



# City of North Port

CITY OF NORTH PORT

ORDINANCE NO. 2014-12

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA AMENDING NORTH PORT CODE CHAPTER 58 ARTICLE III "IMPACT FEES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

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

## **SECTION 1 – AMENDMENT**

1.01 - Chapter 58 Article III of the North Port Code is hereby amended as set forth herein.

## **SECTION 2 - AMENDMENT OF SECTION 58-100, DECLARATIONS**

2.01 - Section 58-100 is hereby amended to read as follows:

### **Sec. 58-100. Declarations.**

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

- (1) Population growth and nonresidential development in the City of North Port, Florida, has increased during the 1990's and 2000's, straining the adequacy of existing sources of funds to provide capital improvements to meet the demands created by new development.
- (2) The revised and updated comprehensive plan for the City, adopted in December 2008, and the impact fee study indicates that this growth will continue and will place significant demands on the City to provide capital improvements to support new development.
- (3) New growth and development must be accompanied and supported by adequate facilities in order to maintain the existing level of service standards.
- (4) The comprehensive plan, including the Capital Improvements Element (CIE), was prepared as authorized and required by the Community Planning Act, F.S. § 163.3161 et seq.
- (5) The CIE, Capital Improvement Program and the annual City budget include capital improvements whose need is attributable to anticipated new growth and development.

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

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

(8) In response to the severe economic recession and an ongoing economic crisis, both nationally and in the State of Florida, and in order to promote economic development, Commission wishes to extend the current moratorium on transportation impact fees only for one-year commencing on January 31, 2014 and ending on January 31, 2015, the impact fees relating to transportation will not be levied.

(9) The impact fees imposed by this article are based on the most recent and localized data.

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

(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.

### **SECTION 3 – RESTATEMENT AND READOPTION OF SECTION 58-101, INTENT**

3.01 - Section 58-101 is hereby restated and readopted to read as follows:

#### **Sec. 58-101. Intent.**

(a) This article is intended to impose a fee, 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.

(b) The impact fees adopted pursuant to this article are based upon the calculation methodology incorporated in the Impact Fee Study adjusted to stimulate economic development.

(c) The impact fees should be kept up-to-date through yearly cost adjustments and periodic study updates as determined by the North Port City Commission.

#### **SECTION 4– RESTATEMENT AND READOPTION OF SECTION 58-102, DEFINITIONS**

4.01 - Section 58-102 is hereby restated and readopted to read as follows:

##### **Sec. 58-102. Definitions.**

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

*Applicant.* The property owner or duly designated agent of the property owner of land on which a building permit, certificate of occupancy, certificate of completion, and temporary certificate of occupancy is requested or an impact fee is due pursuant to this article.

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

*Certificate of Completion.* A certificate stating material and products meet specified standards or that work has been completed in compliance with approved construction documents. A Certificate of Completion does not allow occupancy of the structure and/or the conduct of business.

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

*Community park.* A ride-to park located near major streets or arterials which includes active or passive improved recreational facilities. It is designed to serve the needs of at least ten to 15 neighborhoods that constitute a community and serves community residents within a radius of up to approximately three miles or a service population of approximately 25,000 to 35,000 permanent residents. Community parks are approximately 20 acres or more in size.

*Feepayer.* A person who is obligated to pay an impact fee in accordance with the terms of this article.

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

*General government system improvement.* The planning, engineering, construction, or acquisition of land and buildings that add capital improvement capacity serving new development benefitting from City of North

Port general government facilities. General government facilities consist of buildings and land used to provide City services to new development, which are not self-supporting or covered by an impact fee other than the general government impact fee.

*Impact fee.* The transportation, park, fire/rescue, law enforcement, general government or solid waste impact fee.

*Impact fee administrator.* The City of North Port employee, designated by the City Manager, primarily responsible for administering the provisions of this article.

*Impact fee study.* The *City of North Port Impact Fee Study* prepared by Tindale-Oliver & Associates, Inc. and accepted by City Commission on December 12, 2011, or a subsequent similar study.

*Impact-generating development.* Any land development activity designed or intended to permit a use of the land that will increase the number of service units.

*Industrial.* Activities primarily related to the manufacture, assembly or production of goods.

*Law enforcement system improvement.* The planning, engineering, construction, or acquisition of land, equipment, vehicles, and buildings that add capital improvement capacity serving new development that benefits from the City of North Port Police Department.

*Office/institutional.* Activities primarily consisting of the provision of professional or skilled services, public services or non-profit activities. Examples include general or medical offices, hospitals, nursing homes, schools and colleges, churches, lodges, fire and police stations, and libraries.

