



City of North Port

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 58-103, RELATED TO THE CALCULATION OF IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinances No. 2012-01 and 2014-12 establish certain impact fee schedules; and

WHEREAS, on June 11, 2019, the City Commission adopted Ordinance No. 2019-06, amending the impact fee schedules and increasing rates effective immediately; and

WHEREAS, Section 58-103 of the Code of the City of North Port, Florida provides that the impact fee shall be preliminarily calculated at the time of issuing a building permit, and a final calculation of the fee shall occur and shall be collected upon the issuance of a certificate of occupancy, certificate of completion, or temporary certificate of occupancy for the development; and

WHEREAS, the City Commission finds that delaying the implementation date of the increased impact fees for then-existing building permit holders fulfills a public purpose and will advance economic development in the City; and

WHEREAS, the City Commission has determined that the proposed amendments serve the health, safety, and welfare of the citizens of the City of North Port, Florida.

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

SECTION 1 – FINDINGS

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 – ADOPTION

2.01 Chapter 58 of the Code of the City of North Port, Florida is hereby amended to read as follows:

“Chapter 58 – PLANNING AND DEVELOPMENT

...

ARTICLE III. - IMPACT FEES

...

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.
 - (1) 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, unless deferred by the city commission, 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, 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.
 - (2) Except as provided below, the impact fee schedules in effect at the time an applicant receives a certificate of occupancy, certificate of completion, or temporary certificate of occupancy shall be utilized for the final calculation and collection of the impact fee.
 - (3) The impact fee schedules in effect on June 10, 2019 shall be utilized for the final calculation and collection of impact fees if the following conditions are met:
 - a. The applicant had a complete building permit application submitted to and accepted by the city as of June 11, 2019; and
 - b. The applicant receives a certificate of occupancy, certificate of completion, or temporary certificate of occupancy on or before January 5, 2021.
 - (4) Any applicant that paid impact fees after June 11, 2019 shall be entitled to a recalculation of impact fees based on subsection (a)(3) above, as well as a refund for the amount of any overpayment.

...”

SECTION 3 – SEVERABILITY

- 3.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4 – CONFLICTS

- 4.01 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 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this 17th day of December 2019.

PASSED and ADOPTED by the City Commission of the City of North Port, Florida on second and final reading in public session this 2nd day of January 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY