



City of North Port

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 58 – PLANNING AND DEVELOPMENT, ARTICLE III. – IMPACT FEES AND UPDATING IMPACT FEE RATE SCHEDULES FOR THE CITY’S PARKS, FIRE RESCUE, LAW ENFORCEMENT, GENERAL GOVERNMENT, AND SOLID WASTE IMPACT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 58, Article III of the Code of the City of North Port, Florida (“City Code”) governs the imposition of all impact fees in the City of North Port and establishes impact fee schedules for the Transportation Impact Fee District, the Fire Rescue Impact Fee District, the Law Enforcement Impact Fee District, the General Government Impact Fee District, the Parks Impact Fee District, and the Solid Waste Impact Fee District (“impact fees”); and

WHEREAS, on January 30, 2012, the City Commission adopted Ordinance No. 2012-01, accepting the impact fee study prepared by Tindale-Oliver & Associates, Inc. and dated September 13, 2011 (“2011 Study”) and establishing impact fee schedules based on the 2011 Study; and

WHEREAS, on February 24, 2014, the City Commission adopted Ordinance No. 2014-12, again accepting the 2011 Study, determining that the methodology and the rates contained in the study were still valid based upon the most recent localized data as required by Section 163.31801, Florida Statutes (“Impact Fee Act”), and establishing impact fee schedules; and

WHEREAS, on June 11, 2019, the City Commission adopted Ordinance No. 2019-06, again accepting the 2011 Study, determining that the methodology and the rates contained in the study were still valid based upon the most recent localized data as required by the Impact Fee Act, and establishing impact fee schedules; and

WHEREAS, in its 2021 regular session, the Florida Legislature adopted Laws of Florida Chapter 2021-063, amending the Impact Fee Act to create Florida Statutes Section 163.31801(6), which limited impact fee increases by adding a cap, requiring a phase-in, and restricting the frequency of impact fee increases to once every four years, except when based on a demonstrated need study; and

WHEREAS, on February 25, 2022, Willdan Financial Services prepared an updated impact fee study (“Impact Fee Update Study”) setting forth a methodology and rates for all impact fees in the City, except transportation impact fees; and

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41 **WHEREAS**, the impact fees provide funding for the capital improvements as planned and included in the
42 Impact Fee Study and directly relate to the services the comprehensive plan authorizes and requires; and

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44 **WHEREAS**, the City Commission finds that population growth and residential and non-residential
45 development in the City have continued to increase, straining the adequacy of existing sources of funds
46 to provide capital improvements to meet the demands created by new development; and

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48 **WHEREAS**, the North Port Comprehensive Plan, as amended from time to time, establishes the policy that
49 land development shall not be permitted unless adequate public capital facilities exist or are assured; and

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51 **WHEREAS**, the North Port Comprehensive Plan establishes the policy that land development shall bear
52 the full cost of the provision of the new or expanded public capital facilities required by development; and

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54 **WHEREAS**, the North Port Comprehensive Plan establishes that the imposition of impact fees is a
55 preferred method of regulating land development to ensure that new growth bears the cost of public
56 capital facilities necessary to accommodate development and to promote and protect the public health,
57 safety, and welfare; and

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59 **WHEREAS**, based upon the Impact Fee Update Study, the testimony at public hearings, and a review of all
60 of the facts and circumstances, in the reasonable judgment of the City Commission, the impact fee rates
61 approved herein are at levels no greater than necessary to defray the cost of capital improvements
62 necessitated by growth and development in the City; and

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64 **WHEREAS**, notice has been provided 90 days in advance of imposing new or increased impact fees to fund
65 fire rescue, law enforcement, general government, parks, and solid waste improvements necessitated by
66 growth and development in the City in compliance with the Impact Fee Act; and

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68 **WHEREAS**, transportation impact fees are not addressed in the Impact Fee Update Study, are not modified
69 by this ordinance, and the current transportation impact fees will remain in effect as justified under the
70 2011 Study, unless and until amended or revised by the City Commission pursuant to the Impact Fee Act;
71 and

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73 **WHEREAS**, the City Commission has determined that the amendments and fees adopted herein serve the
74 public health, safety, and welfare of the citizens of the City of North Port, Florida; and

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76 **WHEREAS**, this ordinance was approved by at least a two-thirds vote of the City Commission.

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

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80 **SECTION 1 – FINDINGS**

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82 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference as
83 legislative findings of the city commission.

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85 1.02 All identified exhibits are incorporated in this ordinance by reference.

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88 **SECTION 2 – DEMONSTRATED NEED STUDY**

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90 2.01 On February 25, 2022, Willdan Financial Services prepared *City of North Port Impact Fee Update:*
91 *HR 337 Demonstrated Need Study* (“Demonstrated Need Study”), justifying an impact fee increase
92 greater than the percentages authorized by Florida Statutes Section 163.31801(6)(b) through
93 (6)(e), and expressly demonstrating the extraordinary circumstances necessitating the need to
94 exceed the statutory phase-in limitations.
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96 2.02 On November 10, 2021 and December 6, 2021, the City held publicly-noticed workshops
97 dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in
98 limitations set forth in Florida Statutes Section 163.31801(6)(b) through (6)(e).
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100 2.03 The Demonstrated Need Study identifies the extraordinary circumstances since the 2011 Study,
101 necessitating the need for the increase in impact fee schedules to exceed the phase-in limitations,
102 as follows:
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104 (a) The population growth rate of 33.97% is greater than double the rate of growth for the
105 surrounding county and state;
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107 (b) Construction costs increased 37.4% for capital facilities;
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109 (c) The revenues were reduced resulting from implementation of the impact fee schedules at
110 50% of the maximum rates supported by the 2011 Study, until 2019 when amended to 75%
111 of the maximum rates;
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113 (d) The revenues were reduced resulting from the Laws of Florida Chapter 2021-063 and the
114 invalidation of the implementation of the 2021 adoption of Ordinance No. 2020-42 impact
115 fee schedules at 100% of the 2011 Study; and
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117 (e) The revenues were reduced resulting from the 2012 moratorium for two years on
118 transportation and solid waste impact fee schedules.
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120 2.04 The City Commission finds that the Demonstrated Need Study complies with state law and
121 justifies the increase in impact fee schedules more than the phase-in limitations in Florida Statutes
122 Sections 163.31801(6)(b), (c), (d), and (e).
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124 2.05 The City Commission approves and adopts the Demonstrated Need Study, attached as “Exhibit A.”
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126 **SECTION 3 – IMPACT FEE STUDY**

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128 3.01 On February 25, 2022, Willdan Financial Services prepared *City of North Port Development Impact*
129 *Fee Study*.
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131 3.02 The City Commission approves and adopts the *City of North Port Development Impact Fee Study*,
132 attached as “Exhibit B.”
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134 SECTION 4 – AMENDMENT OF CHAPTER 58 OF CITY CODE.

