



City of North Port

ORDINANCE NO. 2026-10

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO IMPACT FEE**
2 **COLLECTION AND THE IMPACT FEE DEFFERAL PROGRAM; AMENDING AND**
3 **RENUMBERING CHAPTER 58 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA;**
4 **PROVIDING FOR IMPACT FEES; PURPOSE AND AUTHORITY; DEFINITIONS; PAYMENT OF**
5 **FEES; IMPACT FEE SCHEDULES; EXEMPTIONS; APPEALS, REPORTING AND REVIEWING OF**
6 **FEES; REFUNDS; DEVELOPER REIMBURSEMENTS AND CREDITS; AMENDING THE**
7 **DEFERRAL PROGRAM; PROVIDING FOR ELIGIBLE DEVELOPMENT, TIMING OF**
8 **APPLICATION, APPLICATION CONTENTS, AGREEMENT AND PAYMENT SCHEDULE;**
9 **PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;**
10 **PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

11
12 **WHEREAS**, Chapter 58 of the Code of the City of North Port, Florida (the “City Code”) currently provides for
13 the imposition, collection, and use of impact fees to fund capital facilities necessitated by new growth and
14 development; and

15
16 **WHEREAS**, the City Commission of the City of North Port, Florida, has determined to amend Chapter 58 to
17 eliminate redundant and obsolete references, to improve the processes by which the City collects and
18 administers its impact fees, and to enhance the impact fee deferral program; and

19
20 **WHEREAS**, the Florida Legislature has declared that it is necessary and in the public interest to facilitate the
21 growth and creation of business enterprises in the counties and municipalities of this state and has
22 recognized the compelling public purpose served by economic development efforts that increase high
23 paying jobs and broaden the tax base; and

24
25 **WHEREAS**, Chapter 58, of the Code of the City of North Port, Florida governs the imposition of all impact
26 fees in the City and establishes impact fee schedules for the various impact fees imposed by the City; and

27
28 **WHEREAS**, Chapter 58, Article I, section 58-1 of the City Code adopts the City of North Port Comprehensive
29 Plan and section 58-2 adopts the City’s Planning and Zoning fees; and

30
31 **WHEREAS**, on July 23, 2024, the City Commission adopted Ordinance 2024-09, adopting and amended
32 Comprehensive Plan pursuant to the requirements found in Article VIII, Section 2(b) of the Constitution of
33 the State of Florida, the North Port City Charter, and the Community Planning Act, Florida Statutes Chapter
34 163, Part II; making the adoption in City Code section 58-1 duplicative; and
35

WHEREAS, City Code, Appendix A, adopts the City’s Planning and Zoning fees, making the adoption in City Code section 58-2 duplicative; and

WHEREAS, Chapter 58, Article II, of the City Code adopts the City’s requirements related to Developments of Regional Impact, and Florida Statutes section 380.06(12) eliminates the requirement for new projects to proceed in compliance with the statute; and

WHEREAS, the City Commission finds that these amendments serve the public 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 above recitals are true and correct and are incorporated in this ordinance by reference.

1.02 In accordance with Section 166.041(4)(a), Florida Statutes, the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of this ordinance’s final reading.

SECTION 2 – REPEAL OF ARTICLES I AND II

2.01 Chapter 58, Article I, entitled “In General,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.

2.02 Chapter 58, Article II, entitled “Impact Fees,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.

SECTION 3 – ADOPTION OF AMENDMENT TO CHAPTER 58

3.01 Chapter 58, entitled “Planning and Development,” of the Code of the City of North Port, Florida, is hereby amended as follows:

“Chapter 58 – ~~PLANNING AND DEVELOPMENT~~ IMPACT FEE AND MITIGATION PROGRAMS

ARTICLE I, ~~ARTICLE III~~ – IMPACT FEES COLLECTION AND FEE SCHEDULES

Sec. ~~58-1. 58.100~~ – Purpose and authority.

(a) Pursuant to article VIII, section 2 of the Florida Constitution and F.S. §§ 166.021 and 166.041, as amended, 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.

...

(o) This article requires audits of the city’s financial statements to include an affidavit of the finance director stating that the requirements of F.S. § 163.31801, as amended, have been complied with.

...

Sec. ~~58-2. 58-101~~ – Definitions.

As applied throughout this chapter, the following words and terms shall have the following meanings:

~~*Accessory building or structure.* This term shall have the meaning set forth in chapter 61 of the unified land development code.~~

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; or the business entity applying for an impact fee program within this chapter.