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

*Peak population.* The theoretical total residential population if every dwelling unit were occupied by a household with the average number of persons for the type of housing.

*Retail/commercial.* Establishments primarily engaged in retail sales or other commercial activities, but excluding office uses. Examples include shopping centers, auto sales or repair, banks, building materials sales, hardware stores, plant nurseries, convenience stores, furniture stores, golf courses, marinas, movie theaters, recreational centers, restaurants, and service stations.

*Service units.* Vehicle-miles of travel, peak population or equivalent dwelling units, consistent with the impact fee study.

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

*Square feet.* Gross floor area, defined as the total area of all floors of a primary building and all associated accessory buildings, measured from the external surface of the outside walls. Excluded areas include basements or attic spaces of less than seven feet in height and vehicular parking and maneuvering areas.

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

*Temporary Certificate of Occupancy.* A certificate stating in the opinion of the Building Official the site and structure are safe for the Owner/Tenant to enter and begin the process of setting up a residence or business. A Temporary Certificate of Occupancy may or may not provide permission to live in or conduct business within the structure.

*Transportation system.* All arterial and collector roadways identified in the Transportation Element contained in the City's adopted Comprehensive Plan and located within the city limits of the City of North Port. Freeways and expressways, such as I-75 and U.S. 41, are excluded from the system to be funded by the transportation impact fees, but the frontage roads for U.S. 41 and any other arterials or collectors are included.

*Transportation system improvement.* The planning of, engineering for, acquisition of land for and the construction of capital improvements for the transportation system, including but not limited to the acquisition of right-of-way, construction of new roads, widening of existing roads, intersection improvements, and installation of traffic signals. Lane reconstruction, sidewalk construction, medians, landscaping, street lighting, and other ancillary components of a capacity-expanding road improvement shall not be considered transportation system improvements when not an integral part of a capacity-expanding improvement. Improvements directly related to and primarily serving traffic entering or exiting a development project shall not be considered system improvements.

*Warehouse.* Establishments primarily engaged in the movement and storage of goods.

## **SECTION 5 – AMENDMENT OF SECTION 58-103, APPLICABILITY; FEE DETERMINATION**

5.01 - Section 58-103 is hereby amended to read as follows:

### **Sec. 58-103. Applicability; fee determination; impact fee accounts; and use of fees.**

(a) Any person who shall commence an impact-generating development or change in use or intensity to an existing development in the City of North Port, as herein defined, shall be obligated to pay impact fees as required by this article. The fee shall be preliminarily calculated by the City of North Port at the time of issuing a building permit. A final calculation of the fee shall occur and 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, the fee shall be computed separately for 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 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 there is no increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.

(3) A change in occupancy without any increase in the number of dwelling units for residential use or in the amount of square footage for nonresidential use.

(c) Where this article becomes applicable due to an increase in the number of dwelling units for residential use, an increase in the intensity of a use or due to a change of use or in the amount of square footage for nonresidential use, the amount of the impact fee shall be based solely upon the increase in the number of dwelling units or amount of square footage. The City Commission may waive or reduce the additional impact fees due from the change in dwelling units, intensity of use or change of use, so long as the changes to the impact generating development serves a valid public purpose and the request is made within 30 days of payment of the impact fee.

(d) Applicants who have a valid building permit on file with the City at the time of adoption of this Article, but who have not yet received a Certificate of Occupancy, certificate of completion, or temporary certificate of occupancy, shall pay the impact fees in the amounts set forth in this Article at the time a certificate of occupancy, certificate of completion, or temporary certificate of occupancy for the development is issued. Applicants who have a valid building permit on file with the City on January 31, 2015, but who have not yet received a Certificate of Occupancy, certificate of completion or temporary certificate of occupancy, but who receive a Certificate of Occupancy by January 31, 2016, shall not have the impact fees relating to transportation levied.

(e) The City Commission may waive or reduce City impact fees only if the impact generating development serves a valid public purpose and the request is made within 30 days of payment of the impact fee.

(f) The City will maintain separate and individual impact fee funds for each category of impact fee collected and will deposit into each fund impact fee revenues collected solely for the category of fees assigned to that fund. The City will account for the revenues and expenditures made from each fund, by facility type.

(g) Impact fee revenues shall be spent only for system improvements and only for the category of system improvements for which the fee revenues were collected, consistent with the impact fee study.