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136 4.01 Chapter 58 of the Code of the City of North Port, Florida is hereby amended as follows:

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138 “Chapter 58 – PLANNING AND DEVELOPMENT

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140 ARTICLE III. – IMPACT FEES

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142 ~~Sec. 58-100. –Declarations.~~

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144 (a) ~~The North Port City Commission hereby finds and declares that:~~

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146 (1) ~~Population growth and nonresidential development in the City of North Port, Florida,~~
147 ~~has increased during the 1990's and 2000's, straining the adequacy of existing sources~~
148 ~~of funds to provide capital improvements to meet the demands created by new~~
149 ~~development.~~

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151 (2) ~~The revised and updated comprehensive plan for the city, adopted in December 2008,~~
152 ~~and the impact fee study indicates that this growth will continue and will place~~
153 ~~significant demands on the city to provide capital improvements to support new~~
154 ~~development.~~

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156 (3) ~~New growth and development must be accompanied and supported by adequate~~
157 ~~facilities in order to maintain the existing level of service standards.~~

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159 (4) ~~The comprehensive plan, including the capital improvements element (CIE), was~~
160 ~~prepared as authorized and required by the Community Planning Act, F.S. § 163.3161~~
161 ~~et seq.~~

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163 (5) ~~The CIE, capital improvement program and the annual city budget include capital~~
164 ~~improvements whose need is attributable to anticipated new growth and~~
165 ~~development.~~

166

167 (6) ~~The impact fees adopted by this article, and based on the impact fee study, are not~~
168 ~~calculated based on and will not be spent in order to address the needs of nongrowth-~~
169 ~~related infrastructure or for operations and maintenance. The commission has and~~
170 ~~will maintain sufficient funds to address existing deficiencies and other capital costs~~
171 ~~not funded by impact fee revenues as provided in this article.~~

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173 (7) ~~From time to time, economic conditions may necessitate a temporary reduction,~~
174 ~~abatement, or deferral of impact fees enacted by this article, including for the~~
175 ~~purpose of economic stimulus or development.~~

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177 (8) ~~The impact fees imposed by this article are based on the most recent and localized~~
178 ~~data.~~

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180 (9) ~~The administrative fees assessed by this article are limited to the purpose of offsetting~~
181 ~~the actual costs of collecting impact fees.~~

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~~(b) This article establishes impact fee districts to ensure that funds collected and expended pursuant to the City of North Port impact fee ordinance are expended only on capital improvements that have a rational nexus to those properties that have paid fees pursuant thereto.~~

~~(c) The city commission has considered the matter of financing capital improvements, the need for which is necessitated by new development. The city commission hereby finds and declares that an impact fee imposed upon development to finance capital improvements in designated impact fee districts furthers the public health, safety, and welfare of the City of North Port. Therefore, the city commission deems it advisable to adopt the City of North Port impact fee ordinance as hereinafter set forth.~~

Sec. 58-~~101~~100. – Intent Purpose and authority.

(a) Pursuant to article VIII, section 2 of the Florida Constitution and F.S. §§ 166.021 and 166.041, the city commission has all governmental, corporate, and proprietary power to conduct municipal government, perform municipal functions, and render municipal services. The city commission may exercise any power for municipal purposes, except when expressly prohibited by law, and may exercise its power by enacting legislation in the form of city ordinances.

~~(a)(b) This article is intended to impose a fee which, unless deferred by the city commission, is payable at the time of certificate of occupancy, certificate of completion, or temporary certificate of occupancy issuance, in an amount based upon the amount of new demand attributable to new development and the cost of providing the additional capital improvements needed to serve the new development. This article shall not be construed to authorize imposition of fees related to improvement needs attributable to existing development.~~

(c) The purpose of this article is to regulate the development of land within the city by requiring payment of impact fees by impact-generating development and to provide for the cost of capital improvements to the city’s public facilities that are required to accommodate growth. This article shall not be construed to permit the collection of impact fees in excess of the amount reasonably anticipated to offset the demand on the public facilities generated by applicable impact-generating development.

(d) Development and redevelopment necessitated by the growth contemplated in the city's comprehensive plan and the impact fee study will require improvements and additions to the city's public facilities to accommodate the new development and to maintain the standards and levels of city services.

(e) Future growth, as represented by impact-generating development, should contribute its fair share to the cost of improvements and additions to the city’s public facilities as required to accommodate the impact generated by the growth.

(f) Impact fees are necessary to offset the city’s costs associated with meeting the necessary public service and facility demand created by new development or redevelopment.

- 226 (g) The amount of impact fees adopted are proportional and reasonably connected to the
227 burden imposed upon the city to provide the additional public facilities and the increased
228 impact generated by new development.
- 229 (h) A reasonable connection, or rational nexus, exists between the projected new
230 development and the need for additional public facilities to be funded by the impact
231 fees.
- 232 (i) A reasonable connection, or rational nexus, exists between the expenditure of the funds
233 collected pursuant to this article and the benefits accruing to new development through
234 the public facilities improved or acquired by the expenditure.
- 235 (j) The impact fees adopted are proportional and reasonably connected to, or have a
236 rational nexus with, the need for additional public facilities and the increased impact
237 generated by the new residential or nonresidential construction.
- 238 (k) The impact fees adopted are proportional and reasonably connected to, or have a
239 rational nexus with, the expenditures of the funds collected and the benefits accruing to
240 the new residential or nonresidential construction.
- 241 (l) The required improvements and additions to city facilities needed to eliminate
242 deficiencies shall be financed by revenue sources of the city other than impact fees.
- 243 (m) Implementation of the impact fees to require impact-generating development within the
244 city to contribute its fair share to the cost of required capital improvements is an integral
245 and vital element of the regulatory plan of growth management of the city.
- 246 (n) The city commission expressly finds that the improvements and additions to the city's
247 public facilities to be funded by the respective impact fees adopted provide a benefit to
248 all impact-generating development within the city that is in excess of the actual impact
249 fees.
- 250 ~~(b)~~(o) The impact fees adopted pursuant to this article are based upon the calculation
251 methodology incorporated in the impact fee study, adjusted to stimulate economic
252 development.
- 253
- 254 ~~(c)~~(p) The impact fees should be kept up to date up-to-date through yearly cost adjustments
255 and periodic study updates as provided in this article determined by the North Port City
256 Commission.
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- 258 (q) This article includes procedures for accounting and reporting of impact fee collections and
259 expenditures in order to assure compliance with applicable legal requirements.
- 260 (r) This article establishes and requires separate accounting funds for the respective impact
261 fees adopted.
- 262 (s) This article requires audits of the city's financial statements to include an affidavit of the
263 finance director stating that the requirements of F.S. § 163.31801 have been complied
264 with.

265 (t) The administrative fees set forth are equal to or lower than the city’s actual costs for
266 collection of the impact fees, including the actual costs related to the administration and
267 the collection process.

268 **Sec. 58-~~102~~101. - Definitions.**

269 As applied in this article, the following words and terms shall have the following meanings,
270 unless another meaning is clearly intended:

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272 *[To be inserted in alphabetical order]*

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274 Accessory building or structure. This term shall have the meaning set forth in Chapter 61 of
275 the Unified Land Development Code.

276 . . .

277 Building. This term shall have the meaning set forth in Chapter 61 of the Unified Land
278 Development Code. This term shall not include temporary construction sheds or trailers erected
279 to assist in construction and maintained during the term of construction.

