (a) A permittee shall not transfer his or her permit to another person, and thereby surrender  
273 possession, control, and operation of the permitted establishment to such other person,  
274 unless and until the proposed transferee satisfies the following requirements:
- 275
- 276 (1) Obtains an amendment to the permit from the ~~building~~ department which provides  
277 that he or she is now the permittee, which amendment may be obtained only if he or  
278 she has completed and properly filed an application with the ~~building~~ department  
279 setting forth the information required by this article ~~called for under section 34-107~~  
280 and the application has been granted by the ~~building~~ department.
- 281
- 282 (2) Pays a transfer fee of 20 percent of the original permit fee.
- 283

284 (b) No adult use permit may be transferred when the building department has notified the  
285 permittee that suspension or revocation proceedings have been or will be brought against  
286 the permittee.

287  
288 (c) A permittee shall not transfer his or her permit to another location.  
289

290 (d) Any attempted transfer of a permit either directly or indirectly in violation of this section  
291 is hereby declared void, and the permit shall be deemed abandoned and shall  
292 automatically revert to the building department.  
293

294 **Sec. 34-119. – Change of business name.**

295  
296 No permittee/operator of an adult use may change the name of the business unless and until he  
297 or she satisfies each of the following requirements:

298 (1) Provide the building department with 30 days advance notice, in writing, of the proposed  
299 name change; and  
300

301 (2) Pays the building department a \$50.00 change of name fee to cover the administrative  
302 costs associated with the name change process.  
303  
304 ...

305  
306 **Sec. 34-124. – Notice.**

307  
308 Any notice required or furnished under this article may be accomplished by sending a written  
309 notification by certified mail to any mailing address disclosed on the permit application. Said  
310 mailing address shall be considered the correct mailing address unless the building department is  
311 otherwise notified in writing by certified mail.  
312 ...”  
313

314 **SECTION 3 – CONFLICTS**

315  
316 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in  
317 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.  
318

319 **SECTION 4 – SEVERABILITY**

320  
321 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,  
322 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be  
323 deemed a separate, distinct, and independent provision and will not affect the validity of the  
324 remaining portions of the ordinance.  
325  
326  
327



328 **SECTION 5 – CODIFICATION**

329  
330 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any  
331 additional codification information and notations appear in *italics*. These editorial notations are  
332 not intended to appear in the codified text.

333  
334 **SECTION 6 – EFFECTIVE DATE**

335  
336 6.01 This ordinance takes effect on October 28, 2024.

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338  
339 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public  
340 session on July 23, 2024.

341  
342 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in  
343 public session on August 6, 2024.

344  
345 CITY OF NORTH PORT, FLORIDA

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347  
348 \_\_\_\_\_  
349 ALICE WHITE  
350 MAYOR

351  
352 ATTEST

353  
354  
355 \_\_\_\_\_  
356 HEATHER FAUST, MMC  
357 CITY CLERK

358  
359  
360 APPROVED AS TO FORM AND CORRECTNESS

361  
362  
363 \_\_\_\_\_  
364 AMBER L. SLAYTON, B.C.S.  
365 CITY ATTORNEY