## **SECTION 6 – AMENDMENT OF SECTION 58-105, CALCULATION OF FEE; SCHEDULES**

6.01 - Section 58-105 is hereby amended to read as follows:

**Sec. 58-105. Calculation of fee; schedules.**

(a) The City shall calculate the impact fee due by:

- (1) Verifying the number and type of dwelling units or the square footage, or other measurement, of nonresidential impact that is proposed to be constructed as shown on the building permit application.
- (2) Determining the amount of each type of impact fee that shall be applied for each dwelling unit or nonresidential development unit pursuant to subsection (b) of this section.
- (3) Multiplying the number of dwelling units or nonresidential development units by the fee per dwelling unit or nonresidential development unit as indicated in subsection (b) below.

(b) *Impact fee schedules.*

(1) *Transportation impact fees.*

*Transportation impact fee district.* Pursuant to the 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.

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

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee Effective 1/31/2012</b>	<b>Fee Effective 1/31/2015</b>
<b><i>Residential</i></b>			
Single-Family Detached	Dwelling	0	\$1,928.23
Multi-Family (Apartment)	Dwelling	0	\$1,309.00
Mobile Home/RV Park	Site	0	\$699.98
Adult Cong. Living Facility	Dwelling	0	\$280.50
Retirement Community	Dwelling	0	\$699.98
Hotel/Motel	Room	0	\$791.35
<b><i>Retail/Commercial</i></b>			
Shopping Center 50,000 or less	1000 sfgla	0	\$3,230.85
Shopping Center > 50,000	1000 sfgla	0	\$2,919.33
New/Used Auto Sales	1000 sq. ft.	0	\$4,416.60
Tire Store	1000 sq. ft.	0	\$2,382.98
Supermarket	1000 sq. ft.	0	\$4,452.73

Bank/Savings w/drive-In	1000 sq. ft.	0	\$6,924.95
Bldg Mats./Lumber Store	1000 sq. ft.	0	\$8,558.65
Hardware/Paint	1000 sq. ft.	0	\$1,744.20
Convenience Store w/Gas	1000 sq. ft.	0	\$12,391.30
Home Improvement Store	1000 sq. ft.	0	\$2,342.18
Pharmacy/Drug Store	1000 sq. ft.	0	\$2,212.13
Furniture Store	1000 sq. ft.	0	\$667.25
Golf Course	Acre	0	\$1,203.60
Movie Theater w/o Matinee	1000 sq. ft.	0	\$2,333.25
Marina	Berth	0	\$708.48
Recreational Center	1000 sq. ft.	0	\$3,685.18
Restaurant, Fast Food	1000 sq. ft.	0	\$24,411.15
Restaurant, Sit-Down	1000 sq. ft.	0	\$8,992.15
Restaurant, High Turnover	1000 sq. ft.	0	\$11,648.83
Quik Lube	Bays	0	\$4,324.80
Automobile Repair Shop	1000 sq. ft.	0	\$3,541.95
Service Station w/Conv Sales	Fuel Position	0	\$2,780.78
Self-Service Car Wash	Bays	0	\$625.18
Convenience/Gas/Fast Food Store	1000 sq. ft.	0	\$33,817.25
<b>Office/Institutional</b>			
Office, General 50,000 or less	1000 sq. ft.	0	\$2,955.03
Office, General 50,001-100,000	1000 sq. ft.	0	\$2,488.38
Office, General 100,001-200,000	1000 sq. ft.	0	\$2,093.55
Office, General 200,001-400,000	1000 sq. ft.	0	\$1,765.88
Office, General greater than 400,000	1000 sq. ft.	0	\$1,588.23
Medical Office (0-10,000 sf)	1000 sq. ft.	0	\$4,807.60
Medical Office (> 10,000 sf)	1000 sq. ft.	0	\$7,345.70
Business Park (Flex Space)	1000 sq. ft.	0	\$2,479.45
Hospital	1000 sq. ft.	0	\$3,324.78
Nursing Home	1000 sq. ft.	0	\$460.28
Church/Synagogue	1000 sq. ft.	0	\$1,228.68
Day Care Center	1000 sq. ft.	0	\$4,172.65
Elementary School (K-8)	1000 sq. ft.	0	\$1,960.53
High School (9-12)	1000 sq. ft.	0	\$2,079.10
University/Junior College (7,500 or fewer students)	Student	0	\$505.33
University/Junior College (more than 7,500 students)	Student	0	\$384.63
<b>Industrial</b>			
General Light Ind/Industrial Park	1000 sq. ft.	0	\$1,243.13
General Heavy Industrial	1000 sq. ft.	0	\$148.33
Manufacturing	1000 sq. ft.	0	\$610.73
Warehouse	1000 sq. ft.	0	\$606.05
Mini-Warehouse	1000 sq. ft.	0	\$265.20



(2) *Park impact fees.*

*Park impact fee district.* Pursuant to the impact fee study, the City has found and determined that the benefits of planned park 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 park impact fees.

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

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee Effective 4/29/2012</b>
Single-Family Detached	Dwelling	\$558.88
Multi-Family	Dwelling	\$329.38
Mobile Home/RV Park	Site	\$273.70

(3) *Fire/rescue impact fees.*

*Fire/rescue impact fee district.* Pursuant to the impact fee study, the City has found and determined that the benefits of planned fire/rescue system improvements, to be funded with impact fees, will serve new development throughout the North Port Fire and Rescue District and hereby establishes a single impact fee district, for the collection and expenditure of fire/rescue impact fees, commensurate with the boundaries of the North Port Fire and Rescue District.

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

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee Effective 4/29/2012</b>
<b>Residential</b>		
Single-Family Detached	Dwelling	\$206.55
Multi-Family	Dwelling	\$121.55
Mobile Home/RV Park	Site	\$101.58
Retirement Community	Dwelling	\$101.58
<b>Transient, Assisted, Group</b>		
Hotel/Motel	Room	\$119.43
Nursing Home	Bed	\$80.33
Assisted Living Facility	Dwelling	\$101.58
<b>Recreational</b>		
Marina	Berth	\$22.53
Golf Course	Acre	\$17.85

Movie Theater w/Matinee	1000 sq. ft.	\$198.48
Recreational/Community Center	1000 sq. ft.	\$167.45
<b>Institutions</b>		
Elementary School (K-8)	1000 sq. ft.	\$74.38
High School (9-12)	1000 sq. ft.	\$66.30
University/Junior College w/7,500 or fewer students	Student	\$11.90
University/Junior College w/more than 7,500 students	Student	\$8.08
Church	1000 sq. ft.	\$67.15
Day Care	1000 sq. ft.	\$104.98
Hospital	1000 sq. ft.	\$182.75
<b>Office and Financial</b>		
Office 50,000 sf or less	1000 sq. ft.	\$167.45
Office 50,001-100,000 sf	1000 sq. ft.	\$142.80
Office 100,001-200,000 sf	1000 sq. ft.	\$121.55
Office 200,001-400,000 sf	1000 sq. ft.	\$103.70
Office > 400,000 sf	1000 sq. ft.	\$94.35
Medical Office (1-10,000 sf)	1000 sq. ft.	\$134.73
Medical Office (> 10,000 sf)	1000 sq. ft.	\$203.15
Business Park (Flex Space)	1000 sq. ft.	\$116.88
<b>Retail, Gross Square Feet</b>		
Building Materials, Lumber	1000 sq. ft.	\$142.80
Hardware/Paint	1000 sq. ft.	\$135.58
Shopping Center 50,000 sfgla or less	1000 sfgla	\$289.00
Shopping Center > 50,000 sfgla	1000 sfgla	\$252.45
New/Used Auto Sales	1000 sq. ft.	\$182.75
Tire Store	1000 sq. ft.	\$116.88
Supermarket	1000 sq. ft.	\$241.83
Convenience Store w/gas pumps	1000 sq. ft.	\$688.08
Home Improvement Superstore	1000 sq. ft.	\$209.95
Pharmacy/Drug Store	1000 sq. ft.	\$227.80
Furniture Store	1000 sq. ft.	\$27.20
Bank/Savings Drive-In	1000 sq. ft.	\$269.03
Sit-down Restaurant	1000 sq. ft.	\$804.15
High Turnover Restaurant	1000 sq. ft.	\$834.70
Fast Food Rest w/Drive-thru	1000 sq. ft.	\$1,063.35
Quik Lube	Service Bay	\$136.85
Auto Repair Shop	1000 sq. ft.	\$186.58
Gasoline/Service	Fuel Position	\$230.35
Station/Convenience Mart		
Self Service Car Wash	Service Bay	\$102.85
Convenience/Gasoline/Fast Food Store	1000 sq. ft.	\$844.05
<b>Industrial</b>		
Light Industrial/Industrial Park	1000 sq. ft.	\$81.60

General Heavy Industrial	1000 sq. ft.	\$57.80
Manufacturing	1000 sq. ft.	\$59.08
Warehouse	1000 sq. ft.	\$33.15
Mini-Warehouse/Storage	1000 sq. ft.	\$8.08

(4) *Law enforcement impact fees.*

*Law enforcement impact fee district.* Pursuant to the impact fee study, the City has found and determined that the benefits of planned law enforcement 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 law enforcement impact fees.

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

Land Use Type	Unit	Fee Effective 4/29/2012
<b>Residential</b>		
Single-Family Detached	Dwelling	\$194.50
Multi-Family	Dwelling	\$114.50
Mobile Home/RV Park	Site	\$95.50
Retirement Community	Dwelling	\$95.50
<b>Transient, Assisted, Group</b>		
Hotel/Motel	Room	\$112.00
Nursing Home	Bed	\$75.50
Assisted Living Facility	Dwelling	\$95.50
<b>Recreational</b>		
Marina	Berth	\$21.00
Golf Course	Acre	\$16.50
Movie Theater w/Matinee	1000 sq. ft.	\$186.50
Recreational/Community Center	1000 sq. ft.	\$157.50
<b>Institutions</b>		
Elementary School (K-8)	1000 sq. ft.	\$70.00
High School (9-12)	1000 sq. ft.	\$62.00
University/Junior College w/7,500 or fewer students	Student	\$11.00
University/Junior College w/more than 7,500 students	Student	\$8.00
Church	1000 sq. ft.	\$63.50
Day Care	1000 sq. ft.	\$99.00
Hospital	1000 sq. ft.	\$172.00
<b>Office and Financial</b>		

Office/Institutional 50,000 sf or less	1000 sq. ft.	\$157.50
Office 50,001-100,000 sf	1000 sq. ft.	\$134.50
Office 100,001-200,000 sf	1000 sq. ft.	\$114.50
Office 200,001-400,000 sf	1000 sq. ft.	\$97.50
Office > 400,000 sf	1000 sq. ft.	\$89.00
Medical Office (1-10,000 sf)	1000 sq. ft.	\$126.50
Medical Office (> 10,000 sf)	1000 sq. ft.	\$191.00
Business Park (Flex Space)	1000 sq. ft.	\$110.00
<b>Retail, Gross Square Feet</b>		
Building Materials, Lumber	1000 sq. ft.	\$134.50
Hardware/Paint	1000 sq. ft.	\$127.50
Shopping Center 50,000 sfgla or less	1000 sfgla	\$272.00
Shopping Center > 50,000 sfgla	1000 sfgla	\$237.50
New/Used Auto Sales	1000 sq. ft.	\$172.00
Tire Store	1000 sq. ft.	\$110.00
Supermarket	1000 sq. ft.	\$227.50
Convenience Store w/gas pumps	1000 sq. ft.	\$647.50
Home Improvement Superstore	1000 sq. ft.	\$197.50
Pharmacy/Drug Store	1000 sq. ft.	\$214.50
Furniture Store	1000 sq. ft.	\$25.50
Bank/Savings Drive-In	1000 sq. ft.	\$253.00
Sit-down Restaurant	1000 sq. ft.	\$757.50
High Turnover Restaurant	1000 sq. ft.	\$785.00
Fast Food Rest w/Drive-thru	1000 sq. ft.	\$1,000.50
Quik Lube	Service Bay	\$129.00
Auto Repair Shop	1000 sq. ft.	\$175.50
Gasoline/Service Station/Convenience Mart	Fuel Position	\$216.50
Self Service Car Wash	Service Bay	\$96.50
Convenience/Gasoline/Fast Food Store	1000 sq. ft.	\$794.00
<b>Industrial</b>		
Light Industrial/Industrial Park	1000 sq. ft.	\$76.50
General Heavy Industrial	1000 sq. ft.	\$54.50
Manufacturing	1000 sq. ft.	\$55.50
Warehouse	1000 sq. ft.	\$31.00
Mini-Warehouse/Storage	1000 sq. ft.	\$8.00

(5) *General government impact fees.*

*General government impact fee district.* Pursuant to the impact fee study, the City has found and determined that the benefits of planned general government 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 general government impact fees.

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

<b>Land Use Type</b>	<b>Unit</b>	<b>Fee Effective 4/29/2012</b>
<b>Residential</b>		
Single-Family Detached	Dwelling	\$143.65
Multi-Family	Dwelling	\$84.50
Mobile Home/RV Park	Site	\$70.53
Retirement Community	Dwelling	\$70.53
<b>Transient, Assisted, Group</b>		
Hotel/Motel	Room	\$82.88
Nursing Home	Bed	\$55.90
Assisted Living Facility	Dwelling	\$70.53
<b>Recreational</b>		
Marina	Berth	\$15.60
Golf Course	Acre	\$12.35
Movie Theater w/Matinee	1000 sq. ft.	\$137.80
Recreational/Community Center	1000 sq. ft.	\$116.35
<b>Institutions</b>		
Elementary School (K-8)	1000 sq. ft.	\$51.68
High School (9-12)	1000 sq. ft.	\$45.83
University/Junior College w/7,500 or fewer students	Student	\$8.13
University/Junior College w/more than 7,500 students	Student	\$5.85
Church	1000 sq. ft.	\$46.80
Day Care	1000 sq. ft.	\$73.13
Hospital	1000 sq. ft.	\$127.08
<b>Office and Financial</b>		
Office 50,000 sf or less	1000 sq. ft.	\$116.35
Office 50,001-100,000 sf	1000 sq. ft.	\$99.13
Office 100,001-200,000 sf	1000 sq. ft.	\$84.50
Office 200,001-400,000 sf	1000 sq. ft.	\$72.15
Office > 400,000 sf	1000 sq. ft.	\$65.65
Medical Office (1-10,000 sf)	1000 sq. ft.	\$93.60
Medical Office (> 10,000 sf)	1000 sq. ft.	\$141.05
Business Park (Flex Space)	1000 sq. ft.	\$81.25
<b>Retail, Gross Square Feet</b>		
Building Materials, Lumber	1000 sq. ft.	\$99.13
Hardware/Paint	1000 sq. ft.	\$94.25

Shopping Center 50,000 sfgla or less	1000 sfgla	\$200.85
Shopping Center > 50,000 sfgla	1000 sfgla	\$175.50
New/Used Auto Sales	1000 sq. ft.	\$127.08
Tire Store	1000 sq. ft.	\$81.25
Supermarket	1000 sq. ft.	\$168.03
Convenience Store w/gas pumps	1000 sq. ft.	\$478.08
Home Improvement Superstore	1000 sq. ft.	\$145.93
Pharmacy/Drug Store	1000 sq. ft.	\$158.28
Furniture Store	1000 sq. ft.	\$18.85
Bank/Savings Drive-In	1000 sq. ft.	\$186.88
Sit-down Restaurant	1000 sq. ft.	\$559.33
High Turnover Restaurant	1000 sq. ft.	\$579.80
Fast Food Rest w/Drive-thru	1000 sq. ft.	\$739.05
Quik Lube	Service Bay	\$95.23
Auto Repair Shop	1000 sq. ft.	\$129.68
Gasoline/Service	Fuel Position	\$159.90
Station/Convenience Mart		
Self Service Car Wash	Service Bay	\$71.50
Convenience/Gasoline/Fast Food Store	1000 sq. ft.	\$586.63
<b>Industrial</b>		
Light Industrial/Industrial Park	1000 sq. ft.	\$56.55
General Heavy Industrial	1000 sq. ft.	\$40.30
Manufacturing	1000 sq. ft.	\$40.95
Warehouse	1000 sq. ft.	\$23.08
Mini-Warehouse/Storage	1000 sq. ft.	\$5.85

(6) *Solid waste impact fees.*

*Solid Waste impact fee district.* Pursuant to the impact fee study, the City has found and determined that the benefits of planned solid waste 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 solid waste impact fees.

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

Land Use Type	Unit	Fee Effective 1/31/2014
<b>Residential</b>		
Single-Family Detached	Dwelling	\$149.50
Multi-Family	Dwelling	\$88.50
Mobile Home/RV Park	Site	\$73.50
Retirement Community	Dwelling	\$73.50
<b>Transient, Assisted, Group</b>		