280
281 Building permit. The permit required for new construction and additions pursuant to the City
282 of North Port’s city’s existing subdivision and zoning regulations. For the purpose of this article,
283 the term also includes any development order authorizing the creation or expansion of a mobile
284 home or recreational vehicle park.

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286 Certificate of occupancy (CO). The authorization issued by the City of North Port city for use
287 of a building or premises.

288 . . .

289 Dwelling unit. This term shall have the meaning set forth in Chapter 61 of the Unified Land
290 Development Code.

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292 Fire/rescue system improvement. The planning, engineering, construction, or acquisition of
293 land, equipment, vehicles, and buildings that add capital improvement capacity serving new
294 development within the North Port Fire Rescue District. The North Port Fire Rescue District is a
295 dependent special district of the City of North Port city.

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297 General government system improvement. The planning, engineering, construction, or
298 acquisition of land and buildings that add capital improvement capacity serving new development
299 benefitting from City of North Port the city’s general government facilities. General government
300 facilities consist of buildings and land used to provide city services to new development, which
301 are not self-supporting or covered by an impact fee other than the general government impact
302 fee.

303 . . .

304 Impact fee administrator. The City of North Port city employee, designated by the city
305 manager, primarily responsible for administering the provisions of this article.

306
307 Impact fee study. The City of North Port Development Impact Fee Update Study prepared by
308 Tindale-Oliver and Associates, Inc. and accepted Willdan Financial Services dated February 25,
309 2022, together with the City of North Port Impact Fee Update: HR 337 Demonstrated Need Study
310 prepared by Willdan Financial Services dated February 25, 2022, both approved and adopted by
311

312 ~~the city commission via Ordinance No. 2022-03 on December 12, 2011, or a subsequent similar~~
313 ~~study June 21, 2022. This term includes any updates to these studies.~~

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315 Infrastructure. This term shall have the meaning set forth in F.S. § 163.31801, the Florida
316 Impact Fee Act.

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318 Law enforcement system improvement. The planning, engineering, construction, or
319 acquisition of land, equipment, vehicles, and buildings that add capital improvement capacity
320 serving new development that benefits from the ~~City of North Port Police Department~~ city's police
321 services.

322 . . .

323 Park system improvement. The planning, engineering, construction, or acquisition of land,
324 equipment, vehicles, and buildings that add capital improvement capacity serving new
325 development that benefits from the ~~City of North Port~~ city's parks and recreation system,
326 including neighborhood, community, special, and undeveloped parks, per the impact fee study.

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328 Public facilities. Major capital improvements, including transportation, sanitary sewer, solid
329 waste, drainage, potable water, educational, park and recreation, emergency medical, fire, and
330 law enforcement facilities. This term includes the system improvements, infrastructure,
331 equipment, and facilities for which impact fees are imposed.

332 . . .

333 Solid waste system improvement. The planning, engineering, construction, or acquisition of
334 land, equipment, vehicles, and buildings that add capital improvement capacity serving new
335 development benefitting from the ~~City of North Port~~ city's solid waste system.

336 . . .

337 System improvement. A transportation system improvement, park system improvement,
338 fire/rescue system improvement, law enforcement system improvement, general government
339 system improvement, or solid waste system improvement. A system improvement is a capital
340 improvement that adds capacity to serve new development. A system improvement may include
341 land, facilities, rights-of-way, vehicles, equipment, or other capacity adding capital items, but does
342 not include operational costs, periodic or routine maintenance, or replacement of existing
343 equipment or facilities.

344 . . .

345 Transportation Impact Fee Study. The City of North Port Impact Fee Study prepared by
346 Tindale-Oliver and Associates, Inc. and accepted by the city commission on December 12, 2011.

347 . . .

348 Transportation system. All arterial and collector roadways identified in the transportation
349 element contained in the city's adopted comprehensive plan and located within the ~~city~~ city's
350 limits of the ~~City of North Port~~. Freeways and expressways, such as I-75 and U.S. Highway 41, are
351 excluded from the system to be funded by the transportation impact fees, but the frontage roads
352 for U.S. Highway 41 and any other arterials or collectors are included.

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Sec. 58-~~103~~102. – Applicability; fee determination; impact fee accounts; and use of fees.

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(a) Any person who shall commence an impact-generating development or change in use or intensity to an existing development in the city, as herein defined, shall be obligated to pay impact fees as required by this article.

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(2) Unless deferred or waived by the city commission, all impact fees due shall be collected upon the issuance of a certificate of occupancy, certificate of completion, or temporary certificate of occupancy for the development. If the certificate of occupancy, certificate of completion, or temporary certificate of occupancy is for less than the entire development, then the fee shall be computed separately for each of the lesser parts of the development. ~~the amount of development covered by the certificate of occupancy, certificate of completion, or temporary certificate of occupancy.~~

...

(b) This article shall not be applicable to building permits otherwise necessary for:

(1) Room additions, remodeling, rehabilitation, or other improvements to an existing structure, ~~provided that~~ if there is no increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.

(2) Rebuilding of a damaged or destroyed structure, whether voluntary or involuntary, ~~provided that~~ if there is no increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.

...

(d) The city commission may waive or reduce city impact fees only if the impact-generating development serves a valid public purpose and the petition is submitted within 30 days of payment of the impact fee. Any loss in revenue due to a waiver or reduction under this section shall be funded with other legally available city revenues and not by increasing the amount of the impact fee imposed against other properties.

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Sec. 58-~~104~~103. - Issuance of certificate of occupancy, certificate of completion, or temporary certificate of occupancy.

(a) No certificate of occupancy, certificate of completion, or temporary certificate of occupancy shall be issued unless the applicant thereof has paid the applicable impact fee imposed by this article unless otherwise exempted, waived, or deferred pursuant to this article under section 58-103.

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Sec. 58-~~105~~104. – Calculation of fee; schedules.

(a) Calculation. The city shall calculate the impact fee due by:

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(b) *Impact fee schedules.*

(1) *Transportation impact fees.*

Transportation impact fee district. Pursuant to the transportation impact fee study, the city has found and determined that the benefits of planned transportation system improvements, to be funded with impact fees, will serve new development citywide and hereby establishes a single, citywide impact fee district for the collection and expenditure of transportation impact fees.

...

(2) *Park impact fees.*

...

Park impact fee schedule. Following are the park impact fees applicable to new residential development.

Land Use Type	Unit	Fee Effective 6/12/2019	Fee Effective 6/21/2022
<u>Residential</u>			
Single Family Detached <u>Single Family</u>	Dwelling	\$985.89	<u>\$2,284.00</u>
Multi Family <u>Multifamily</u>	Dwelling	\$581.63	<u>\$1,654.00</u>
<u>Senior Unit</u>	<u>Dwelling</u>		<u>\$1,053.00</u>
<u>Mobile Home/RV Park</u>	Site	\$482.63	
<u>Retirement Community</u>	Dwelling	\$581.63	
<u>Nonresidential</u>			
<u>Hotel/Lodging</u>	<u>Room</u>		<u>\$879.00</u>

(3) *Fire/rescue impact fees.*

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Fire/rescue impact fee schedule. Following are the fire/rescue impact fees applicable to new development.