~~*Building.* This term shall have the meaning set forth in chapter 61 of the unified land development code. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of construction.~~

Building permit. This term shall have the meaning as set forth in the Florida Building Code, as amended. The permit required for new construction and additions pursuant to the city'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.* This term shall have the meaning as set forth in the Florida Building Code, as amended. 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).* This term shall have the meaning as set forth in the Florida Building Code, as amended. The authorization issued by the city 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.~~

Corporate headquarters. For purposes of the impact fee targeted industry incentive program, a place where a company's executive management and key managerial and support staff are located and is the part of a corporate structure that deals with important tasks such as strategic planning, corporate communications, record-keeping, marketing, finance, human resources, and information technology. May include North American Industry Classification System code 55.

Demand unit. A measure used to quantify the increased demand new development places on public infrastructure and services that is consistent with the impact fee study. Examples include but are not limited to square footage and quantity of dwelling units.

~~*Dwelling unit.* This term shall have the meaning set forth by chapter 61 of the unified land development code.~~

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

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.~~

General government system improvement. The planning, engineering, construction, or acquisition of land and buildings that add capital improvement capacity serving new development ~~benefitting~~ benefiting from the city's 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.

Healthcare industry. Includes businesses that provide medical services, manufacture medical equipment or drugs, provide medical insurance, or otherwise facilitate the provision of healthcare to patients. May include North American Industry Classification System code 622.

Impact fee. A fee imposed under this chapter upon new development to pay for the development's proportionate share of the cost of improvements to the city's infrastructure necessary to serve the new development. ~~The transportation, park, fire/rescue, law enforcement, general government or solid waste impact fee.~~

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

Impact fee study. The City of North Port Development Impact Fee Update Study prepared by Willdan Financial Services dated February 25, 2022, together with the City of North Port Impact Fee Update: HR 337 Demonstrated Need Study prepared by Willdan Financial Services dated February 25, 2022, both approved and adopted by the city commission via Ordinance No. 2022-03 on June 21, 2022. This term includes any updates to these studies.

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

Information technology industry. Includes but is not limited to businesses that produce software, hardware, or semiconductor equipment, and companies that provide internet or related services. May include North American Industry Classification System code 51.

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

Infrastructure. This term shall have the meaning set forth in ~~Section F.S. § 163.31801, Florida Statutes,~~ the Florida Impact Fee Act, or its successor in function.

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's police services.

Life sciences industry. Includes but is not limited to research, development, commercialization, manufacturing, and implementation of innovative treatments, diagnostic tools, healthcare related software, medical devices, services, and equipment that supports the study, protection and improvement of plant, animal, and human life. The industry also includes firms that manufacture either finished or interim advance technologies or components. Exclusions from this industry include direct provision of health care services in hospitals, outpatient facilities, dentist offices, nursing homes, or within a home setting. May include North American Industry Classification System codes 54.

Logistics and distribution industry. Includes businesses involved in wholesale trade, transportation, and warehousing. May include North American Industry Classification System codes 48 and 49.

Manufacturing industry. Includes companies engaged in the transformation of inputs into new products using either a mechanical, physical, or chemical process. This industry also includes the assemblage of component parts into new goods. May include North American Industry Classification System codes 31, 32, or 33.

Microunits non-residential. A building consisting of multiple small commercial or office suites designed as an affordable, low-maintenance entry point for small businesses.

~~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's parks and recreation system.

~~*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.~~

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

~~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~~ benefiting from the city's solid waste system.

Square feet. Gross floor area, defined as the total area of all floors of a primary building and all associated The total area of all floors of a primary building, including outdoor areas that are under a permanent roof, and all non-exempt 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 adds capacity to serve new development.

Targeted industry business. Business meeting the definitions herein of corporate headquarters, healthcare industry, information technology industry, life sciences industry, logistics and distribution industry, manufacturing industry, and tourism and entertainment industry.

Temporary certificate of occupancy. This term shall have the meaning as set forth in the Florida Building Code, as amended. 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.

Tourism and entertainment industry. Includes but is not limited to establishments where individuals go to enjoy entertainment activities such as concerts, musicals, festivals, comedy, sports events, theatre, dancing, and theme parks, as well as hotels or restaurants. This term may include North American Industry Classification System codes 71 or 72.

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

Transportation system. All arterial, local, and collector roadways identified in the transportation element contained in the city's adopted comprehensive plan and located within the city's limits. Freeways and expressways, such as I-75 and U.S. Highway 41, are excluded from the system to be funded by the transportation impact fees, but the frontage roads for U.S. Highway 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.