Hotel/Motel	Room	\$29.00
Nursing Home	1000 sq. ft.	\$42.00
Assisted Living Facility	1000 sq. ft.	\$42.00
<b>Recreational</b>		
Marina	1000 sq. ft.	\$107.50
Golf Course	1000 sq. ft.	\$107.50
Movie Theater w/Matinee	1000 sq. ft.	\$165.00
Recreational/Community Center	1000 sq. ft.	\$95.00
<b>Institutions</b>		
Elementary School (K-8)	1000 sq. ft.	\$149.50
High School (9-12)	1000 sq. ft.	\$149.50
University/Junior College w/7,500 or fewer students	1000 sq. ft.	\$149.50
University/Junior College w/more than 7,500 students	1000 sq. ft.	\$149.50
Church	1000 sq. ft.	\$20.00
Day Care	1000 sq. ft.	\$109.50
Hospital	1000 sq. ft.	\$42.50
<b>Office and Financial</b>		
Office 50,000 sf or less	1000 sq. ft.	\$49.00
Office 50,001-100,000 sf	1000 sq. ft.	\$49.00
Office 100,001-200,000 sf	1000 sq. ft.	\$49.00
Office 200,001-400,000 sf	1000 sq. ft.	\$49.00
Office > 400,000 sf	1000 sq. ft.	\$49.00
Medical Office (1-10,000 sf)	1000 sq. ft.	\$58.00
Medical Office (> 10,000 sf)	1000 sq. ft.	\$58.00
Business Park (Flex Space)	1000 sq. ft.	\$49.00
<b>Retail, Gross Square Feet</b>		
Building Materials, Lumber	1000 sq. ft.	\$33.50
Hardware/Paint	1000 sq. ft.	\$145.50
Retail 50,000 sfgla or less	1000 sfgla	\$104.00
Retail > 50,000 sfgla	1000 sfgla	\$104.00
New/Used Auto Sales	1000 sq. ft.	\$75.00
Tire Store	1000 sq. ft.	\$131.50
Supermarket	1000 sq. ft.	\$318.50
Convenience Store w/gas pumps	1000 sq. ft.	\$415.50
Home Improvement Superstore	1000 sq. ft.	\$33.50
Pharmacy/Drug Store	1000 sq. ft.	\$145.50
Furniture Store	1000 sq. ft.	\$145.50
Bank/Savings Drive-In	1000 sq. ft.	\$64.00
Sit-down Restaurant	1000 sq. ft.	\$498.00
High Turnover Restaurant	1000 sq. ft.	\$498.00
Fast Food Rest w/Drive-thru	1000 sq. ft.	\$780.00
Quik Lube	Service Bay	\$59.50
Auto Repair Shop	1000 sq. ft.	\$131.50

Gasoline/Service Station/Convenience Mart	Fuel Pos.	\$415.50
Self Service Car Wash	Service Bay	\$69.50
Convenience/Gasoline/Fast Food Store	1000 sq. ft.	\$415.50
<b>Industrial</b>		
Light Industrial/Industrial Park	1000 sq. ft.	\$89.50
General Heavy Industrial	1000 sq. ft.	\$29.00
Manufacturing	1000 sq. ft.	\$89.50
Warehouse	1000 sq. ft.	\$101.50
Mini-Warehouse/Storage	1000 sq. ft.	\$35.50

(c) *Uses not listed.* If the type of land use for which a certificate of occupancy, certificate of completion, or temporary certificate of occupancy is requested is not specified in the above fee schedules, the impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule, based on a generally-accepted land use classification system (e.g., the North American Industry Classification System, the Land-Based Classification Standards (APA), and/or ITE's Trip Generation Manual) and the impact fee study.

(d) *Primary use; mixed uses.* In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research, and other associated functions. The impact fees are assessed based on the primary land use for the lot or structure. However, for a proposed development that mixes residential and nonresidential uses or multiple unrelated nonresidential uses in the same lot or structure, the impact fee shall be calculated separately for each land use and the fees added together to determine the appropriate impact fee for the development.

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

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



(g) *Administrative charge.* In addition to the impact fee itself, the City shall charge an administrative fee equal to one and one-half percent (1.5%) of the total amount of impact fees due. This administrative fee will be used to reimburse the City's operating funds for the cost of administering the impact fee system.

## **SECTION 7 – AMENDMENT OF SECTION 58-107, DISPOSITION OF FEES**

7.01 Section 58-107 is hereby amended to read as follows:

### **Sec. 58-107. Disposition of fees.**

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

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

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

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

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

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

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

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

(c) *Use of funds.* Funds from the impact fee accounts may only be used for system improvements of the type specified in the title of the account. Funds may be used or pledged in the course of bonding or other lawful financing techniques, so long as the proceeds raised thereby are used for the purpose of system improvements of the type specified in the title of the account. If these funds or pledge of funds are combined with other revenue sources in a dual or multipurpose bond issue or other revenue-raising device, the proceeds raised thereby must be divided and segregated such that the amount of the proceeds reserved for system improvements of the type specified in the title of the account bears the same ratio to the total funds collected that the impact fee funds used or pledged bear to the total funds used or pledged.