Land Use Type	Unit	Fee Effective 6/12/2019	Fee Effective 6/21/2022
<u>Residential</u>			
Single Family Detached	Dwelling	\$364.52	<u>\$785.00</u>

<u>Single Family</u>			
Multi Family <u>Multifamily</u>	Dwelling	\$214.55	\$568.00
<u>Senior Unit</u>	<u>Dwelling</u>		\$362.00
<u>Mobile Home/RV Park</u>	Site	\$179.14	
<u>Retirement Community</u>	Dwelling	\$214.55	
<u>Nonresidential</u>			
<u>Commercial: Retail and Services</u>	<u>1,000 sq. ft.</u>		\$1,492.00
<u>Commercial: Restaurant</u>	<u>1,000 sq. ft.</u>		\$3,548.00
<u>Commercial: Gas Station (Building Area)</u>	<u>1,000 sq. ft.</u>		\$1,492.00
<u>Commercial: Car Wash</u>	<u>Tunnel</u>		\$1,232.00
<u>Commercial: Hotel/Lodging</u>	<u>Room</u>		\$394.00
<u>Office</u>	<u>1,000 sq. ft.</u>		\$2,295.00
<u>Medical Office</u>	<u>1,000 sq. ft.</u>		\$2,908.00
<u>Industrial: Manufacturing/Warehouse</u>	<u>1,000 sq. ft.</u>		\$817.00
<u>Institutional (schools, churches, daycare)</u>	<u>1,000 sq. ft.</u>		\$1,490.00
<u>Nursing Home/ Congregate Care Facility</u>	<u>1,000 sq. ft.</u>		\$1,436.00
<u>Recreational: Golf Course</u>	<u>Acre</u>		\$345.00
<u>Recreational: Community Center</u>	<u>1,000 sq. ft.</u>		\$746.00

Transient, Assisted, Group			
Hotel/Motel	Room	\$210.38	
Nursing Home	Bed	\$141.65	
Assisted Living Facility	Dwelling	\$179.14	
Recreational			
Marina	Berth	\$39.58	
Golf Course	Acre	\$31.25	
Movie Theater w/Matinee	1,000 sq. ft.	\$349.94	
Recreational/Community Center	1,000 sq. ft.	\$295.79	
Institutions			
Elementary School (K—8)	1,000 sq. ft.	\$131.23	
High School (9—12)	1,000 sq. ft.	\$116.65	
University/Junior College w/7,500 or fewer students	Student	\$20.83	
University/Junior College w/more than 7,500 students	Student	\$14.58	
Church	1,000 sq. ft.	\$118.73	
Day Care	1,000 sq. ft.	\$185.39	
Hospital	1,000 sq. ft.	\$322.86	
Office and Financial			
Office 50,000 sf or less	1,000 sq. ft.	\$295.79	

Office 50,001—100,000 sf	1,000 sq. ft.	\$252.04	
Office 100,001—200,000 sf	1,000 sq. ft.	\$214.55	
Office 200,001—400,000 sf	1,000 sq. ft.	\$183.30	
Office > 400,000 sf	1,000 sq. ft.	\$166.64	
Medical Office 1—10,000 sf	1,000 sq. ft.	\$237.46	
Medical Office > 10,000 sf	1,000 sq. ft.	\$358.28	
Business Park (Flex Space)	1,000 sq. ft.	\$206.21	
Retail, Gross Square Feet			
Building Materials, Lumber	1,000 sq. ft.	\$252.04	
Hardware/Paint	1,000 sq. ft.	\$239.54	
Shopping Center 50,000 sfgla or less	1,000 sfgla	\$510.33	
Shopping Center > 50,000 sfgla	1,000 sfgla	\$445.76	
New/Used Auto Sales	1,000 sq. ft.	\$322.86	
Tire Store	1,000 sq. ft.	\$206.21	
Supermarket	1,000 sq. ft.	\$427.01	
Convenience Store w/ Gas Pumps	1,000 sq. ft.	\$1,214.38	
Home Improvement Superstore	1,000 sq. ft.	\$370.77	
Pharmacy/Drug Store	1,000 sq. ft.	\$402.02	
Furniture Store	1,000 sq. ft.	\$47.91	

Bank/Savings Drive-In	1,000 sq. ft.	\$474.92	
Sit-Down Restaurant	1,000 sq. ft.	\$1,420.59	
High Turnover Restaurant	1,000 sq. ft.	\$1,472.66	
Fast Food Rest w/Drive-Thru	1,000 sq. ft.	\$1,876.76	
Quik Lube	Service Bay	\$241.63	
Auto Repair Shop	1,000 sq. ft.	\$329.11	
Gasoline/Service	Fuel Position	\$406.18	
Station/Convenience Mart			
Self Service Car Wash	Service Bay	\$181.22	
Convenience/Gasoline/Fast Food Store	1,000 sq. ft.	\$1,489.33	
Industrial			
Light Industrial/Industrial Park	1,000 sq. ft.	\$143.72	
General Heavy Industrial	1,000 sq. ft.	\$102.07	
Manufacturing	1,000 sq. ft.	\$104.15	
Warehouse	1,000 sq. ft.	\$58.32	
Mini Warehouse/Storage	1,000 sq. ft.	\$14.58	

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(4) *Law enforcement impact fees.*

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Law enforcement impact fee schedule. Following are the law enforcement impact fees applicable to new development.

Land Use Type	Unit	Fee Effective 6/12/2019	Fee Effective 6/21/2022
Residential			
Single Family Detached Single Family	Dwelling	\$291.50	<u>\$503.00</u>
Multi-Family Multifamily	Dwelling	\$171.56	<u>\$364.00</u>
<u>Senior Unit</u>	<u>Dwelling</u>		<u>\$232.00</u>
Mobile Home/RV Park	Site	\$143.25	
Retirement Community	Dwelling	\$171.56	
Nonresidential			
<u>Commercial: Retail and Services</u>	<u>1,000 sq. ft.</u>		<u>\$1,624.00</u>
<u>Commercial: Restaurant</u>	<u>1,000 sq. ft.</u>		<u>\$3,861.00</u>
<u>Commercial: Gas Station (Building Area)</u>	<u>1,000 sq. ft.</u>		<u>\$1,624.00</u>
<u>Commercial: Car Wash</u>	<u>Tunnel</u>		<u>\$1,341.00</u>
<u>Commercial: Hotel/Lodging</u>	<u>Room</u>		<u>\$429.00</u>
<u>Office</u>	<u>1,000 sq. ft.</u>		<u>\$2,497.00</u>
<u>Medical Office</u>	<u>1,000 sq. ft.</u>		<u>\$3,164.00</u>
<u>Industrial: Manufacturing/Warehouse</u>	<u>1,000 sq. ft.</u>		<u>\$889.00</u>

