



City of North Port

ORDINANCE NO. 2024-12

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; UPDATING IMPACT FEE RATE SCHEDULES FOR THE CITY'S TRANSPORTATION 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 (“transportation impact fees”); and

WHEREAS, on January 30, 2012, the City Commission adopted Ordinance No. 2012-01, accepting the Final Report of 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 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 Florida Statutes Section 163.31801 (“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, on February 9, 2021, the City Commission adopted Ordinance No. 2020-42, 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 at one hundred percent of the 2011 Study rates for all impact fees; 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) and retroactively applying as of January 1, 2021. This new subsection 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

40 **WHEREAS**, on September 28, 2021, the City Commission adopted Ordinance No. 2021-39, recognizing
41 that the Florida Legislature’s retroactive application of Florida Statutes Section 163.31801(6) invalidated
42 Ordinance No. 2020-42 by operation of law, deeming Ordinance No. 2020-42 repealed through state
43 preemptive action, and ratifying and recognizing the reinstatement of the impact fees set forth in
44 Ordinance No. 2019-06, retroactive to February 9, 2021; and

45
46 **WHEREAS**, on June 21, 2022, the City Commission adopted Ordinance No. 2022-03, which adopted the
47 February 25, 2022 updated impact fee study prepared by Willdan Financial Services (“Impact Fee Update
48 Study”) setting forth a methodology and rates for all impact fees in the City except for transportation
49 impact fees. Ordinance No. 2022-03 preserved the 2011 Study for transportation impact fees only and
50 created a new codified definition of *Transportation Impact Fee Study* to refer to the 2011 Study. The
51 Impact Fee Update Study did not address transportation impact fees and Ordinance No. 2022-03 did not
52 increase transportation impact fees; and

53
54 **WHEREAS**, the City has not effectively increased transportation impact fees since the June 11, 2019
55 adoption of Ordinance No. 2019-06, and transportation impact fees remain at a lower rate than what the
56 2011 Study supports; and

57
58 **WHEREAS**, Florida Statutes Section 163.31801(6)(b) provides that an increase to an impact fee rate of not
59 more than 25 percent must be implemented in two equal annual increments; and

60
61 **WHEREAS**, the transportation impact fees provide funding for the capital improvements as planned and
62 included in the 2011 Study and directly relate to the services the comprehensive plan authorizes and
63 requires; and

64
65 **WHEREAS**, the City Commission finds that population growth and residential and non-residential
66 development in the City have continued to increase, straining the adequacy of existing sources of funds
67 to provide capital improvements to meet the demands created by new development; and

68
69 **WHEREAS**, the North Port Comprehensive Plan, as amended from time to time, establishes the policy that
70 land development shall not be permitted unless adequate public capital facilities exist or are assured; and

71
72 **WHEREAS**, the North Port Comprehensive Plan establishes the policy that land development shall bear
73 the full cost of the provision of the new or expanded public capital facilities required by development; and

74
75 **WHEREAS**, the North Port Comprehensive Plan establishes that the imposition of impact fees is a
76 preferred method of regulating land development to ensure that new growth bears the cost of public
77 capital facilities necessary to accommodate development and to promote and protect the public health,
78 safety, and welfare; and

79
80 **WHEREAS**, based upon the 2011 Study, the testimony at public hearings, and a review of all of the facts
81 and circumstances, in the reasonable judgment of the City Commission, the impact fee rates approved
82 herein are at levels no greater than necessary to defray the cost of capital improvements necessitated by
83 growth and development in the City; and

84
85 **WHEREAS**, notice has been provided 90 days in advance of imposing new or increased impact fees to fund
86 transportation improvements necessitated by growth and development in the City in compliance with the
87 Impact Fee Act; and

88
89 **WHEREAS**, the City Commission has determined that the amendments and fees adopted herein serve the
90 public health, safety, and welfare of the citizens of the City of North Port, Florida; and

91
92 **WHEREAS**, this ordinance was approved by at least a two-thirds vote of the City Commission.
93

94 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**
95

96 **SECTION 1 – FINDINGS**
97

98 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference as
99 legislative findings of the city commission.
100

101 **SECTION 2 – TRANSPORTATION IMPACT FEE STUDY**
102

103 2.01 The City Commission again adopts and approves the September 13, 2011, Tindale-Oliver &
104 Associates, Inc. Final Report of the *Impact Fee Study* to the extent it relates to transportation
105 impact fees, and finds that the study contains the most recent and localized data available as of
106 the date of this ordinance.
107

108 **SECTION 3 – AMENDMENT OF CHAPTER 58 OF CITY CODE**
109

110 3.01 Chapter 58 of the Code of the City of North Port, Florida is hereby amended as follows:
111

112 **“Chapter 58 – PLANNING AND DEVELOPMENT**

113 ...

114 **ARTICLE III. – IMPACT FEES**

115 ...

116 **Sec. 58-104. – Calculation of fee; schedules.**

117 ...