(d) *Annual recommendation for expenditure of fees.* Each year, at the time the annual City budget is being prepared, the City Manager shall propose appropriations to be spent from each impact fee account. After review of the City Manager's recommendation, the City Commission shall approve, modify or deny the recommended expenditures of the impact fee moneys. Any amounts not appropriated from the trust account, together with any interest earnings, shall be carried over in the account to the following fiscal year.

## **SECTION 8 – RESTATEMENT AND READOPTION OF SECTION 58-108, REFUNDS; PETITIONS**

8.01 - Section 58-108 is hereby restated and readopted to read as follows:

### **Sec. 58-108. Refunds; petitions.**

(a) Any fees collected shall be returned to the feepayer or his successor in interest if the fees have not been spent within five years from the date the building permit was issued, along with interest of six percent a year; provided, however, that the City Commission may, by resolution, extend by up to two years the date at which fees should be refunded. Such an extension should be made upon a finding that within such two-year period, the impact fees will be expended for specific system improvements identified in the CIE of the comprehensive plan and that there is a rational nexus between the impact fee and the system improvements with respect to the demand generated for these improvements by the applicable new development. Fees shall be deemed to be spent on the basis that the first fee collected shall be the first fee spent. The refund of the fees shall be undertaken through the following process:

(1) The current owner of the property must petition the City for the refund within one year following the five-year period from the date on which the impact fee was paid. If the time of refund has been extended pursuant to this subsection (a), the petition shall be submitted within one year following the end of the extension.

(2) The petition must contain the following information:

- a. A notarized sworn statement that the petitioner is the current owner of the property.
- b. A copy of the dated receipt issued for payment of the impact fee.
- c. A certified copy of the latest recorded deed for the property.

d. A copy of the most recent ad valorem tax bill for the property.

(3) Within one month from the date of receipt of a petition for refund, the impact fee administrator shall review the petition and determine if it is complete. If the impact fee administrator determines the petition is not complete, a written statement specifying the deficiencies shall be sent to the petitioner by certified mail. Unless the deficiencies are corrected, the impact fee administrator shall take no further action on the petition. When the impact fee administrator determines that the petition is complete, the petition shall be reviewed within one month. The impact fee administrator shall approve the refund petition if it is determined that the fee payer or his successor in interest has paid a fee which the City has not spent within the period of time permitted under this section. The refund shall include the fee paid, plus interest of six percent a year.

(b) Any petitioner may appeal the decision on the refund to the City Commission by filing a notice of appeal to the City Manager within ten working days following the decision. In reviewing the decision on the amount of the refund, the City Commission shall use the standards established in subsection (a)(3).

#### **SECTION 9- RESTATEMENT AND READOPTION OF SECTION 58-109, DEVELOPERS REIMBURSEMENTS AND CREDITS**

9.01 - Section 58-109 is hereby restated and readopted to read as follows:

##### **Sec. 58-109. Developer Reimbursements and Credits.**

(a) *Eligibility.* Developers may be eligible for reimbursements or credits for the value of land dedications, construction or monetary payments for impact-fee eligible system improvements. At the City's discretion, reimbursements or credits may be negotiated by the City and a developer seeking reimbursements or credits based on, but not limited to, any of the following factors: the actual cost of construction or dedicated improvements, the fair market value of land dedicated, the City's documented cost estimates for the proffered system improvement, whether the proffered system improvement is included in the City's Capital Improvement Element, and the amount of unallocated impact fee funds available for reimbursements.

(b) *Effective upon acceptance.* Eligibility for reimbursements or credits shall become effective when the land dedication or improvements have been completed and have been accepted by the City Commission under the provisions of a prior agreement.

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

(d) *Reimbursement funds.* The source of reimbursements will be impact fees collected for the same type of facility. In the event that 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.

#### **SECTION 10 - SEVERABILITY**

10.01 - If any section, subsection, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 11 - CONFLICTS.**

11.01- In the event of any conflicts between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

#### **SECTION 12 - EFFECTIVE DATE**

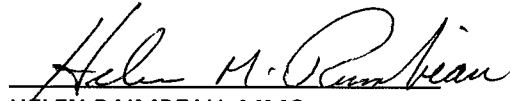
12.01- This Ordinance shall take effect immediately upon passing.


Read by title only in public session on this 10<sup>th</sup> day of February 2014.

PASSED AND ADOPTED on the second and final reading held in public session this 24<sup>th</sup> day of February, 2014.


ATTEST:

CITY OF NORTH PORT, FLORIDA

  
HELEN RAIMBEAU, MMC  
City Clerk

  
JAMES BLUCHER  
Mayor

Approved as to form and correctness:

  
ROBERT K. ROBINSON  
City Attorney