<u>Institutional (schools, churches, daycare)</u>	<u>1,000 sq. ft.</u>		<u>\$1,622.00</u>
<u>Nursing Home/ Congregate Care Facility</u>	<u>1,000 sq. ft.</u>		<u>\$1,563.00</u>
<u>Recreational: Golf Course</u>	<u>Acre</u>		<u>\$375.00</u>
<u>Recreational: Community Center</u>	<u>1,000 sq. ft.</u>		<u>\$812.00</u>
<u>Transient, Assisted, Group</u>			
Hotel/Motel	Room	\$168.23	
Nursing Home	Bed	\$113.27	
Assisted Living Facility	Dwelling	\$143.25	
Recreational			
Marina	Berth	\$31.65	
Golf Course	Acre	\$24.98	
Movie Theater w/Matinee	1,000 sq. ft.	\$279.83	
Recreational/Community Center	1,000 sq. ft.	\$236.53	
Institutions			
Elementary School (K—8)	1,000 sq. ft.	\$104.94	
High School (9—12)	1,000 sq. ft.	\$93.28	
University/Junior College w/7,500 or fewer students	Student	\$16.66	
University/Junior College w/more than 7,500 students	Student	\$11.66	

Church	1,000 sq. ft.	\$94.94	
Day Care	1,000 sq. ft.	\$148.25	
Hospital	1,000 sq. ft.	\$258.18	
Office and Financial			
Office/Institutional 50,000-sf or less	1,000 sq. ft.	\$236.53	
Office 50,001—100,000 sf	1,000 sq. ft.	\$201.55	
Office 100,001—200,000 sf	1,000 sq. ft.	\$171.56	
Office 200,001—400,000 sf	1,000 sq. ft.	\$146.58	
Office > 400,000 sf	1,000 sq. ft.	\$133.25	
Medical Office 1—10,000 sf	1,000 sq. ft.	\$189.89	
Medical Office > 10,000 sf	1,000 sq. ft.	\$286.49	
Business Park (Flex Space)	1,000 sq. ft.	\$164.90	
Retail, Gross Square Feet			
Building Materials, Lumber	1,000 sq. ft.	\$201.55	
Hardware/Paint	1,000 sq. ft.	\$191.55	
Shopping Center 50,000-sfgla or less	1,000-sfgla	\$408.09	
Shopping Center > 50,000 sfgla	1,000-sfgla	\$356.45	
New/Used Auto Sales	1,000 sq. ft.	\$258.18	
Tire Store	1,000 sq. ft.	\$164.90	

Supermarket	1,000 sq. ft.	\$341.46	
Convenience Store w/ Gas Pumps	1,000 sq. ft.	\$971.09	
Home Improvement Superstore	1,000 sq. ft.	\$296.49	
Pharmacy/Drug Store	1,000 sq. ft.	\$321.47	
Furniture Store	1,000 sq. ft.	\$38.31	
Bank/Savings Drive-In	1,000 sq. ft.	\$379.78	
Sit-Down Restaurant	1,000 sq. ft.	\$1,135.99	
High Turnover Restaurant	1,000 sq. ft.	\$1,177.64	
Fast Food Rest w/Drive Thru	1,000 sq. ft.	\$1,500.77	
Quik Lube	Service Bay	\$193.22	
Auto Repair Shop	1,000 sq. ft.	\$263.18	
Gasoline/Service Station/Convenience Mart	Fuel Position	\$324.81	
Self Service Car Wash	Service Bay	\$144.92	
Convenience/Gasoline/Fast Food Store	1,000 sq. ft.	\$1,190.96	
Industrial			
Light Industrial/Industrial Park	1,000 sq. ft.	\$114.93	
General Heavy Industrial	1,000 sq. ft.	\$81.62	
Manufacturing	1,000 sq. ft.	\$83.29	

Warehouse	1,000 sq. ft.	\$46.64	
Mini Warehouse/Storage	1,000 sq. ft.	\$11.66	

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(5) *General government impact fees.*

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General government impact fee schedule. Following are the general government impact fees applicable to new development.

Land Use Type	Unit	Fee Effective 6/12/2019	Fee Effective 6/21/2022
Residential			
Single Family Detached <u>Single Family</u>	Dwelling	\$331.28	<u>\$377.00</u>
Multi Family <u>Multifamily</u>	Dwelling	\$194.98	<u>\$273.00</u>
<u>Senior Unit</u>			<u>\$174.00</u>
Mobile Home/RV Park	Site	\$162.80	
Retirement Community	Dwelling	\$194.98	
Nonresidential			
<u>Commercial: Retail and Services</u>	<u>1,000 sq. ft.</u>		<u>\$102.00</u>
<u>Commercial: Restaurant</u>	<u>1,000 sq. ft.</u>		<u>\$242.00</u>
<u>Commercial: Gas Station (Building Area)</u>	<u>1,000 sq. ft.</u>		<u>\$102.00</u>
<u>Commercial: Car Wash</u>	<u>Tunnel</u>		<u>\$84.00</u>
<u>Commercial: Hotel/Lodging</u>	<u>Room</u>		<u>\$27.00</u>
<u>Office</u>	<u>1,000 sq. ft.</u>		<u>\$156.00</u>

<u>Medical Office</u>	<u>1,000 sq. ft.</u>		<u>\$198.00</u>
<u>Industrial: Manufacturing/Warehouse</u>	<u>1,000 sq. ft.</u>		<u>\$56.00</u>
<u>Institutional (schools, churches, daycare)</u>	<u>1,000 sq. ft.</u>		<u>\$102.00</u>
<u>Nursing Home/ Congregate Care Facility</u>	<u>1,000 sq. ft.</u>		<u>\$98.00</u>
<u>Recreational: Golf Course</u>	<u>Acre</u>		<u>\$24.00</u>
<u>Recreational: Community Center</u>	<u>1,000 sq. ft.</u>		<u>\$51.00</u>
Transient, Assisted, Group			
Hotel/Motel	Room	\$191.19	
Nursing Home	Bed	\$128.72	
Assisted Living Facility	Dwelling	\$162.80	
Recreational			
Marina	Berth	\$35.97	
Golf Course	Acre	\$28.40	
Movie Theater w/Matinee	1,000 sq. ft.	\$318.02	
Recreational/Community Center	1,000 sq. ft.	\$268.81	
Institutions			
Elementary School (K—8)	1,000 sq. ft.	\$119.26	
High School (9—12)	1,000 sq. ft.	\$106.01	

University/Junior College w/7,500 or fewer students	Student	\$18.93	
University/Junior College w/more than 7,500 students	Student	\$13.25	
Church	1,000 sq. ft.	\$107.90	
Day Care	1,000 sq. ft.	\$168.48	
Hospital	1,000 sq. ft.	\$293.42	
Office and Financial			
Office 50,000 sf or less	1,000 sq. ft.	\$268.81	
Office 50,001—100,000 sf	1,000 sq. ft.	\$229.05	
Office 100,001—200,000 sf	1,000 sq. ft.	\$194.98	
Office 200,001—400,000 sf	1,000 sq. ft.	\$166.58	
Office > 400,000 sf	1,000 sq. ft.	\$151.44	
Medical Office 1—10,000 sf	1,000 sq. ft.	\$215.81	
Medical Office > 10,000 sf	1,000 sq. ft.	\$325.60	
Business Park (Flex Space)	1,000 sq. ft.	\$187.41	
Retail, Gross Square Feet			
Building Materials, Lumber	1,000 sq. ft.	\$229.05	
Hardware/Paint	1,000 sq. ft.	\$217.70	
Shopping Center 50,000 sfgla or less	1,000-sfgla	\$463.79	

