



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.**

8
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

17
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

21
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.

27
28 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

29
30 **SECTION 1 – FINDINGS**

31
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**

38
39 2.01 Chapter 34 of the Code of the City of North Port, Florida is hereby amended as follows:

40
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 ...

54
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:

142

143 (1) The ~~building~~ department shall deny the application for an adult use permit for any of the

144 following reasons:

145

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

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 ...

153

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

155

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

159

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

161

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

170

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

174

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

176

177 (a) In the event the ~~building~~ department learns or finds upon sufficient cause that a permitted
178 adult use is operating in violation of a zoning, code, ordinance or regulation, whether state or
179 local, the ~~building~~ department shall promptly notify the permittee of the violation. Notice
180 shall be given in writing, by hand delivery, or certified mail. The permittee shall have a 14-day
181 period, from the date of mailing the certified notice or date of hand delivery, in which to
182 correct the violation. If the permittee fails to correct the violation before the expiration of the
183 14-day period, the ~~building~~ department shall forthwith suspend the permit, and shall notify
184 the permittee of the suspension. The adult use may not operate as an adult use during
185 suspension of its permit. The suspension shall remain in effect until the ~~building~~ department
186 finds that the violation has been corrected. Within 24 hours of receipt of notice that the
187 violation(s) requiring the suspension have been corrected, the ~~building~~ department shall
188 provide written notice to the permittee that the suspension is lifted.

189

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

196

197

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.

240 ...

241

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.**

265

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.

337
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

346
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