118 (b) *Impact fee schedules.*

119
120 (1) *Transportation impact fees.*

121
122 *Transportation impact fee district.* Pursuant to the transportation impact fee study,
123 the city has found and determined that the benefits of planned transportation system
124 improvements, to be funded with impact fees, will serve new development citywide
125 and hereby establishes a single, citywide impact fee district for the collection and
126 expenditure of transportation impact fees.
127

128 *Transportation impact fee schedule.* Following are the transportation impact fees
129 applicable to new development.
130

131

| Land Use Type | Unit | Fee Effective 6/21/2022 | Fee Effective 09/10/2024 | Fee Effective 10/01/2025 |
|--------------------------------|---------------|----------------------------|-----------------------------|-----------------------------|
| Residential | | | | |
| Single-Family Detached | Dwelling | \$3,402.75 | <u>\$3,828.09</u> | <u>\$4,306.61</u> |
| Multi-Family (Apartment) | Dwelling | \$2,310.00 | <u>\$2,598.75</u> | <u>\$2,923.59</u> |
| Condominium/Townhouse | Dwelling | \$2,793.00 | <u>\$3,142.13</u> | <u>\$3,534.89</u> |
| Mobile Home/RV Park | Site | \$1,235.25 | <u>\$1,389.66</u> | <u>\$1,563.36</u> |
| Adult Cong. Living Facility | Dwelling | \$495.00 | <u>\$556.88</u> | <u>\$626.48</u> |
| Retirement Community | Dwelling | \$787.50 | <u>\$885.94</u> | <u>\$996.68</u> |
| Hotel/Motel | Room | \$1,396.50 | <u>\$1,571.06</u> | <u>\$1,767.45</u> |
| Retail/Commercial | | | | |
| Shopping Center 50,000 or less | 1,000 sfgla | \$5,701.50 | <u>\$6,414.19</u> | <u>\$7,215.96</u> |
| Shopping Center > 50,000 | 1,000 sfgla | \$5,151.75 | <u>\$5,795.72</u> | <u>\$6,520.18</u> |
| New/Used Auto Sales | 1,000 sq. ft. | \$7794.00 | <u>\$8,768.25</u> | <u>\$9,864.28</u> |
| Tire Store | 1,000 sq. ft. | \$4205.25 | <u>\$4,730.91</u> | <u>\$5,322.27</u> |
| Supermarket | 1,000 sq. ft. | \$7857.75 | <u>\$8,839.97</u> | <u>\$9,944.96</u> |
| Bank/Savings w/drive-In | 1,000 sq. ft. | \$12,220.50 | <u>\$13,748.06</u> | <u>\$15,466.57</u> |
| Bldg. Mats./Lumber Store | 1,000 sq. ft. | \$15,103.50 | <u>\$16,991.44</u> | <u>\$19,115.37</u> |
| Hardware/Paint | 1,000 sq. ft. | \$3,078.00 | <u>\$3,462.75</u> | <u>\$3,895.59</u> |
| Convenience Store w/Gas | 1,000 sq. ft. | \$21,867.00 | <u>\$24,600.38</u> | <u>\$27,675.42</u> |

| | | | | |
|------------------------------------|---------------|------------------------|--------------------|--------------------|
| Home Improvement Store | 1,000 sq. ft. | \$4,133.25 | <u>\$4,649.91</u> | <u>\$5,231.14</u> |
| Pharmacy/Drug Store | 1,000 sq. ft. | \$3,903.75 | <u>\$4,391.72</u> | <u>\$4,940.68</u> |
| Furniture Store | 1,000 sq. ft. | \$1,177.50 | <u>\$1,324.69</u> | <u>\$1,490.27</u> |
| Golf Course | Acre | \$2,124.00 | <u>\$2,389.50</u> | <u>\$2,688.19</u> |
| Movie Theater w/o Matinee | 1,000 sq. ft. | \$4,117.50 | <u>\$4,632.19</u> | <u>\$5,211.21</u> |
| Marina | Berth | \$1,250.25 | <u>\$1,406.53</u> | <u>\$1,582.35</u> |
| Recreational Center | 1,000 sq. ft. | \$6,503.25 | <u>\$7,316.16</u> | <u>\$8,230.68</u> |
| Restaurant, Fast Food | 1,000 sq. ft. | \$43,078.50 | <u>\$48,463.31</u> | <u>\$54,521.23</u> |
| Restaurant, Sit-Down | 1,000 sq. ft. | \$15,868.50 | <u>\$17,852.06</u> | <u>\$20,083.57</u> |
| Restaurant, High Turnover | 1,000 sq. ft. | \$20,556.75 | <u>\$23,126.34</u> | <u>\$26,017.14</u> |
| Quick Lube | Bays | \$7,632.00 | <u>\$8,586.00</u> | <u>\$9,659.25</u> |
| Automobile Repair Shop | 1,000 sq. ft. | \$6,250.50 | <u>\$7,031.81</u> | <u>\$7,910.79</u> |
| Service Station w/Conv Sales | Fuel Position | \$4,907.25 | <u>\$5,520.66</u> | <u>\$6,210.74</u> |
| Self-Service Car Wash | Bays | \$1,103.25 | <u>\$1,241.16</u> | <u>\$1,396.30</u> |
| Convenience/Gas/Fast Food Store | 1,000 sq. ft. | \$59,677.50 | <u>\$67,137.19</u> | <u>\$75,529.34</u> |
| Office/Institutional | | | | |
| Office, General 50,000 or less | 1,000 sq. ft. | \$5,214.75 | <u>\$5,866.59</u> | <u>\$6,599.92</u> |
| Office, General 50,001— 100,000 | 1,000 sq. ft. | \$4,391.25 | <u>\$4,940.16</u> | <u>\$5,557.68</u> |

| | | | | |
|--|---------------|------------------------|--------------------|--------------------|
| Office, General 100,001—200,000 | 1,000 sq. ft. | \$3,694.50 | <u>\$4,156.31</u> | <u>\$4,675.85</u> |
| Office, General 200,001—400,000 | 1,000 sq. ft. | \$3,116.25 | <u>\$3,505.78</u> | <u>\$3,944.00</u> |
| Office, General greater than 400,000 | 1,000 sq. ft. | \$2,802.75 | <u>\$3,153.09</u> | <u>\$3,547.23</u> |
| Medical Office {0—10,000 sf} | 1,000 sq. ft. | \$8,484.00 | <u>\$9,544.50</u> | <u>\$10,737.56</u> |
| Medical Office {> 10,000 sf} | 1,000 sq. ft. | \$12,963.00 | <u>\$14,583.38</u> | <u>\$16,406.30</u> |
| Business Park (Flex Space) | 1,000 sq. ft. | \$4,375.50 | <u>\$4,922.44</u> | <u>\$5,537.74</u> |
| Hospital | 1,000 sq. ft. | \$5,867.25 | <u>\$6,600.66</u> | <u>\$7,425.74</u> |
| Nursing Home | 1,000 sq. ft. | \$812.25 | <u>\$913.78</u> | <u>\$1,028.00</u> |
| Church/Synagogue | 1,000 sq. ft. | \$2,168.25 | <u>\$2,439.28</u> | <u>\$2,744.19</u> |
| Day Care Center | 1,000 sq. ft. | \$7,363.50 | <u>\$8,283.94</u> | <u>\$9,319.43</u> |
| Elementary School (K—8) | 1,000 sq. ft. | \$3,459.75 | <u>\$3,892.22</u> | <u>\$4,378.75</u> |
| High School (9—12) | 1,000 sq. ft. | \$3,669.00 | <u>\$4,127.63</u> | <u>\$4,643.58</u> |
| University/Junior College (7,500 or fewer students) | Student | \$891.75 | <u>\$1,003.22</u> | <u>\$1,128.62</u> |
| University/Junior College (more than 7,500 students) | Student | \$678.75 | <u>\$763.59</u> | <u>\$859.04</u> |
| Industrial | | | | |
| General Light Ind/Industrial Park | 1,000 sq. ft. | \$2,193.75 | <u>\$2,467.97</u> | <u>\$2,776.46</u> |
| General Heavy Industrial | 1,000 sq. ft. | \$261.75 | <u>\$294.47</u> | <u>\$331.28</u> |

| | | | | |
|----------------|---------------|-----------------------|-------------------|-------------------|
| Manufacturing | 1,000 sq. ft. | \$1,077.75 | <u>\$1,212.47</u> | <u>\$1,364.03</u> |
| Warehouse | 1,000 sq. ft. | \$1,069.50 | <u>\$1,203.19</u> | <u>\$1,353.59</u> |
| Mini-Warehouse | 1,000 sq. ft. | \$468.00 | <u>\$526.50</u> | <u>\$592.31</u> |

132 ...”

133 **SECTION 4 – CONFLICTS**

134
135 4.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
136 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.
137

138 **SECTION 5 – SEVERABILITY**

139
140 5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
141 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
142 deemed a separate, distinct, and independent provision and will not affect the validity of the
143 remaining portions of the ordinance.
144

145 **SECTION 6 – CODIFICATION**

146
147 6.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
148 additional codification information and notations appear in *italics*. These editorial notations are
149 not intended to appear in the codified text.
150

151 **SECTION 7 – EFFECTIVE DATE**

152
153 7.01 This ordinance takes effect immediately upon adoption.
154
155

156 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
157 session on _____, 2024.
158

159 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in
160 public session on _____, 2024.
161

162 CITY OF NORTH PORT, FLORIDA

163
164
165
166 _____
167 ALICE WHITE
168 MAYOR
169

170 ATTEST

171

172

173

174 _____
HEATHER FAUST, MMC

175 CITY CLERK

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177

178 APPROVED AS TO FORM AND CORRECTNESS

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180

181

182 _____
AMBER L. SLAYTON, B.C.S.

183 CITY ATTORNEY