Shopping Center > 50,000 sfgla	1,000-sfgla	\$405.11	
New/Used Auto Sales	1,000-sq. ft.	\$293.42	
Tire Store	1,000-sq. ft.	\$187.41	
Supermarket	1,000-sq. ft.	\$388.07	
Convenience Store w/Gas Pumps	1,000-sq. ft.	\$1,103.62	
Home Improvement Superstore	1,000-sq. ft.	\$336.95	
Pharmacy/Drug Store	1,000-sq. ft.	\$365.35	
Furniture Store	1,000-sq. ft.	\$43.54	
Bank/Savings Drive In	1,000-sq. ft.	\$431.60	
Sit-Down Restaurant	1,000-sq. ft.	\$1,291.03	
High Turnover Restaurant	1,000-sq. ft.	\$1,338.35	
Fast Food Rest w/Drive-Thru	1,000-sq. ft.	\$1,705.59	
Quik Lube	Service Bay	\$219.59	
Auto Repair Shop	1,000-sq. ft.	\$299.09	
Gasoline/Service	Fuel Position	\$369.14	
Station/Convenience Mart			
Self Service Car Wash	Service Bay	\$164.69	
Convenience/Gasoline/Fast Food Store	1,000-sq. ft.	\$1,353.50	

Industrial			
Light Industrial/Industrial Park	1,000 sq. ft.	\$130.62	
General Heavy Industrial	1,000 sq. ft.	\$92.76	
Manufacturing	1,000 sq. ft.	\$94.65	
Warehouse	1,000 sq. ft.	\$53.00	
Mini-Warehouse/Storage	1,000 sq. ft.	\$13.25	

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- (6) *Solid waste impact fees.*
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Solid waste impact fee schedule. Following are the solid waste impact fees applicable to new development.

Land Use Type	Unit	Fee Effective 6/12/2019	Fee Effective 6/21/2022
Residential			
Single-Family Detached Single Family	Dwelling	\$224.49	\$399.00
Multi-Family Multifamily	Dwelling	\$132.86	\$237.00
Senior Unit			\$151.00
Mobile Home/RV Park	Site	\$109.90	
Retirement Community	Dwelling	\$132.86	
Nonresidential			
Commercial: Retail and Services	1,000 sq. ft.		\$984.00
Commercial: Restaurant	1,000 sq. ft.		\$4,724.00

<u>Commercial: Gas Station (Building Area)</u>	<u>1,000 sq. ft.</u>		<u>\$3,943.00</u>
<u>Commercial: Car Wash</u>	<u>Tunnel</u>		<u>\$659.00</u>
<u>Commercial: Hotel/Lodging</u>	<u>Room</u>		<u>\$277.00</u>
<u>Office</u>	<u>1,000 sq. ft.</u>		<u>\$463.00</u>
<u>Medical Office</u>	<u>1,000 sq. ft.</u>		<u>\$551.00</u>
<u>Industrial: Manufacturing/Warehouse</u>	<u>1,000 sq. ft.</u>		<u>\$845.00</u>
<u>Institutional (schools, churches, daycare)</u>	<u>1,000 sq. ft.</u>		<u>\$1,417.00</u>
<u>Nursing Home/ Congregate Care Facility</u>	<u>1,000 sq. ft.</u>		<u>\$399.00</u>
<u>Recreational: Golf Course</u>	<u>Building 1,000 sq. ft.</u>		<u>\$1,018.00</u>
<u>Recreational: Community Center</u>	<u>1,000 sq. ft.</u>		<u>\$899.00</u>
Transient, Assisted, Group			
Hotel/Motel	Room	\$43.80	
Nursing Home	1,000 sq. ft.	\$63.13	
Assisted Living Facility	1,000 sq. ft.	\$63.13	
Recreational			
Marina	1,000 sq. ft.	\$161.04	
Golf Course	1,000 sq. ft.	\$161.04	
Movie Theater w/Matinee	1,000 sq. ft.	\$247.37	

Recreational/Community Center	1,000 sq. ft.	\$142.37	
Institutions			
Elementary School (K—8)	1,000 sq. ft.	\$224.18	
High School (9—12)	1,000 sq. ft.	\$224.18	
University/Junior College w/7,500 or fewer students	1,000 sq. ft.	\$224.18	
University/Junior College w/more than 7,500 students	1,000 sq. ft.	\$224.18	
Church	1,000 sq. ft.	\$30.28	
Day Care	1,000 sq. ft.	\$164.27	
Hospital	1,000 sq. ft.	\$63.77	
Office and Financial			
Office 50,000 sf or less	1,000 sq. ft.	\$73.43	
Office 50,001—100,000 sf	1,000 sq. ft.	\$73.43	
Office 100,001—200,000 sf	1,000 sq. ft.	\$73.43	
Office 200,001—400,000 sf	1,000 sq. ft.	\$73.43	
Office > 400,000 sf	1,000 sq. ft.	\$73.43	
Medical Office 1—10,000 sf	1,000 sq. ft.	\$86.96	
Medical Office > 10,000 sf	1,000 sq. ft.	\$86.96	
Business Park (Flex Space)	1,000 sq. ft.	\$73.43	
Retail, Gross Square Feet			

Building Materials, Lumber	1,000 sq. ft.	\$50.24	
Hardware/Paint	1,000 sq. ft.	\$218.38	
Retail 50,000-sfgla or less	1,000-sfgla	\$155.89	
Retail > 50,000-sfgla	1,000-sfgla	\$155.89	
New/Used Auto Sales	1,000 sq. ft.	\$112.73	
Tire Store	1,000 sq. ft.	\$197.12	
Supermarket	1,000 sq. ft.	\$477.98	
Convenience Store w/Gas Pumps	1,000 sq. ft.	\$623.56	
Home Improvement Superstore	1,000 sq. ft.	\$50.24	
Pharmacy/Drug Store	1,000 sq. ft.	\$218.38	
Furniture Store	1,000 sq. ft.	\$218.38	
Bank/Savings Drive-In	1,000 sq. ft.	\$95.99	
Sit-Down Restaurant	1,000 sq. ft.	\$747.24	
High Turnover Restaurant	1,000 sq. ft.	\$747.24	
Fast Food Rest w/Drive Thru	1,000 sq. ft.	\$1,169.81	
Quik-Lube	Service Bay	\$88.90	
Auto Repair Shop	1,000 sq. ft.	\$197.12	
Gasoline/Service	Fuel Pos.	\$623.56	
Station/Convenience Mart			
Self Service Car Wash	Service Bay	\$104.36	

Convenience/Gasoline/Fast Food Store	1,000 sq. ft.	\$623.56	
Industrial			
Light Industrial/Industrial Park	1,000 sq. ft.	\$133.99	
General Heavy Industrial	1,000 sq. ft.	\$43.80	
Manufacturing	1,000 sq. ft.	\$133.99	
Warehouse	1,000 sq. ft.	\$152.03	
Mini-Warehouse/Storage	1,000 sq. ft.	\$53.47	

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442 ~~(e) Automatic annual cost adjustment. On October 1 following any fiscal year in which the~~
 443 ~~impact fees have not been updated, the impact fee administrator shall calculate indexing~~
 444 ~~adjustments to each impact fee amount by a fraction, the numerator of which shall be~~
 445 ~~the "Consumer Price Index—Miami-Ft. Lauderdale MSA, FL, All Items," as reported by the~~
 446 ~~United States Bureau of Labor Statistics, for the most recent month for which figures are~~
 447 ~~then available, and the denominator of which fraction shall be "Consumer Price Index—~~
 448 ~~Miami-Ft. Lauderdale MSA, FL, All Items," as reported by the United States Bureau of~~
 449 ~~Labor Statistics, for one year prior to the period specified in the numerator. The adjusted~~
 450 ~~fees shall be made available to the public at the beginning of each fiscal year. The~~
 451 ~~automatic annual cost adjustment shall not take place if so instructed by the North Port~~
 452 ~~City Commission.~~

453
 454 ~~(f) Biennial review. At least once every two years the city staff, in conjunction with~~
 455 ~~appropriate consultant, may recommend to the city commission whether any changes~~
 456 ~~should be made to the impact fee schedules to reflect changes in the factors that affect~~
 457 ~~the fee schedules and upon completion of the study shall be presented to the~~
 458 ~~commission at the next regularly scheduled meeting. The purpose of this review is to~~
 459 ~~analyze any changes in the actual costs of facilities, changes to the level of service,~~
 460 ~~changes in the most recent capital improvement program and to ensure that the fee~~
 461 ~~charged will not exceed its pro rata share for the reasonable anticipated cost of facilities~~
 462 ~~necessitated by new development. No invalidation of the impact fee shall be based~~
 463 ~~upon a failure to conduct the bi-annual review.~~

464
 465 ~~(g) Administrative charge. In addition to the impact fee itself, the city shall charge an~~
 466 ~~administrative fee equal to one and one-half percent of the total amount of impact fees~~
 467 ~~due. This administrative fee will be used to reimburse the city's operating funds for the~~
 468 ~~cost of administering the impact fee system.~~

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- (e) Appeal. A property owner may appeal the impact fee calculation to the city commission by filing a notice of appeal with the city clerk no later than ten (10) business days following the impact fee administrator's final calculation. The filing of an appeal shall stay the issuance of the certificate of occupancy, certificate of completion, or temporary certificate of occupancy, as applicable, unless the property owner attaches to the notice of appeal a letter of credit in an amount equal to the impact fee administrator's final calculation. In reviewing the impact fee administrator's determination, the city commission shall apply the standards established in this section.
- (f) Review requirement. The city commission shall review this article and the impact fee study at least once every four (4) years. The purpose of this review is to ensure that the impact fee revenues collected adequately fund the public facilities necessitated by new growth and development and that the impact fees do not exceed the reasonably anticipated costs associated with the improvements and additions necessary to offset the demand generated by the impact-generating development on the respective public facilities. In the event the required review of this article alters or changes the assumptions, conclusions, and findings of the impact fee study or alters or changes the amount or classification of the impact fee, the impact fee study shall be amended, supplemented, and/or updated to reflect the assumptions, conclusions, and findings of reviews and this article shall be amended to adopt any updated study.
- (g) Audits. Audits of the city's financial statements performed by a certified public accountant pursuant to F.S. § 218.39 and submitted to the Auditor General shall include an affidavit signed by the finance director. The affidavit shall attest to the facts required in F.S. § 163.31801(8).
- (h) Annual report. In addition to the items that the city must include in its annual financial report pursuant to F.S. § 218.32, the city must annually report on the information required in F.S. § 163.31801(13).
- (i) Administrative charge. The city may retain up to 1.5% of all impact fees received or the actual costs of collection, whichever is less, as an administrative charge to defray all costs of collection relating to the impact fees.

504 **Sec. 58-105. - Exemptions.**

505 The following shall be exempt from the payment of impact fees adopted in this article:

- 506 (a) Alteration, expansion, or replacement of an existing dwelling unit where no
507 additional dwelling units are created.
- 508 (b) The construction of accessory buildings or structures that will not create an
509 additional impact on the city's public facilities.
- 510 (c) The replacement of a building or dwelling unit where no additional dwelling units
511 or square footage are created and where the existing and replacement buildings or dwelling units
512 are located on the same lot. A certificate of occupancy must have been issued for the replacement

513 building or dwelling unit within five (5) years of the date the previous building or dwelling unit
514 was previously occupied, otherwise no exemption will be granted.

515 (d) All public educational and ancillary plants constructed by an educational board,
516 to the extent F.S. § 1013.371(1)(a) or any other statute or law requires an exemption.

517 (e) Charter school facilities, to the extent F.S. § 1002.33(18)(d) or any other statute
518 or law requires an exemption.

519 (f) Affordable housing properties developed and owned by the city.

520 **Sec. 58-~~107~~106. – Disposition of fees.**

521
522 (a) *Designation of fees.* Any fees collected under this article are expressly designated for the
523 acquisition of system improvements serving the city's jurisdiction of the City of North Port
524 as hereinafter provided in this section.

525
526 (b) *Segregation of funds.* An impact fee fund that is distinct from the general fund of the city
527 is hereby created, and the impact fees received will be deposited in the following interest-
528 bearing accounts of the impact fee fund.

529
530 (1) *Transportation impact fee account.* The transportation impact fee account shall
531 contain only those transportation impact fees collected pursuant to this article plus
532 any interest that may accrue from time to time on such those amounts. Funds of the
533 account shall only be used for transportation system improvements.

534
535 (2) *Park impact fee account.* The park impact fee account shall contain only those park
536 impact fees collected pursuant to this article plus any interest that many accrue from
537 time to time on such those amounts. Funds of the account shall only be used for park
538 system improvements.

539
540 (3) *Fire/rescue impact fee account.* The fire/rescue impact fee account shall contain only
541 those fire/rescue impact fees collected pursuant to this article plus any interest that
542 may accrue from time to time on such those amounts. Funds of the account shall only
543 be used for fire/rescue system improvements.

544
545 (4) *Law enforcement impact fee account.* The law enforcement impact fee account shall
546 contain only those law enforcement impact fees collected pursuant to this article plus
547 any interest that may accrue from time to time on such those amounts. Funds of the
548 account shall only be used for law enforcement system improvements.

549
550 (5) *General government impact fee account.* The general government impact fee account
551 shall contain only those general government impact fees collected pursuant to this
552 article plus any interest that may accrue from time to time on such those amounts.
553 Funds of the account shall only be used for general government system
554 improvements.

555

556 (6) ~~Solids~~ Solid waste impact fee account. The solid waste impact fee account shall
 557 contain only those solid waste impact fees collected pursuant to this article plus any
 558 interest that may accrue from time to time on ~~such~~ those amounts. Funds of the
 559 account shall only be used for solid waste system improvements.

560
 561 (c) Use of funds. Funds from the impact fee accounts may only be used for system
 562 improvements of the type specified in the title of the account. ~~Funds may be used or~~
 563 ~~pledged in the course of bonding or other lawful financing techniques, so long as the~~
 564 ~~proceeds raised thereby are used for the purpose of system improvements of the type~~
 565 ~~specified in the title of the account. If these funds or pledge of funds are combined with~~
 566 ~~other revenue sources in a dual or multipurpose bond issue or other revenue raising~~
 567 ~~device, the proceeds raised thereby must be divided and segregated such that the~~
 568 ~~amount of the proceeds reserved for system improvements of the type specified in the~~
 569 ~~title of the account bears the same ratio to the total funds collected that the impact fee~~
 570 ~~funds used or pledged bear to the total funds used or pledged. Funds on deposit in the~~
 571 ~~impact fee accounts shall not be used for any expenditure that would be classified as a~~
 572 ~~maintenance or repair expense. The funds shall be used solely for the purpose of~~
 573 ~~acquiring, constructing, or improving growth-necessitated public facilities, including but~~
 574 ~~not limited to:~~

- 575
 576 (1) Land acquisition, including any cost of acquisition;
 577
 578 (2) Fees for professional services, including but not limited to architecture, engineering,
 579 surveying, landscaping, soils and material testing, legal, appraisals, and construction
 580 management;
 581
 582 (3) Design and construction documents;
 583
 584 (4) Site development and on-site and off-site improvements incidental to construction;
 585
 586 (5) Any permitting or application fees necessary for the construction;
 587
 588 (6) Construction and design of new public facilities, including related drainage facilities
 589 and relocation of utilities;
 590
 591 (7) Landscaping;
 592
 593 (8) Acquisition of apparatus, vehicles, or other capital equipment;
 594
 595 (9) Repayment of monies borrowed from any budgetary fund of the city which were used
 596 to fund growth-necessitated capital improvements to the respective system
 597 improvements as provided in this article;
 598
 599 (10) Costs related to the administration, collection, and implementation of impact fees;
 600
 601 (11) Payment of principal and interest, necessary reserves, and costs of issuance under
 602 any bonds or other indebtedness issued by the city to provide funds to construct or
 603 acquire growth necessitated capital improvements or additions to the public facilities;

604 provided, however, that revenues generated by impact fees shall not be used, in
605 whole or in part, to pay existing debt for the city's public facilities or for previously
606 approved projects related to public facilities unless the expenditure is reasonably
607 connected to, or has a rational nexus with, the increased impact of impact-generating
608 development; and

609
610 (12) Any other expenditures of the impact fee as then allowed by law.

611 ...
612

613 **Sec. 58-~~108~~107. - Refunds; petitions.**

614
615 (a) Any fees collected shall be returned to the feepayer or his successor in interest if the fees
616 have not been spent within five (5) years from the date the impact fees were paid in full;
617 provided, however, that the city commission may, by resolution, extend by up to two
618 years the date at which fees should be refunded. ~~Such an~~ Any extension should be made
619 upon a finding that within ~~such~~ the two-year period, the impact fees will be expended for
620 specific system improvements identified in the capital improvements element (CIE) of the
621 comprehensive plan and that there is a rational nexus between the impact fee and the
622 system improvements with respect to the demand generated for these improvements by
623 the applicable new development. Fees shall be deemed to be spent on the basis that the
624 first fee collected shall be the first fee spent. The refund of the fees shall be undertaken
625 through the following process:

626 ...

627 (3) Within one month from the date of receipt of a petition for refund, the impact fee
628 administrator shall review the petition and determine if whether it is complete. If the
629 impact fee administrator determines the petition is not complete, a written
630 statement specifying the deficiencies shall be sent to the petitioner by certified mail.
631 Unless the deficiencies are corrected, the impact fee administrator shall take no
632 further action on the petition. When the impact fee administrator determines that
633 the petition is complete, the petition shall be reviewed within one month. The impact
634 fee administrator shall approve the refund petition if it is determined that the
635 feepayer or his successor in interest has paid a fee which the city has not spent within
636 the ~~period of~~ time permitted under this section. The refund shall include the fee paid.

637 ...

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639 **Sec. 58-~~109~~108. Developer reimbursements and credits.**

640 ...

641 (c) *Developer agreement.* To qualify for an impact fee reimbursement or credit, the
642 developer must enter into an agreement with the city as approved by the city
643 commission. The developer agreement shall specify the amount of the reimbursement
644 and the method and timing of repayment, or the amount of the credit and how the credit
645 will be used to offset impact fees paid by the development project for which the
646 developer contribution was made. Reimbursements of larger amounts may be scheduled
647 for payment over ~~a number of several~~ years, rather than be due all at once. The
648 agreement may specify that reimbursement will come from impact fees collected in a
649 subarea of the city most directly benefitted by the improvements. The agreement may
650 also specify a maximum percentage of impact fees collected that will be available to be
651 used for reimbursement.

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(d) *Reimbursement funds.* The source of reimbursements will be impact fees collected for the same type of facility. ~~In the event that~~ If the amount available for reimbursements is insufficient to pay all of the reimbursement payments due in a particular year, each developer may receive a pro rata share of the reimbursement due. Upon the execution of a developer agreement pursuant to this section, the city finance director, or the finance director's designee, shall establish and maintain necessary accounting mechanisms so that impact fee revenues collected within any established reimbursement subarea shall be segregated from other impact fee revenues within the same impact fee account.

~~(e) *Appeals.* After determination of the amount of the reimbursement or credit, an applicant may appeal such determination to the city commission. The applicant must file a notice of appeal with the city clerk within ten days following the determination of the reimbursement or credit. If the notice of appeal is accompanied by a letter of credit or other sufficient surety, except a corporate performance bond, as determined by the city commission in an amount equal to the impact fee as calculated herein, the city shall issue a certificate of occupancy, certificate of completion, or temporary certificate of occupancy. The filing of an appeal shall stay the issuance of the certificate of occupancy, certificate of completion, or temporary certificate of occupancy unless such bond or other surety has been filed.~~

(e) *Transfer of credit.* Impact fee credits included in a developer agreement may be assigned and transferred at any time after establishment. The credits may transfer from one development or parcel to any other that is within the impact fee district and that receives benefits from the improvement or contribution that generated the credits.

(f) *Credits for proportionate fair-share mitigation.* Notwithstanding anything in this article to the contrary, impact fee credits granted pursuant to chapter 28 of the Unified Land Development Code shall be applied on a dollar-for-dollar basis at fair market value to reduce any impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made. If the city does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit against the impact fee shall not be applied."

SECTION 5 – CONFLICTS

5.01 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 6 – SEVERABILITY

6.01 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.

699 **SECTION 7 – CODIFICATION**

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701 7.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
702 additional codification information and notations appear in *italics*. These editorial notations are
703 not intended to appear in the codified text.

704

705 **SECTION 8 – EFFECTIVE DATE**

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707 8.01 This ordinance takes effect immediately upon adoption.

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709

710 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
711 session on April 12, 2022.

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713 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in
714 public session on June 21, 2022.

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CITY OF NORTH PORT, FLORIDA

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PETE EMRICH
MAYOR

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722

723 ATTEST

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HEATHER TAYLOR, MMC
CITY CLERK

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731 APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON
CITY ATTORNEY

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