Sec. 58-3. 58-102 – 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, as herein defined, ~~shall be obligated to~~ must pay impact fees as required by this ~~article~~ chapter.
- (b) (1) Impact fees shall be imposed based on the impact fee schedules in effect at the time the complete building permit application is submitted to and accepted by the city, provided the permit proceeds to issuance of a certificate of occupancy, certificate of completion, or temporary certificate of occupancy without being reinstated. If the permit expires and is reinstated, impact fees shall be imposed based on the impact fee schedules in effect on the date the permit is reinstated.
- (c) (2) Unless deferred ~~or waived~~ by the city commission, all impact fees due shall be collected ~~upon~~ prior to 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.
- (3) ~~Any person who paid impact fees between June 11, 2019 and December 31, 2019 is entitled to a recalculation of impact fees based on subsection (a)(1) above, as well as a refund for the amount of any overpayment.~~
- (d) (b) This article shall not be applicable to building permits otherwise necessary for:
...
- (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.~~
- (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.~~
- (e) ~~The city commission may defer city impact fees only if the impact-generating development serves a valid public purpose and the petition meets all parameters set forth in this subsection.~~
- (1) ~~Eligible development.~~ Any new commercial project with a building permit valuation of at least \$1,000,000.00 is eligible to submit a petition for deferral.
- (2) ~~Timing of petition.~~ A petition for deferral of impact fees must be submitted prior to the due date for payment. If the city commission has not made a determination on the petition prior to issuance of a certificate of occupancy, certificate of completion, or temporary certificate of occupancy, then the total impact fees due must be timely paid and a request for a refund may be submitted if the deferral is granted.

~~(3) Agreement and payment schedule. All impact fee deferrals require an agreement setting forth the terms and conditions of the deferral. The agreement must establish a schedule for payment no later than three years after the issuance of the first certificate of occupancy (temporary or otherwise).~~

~~(4) Lien. For any deferral granted, the city shall execute a notice of nonpayment setting forth the legal description of the property and the amount of the impact fee liability, including interest, penalties, costs, and fees for collection. Costs include but are not limited to recording fees for a lien and a release of lien. The city shall serve this notice on the owner by certified mail and file it in the official county records, placing a lien against the property. Upon payment in full of all amounts owed, the city shall promptly record a notice of payment in the official county records, thereby releasing the lien.~~

~~(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.~~

~~(e) (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.

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

Sec. 58-4. – Payment of fees.

- (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~~ chapter unless otherwise exempted, waived, or deferred pursuant to this ~~article~~ chapter.
- (b) Any certificate of occupancy, certificate of completion, or temporary certificate of occupancy issued without payment by the applicant and collection by the city of the required impact fee pursuant to the provisions of this ~~article~~ chapter or the terms of any deferral granted by the city commission, shall be null and void.

Sec. 58-5. – Calculation of fees.

The following procedures shall be used by those that calculate and access impact fees.

(a) Residential new construction and additions.

- (1) Verify the number and type of dwelling units that are proposed as shown on the building permit application.
- (2) Determine the amount of each type of impact fee that shall be applied for each new dwelling unit per the impact fee schedule.

(3) Create a total by multiplying the number of dwelling units by the applicable fee.

(4) Add the administrative charge to defray the cost of impact fee collection. The city shall charge an administrative fee equal to the actual cost of collection or one and one-half percent of the total amount of impact fees due, whichever is less.

(b) Non-residential new construction and additions.

(1) Verify the number and type of the applicable demand units (square feet, rooms, acres, etc.) for the proposed development as shown on the building permit application and follow applicable instructions as detailed below.

a. 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 city 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, and/or Institute of Transportation Engineers trip generation manual) and the city's impact fee study.

b. Primary use; mixed uses. In many instances, a particular structure may include accessory 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.

c. Shell buildings and build outs. shell buildings shall be charged the rate most consistent with the land use type listed on the building permit.

(i) Impact fees assessed on the shell building permit must be paid prior to the issuance of any permits associated with an interior build out of the space.

(ii) Subsequent permits for interior build outs will not require additional impact fees unless deemed to be a change in use.

(2) Determine the amount of each type of impact fee that shall be applied for the new square footage.

(3) Create a total by multiplying the number of demand units by the applicable fee.

(4) Add the administrative charge to defray the cost of impact fee collection. The city shall charge an administrative fee equal to the actual cost of collection or one and one-half percent of the total amount of impact fees due, whichever is less.

(c) Change in use.

- (1) Calculate the amount due for the proposed development.
- (2) Subtract the amount that would be due if the fees were paid under the current land use and the applicable impact fee schedule based on the building permit number.
- (3) Determine the difference between the amount due from the new land use and the previous land use.
- (4) If zero or negative, then no fees are due. If the new rate exceeds original development charge, the difference is due.

~~Sec. 58-104. — Calculation of fee; schedules.~~

Sec. 58-6. — Impact Fee Schedules.

~~(a) Calculation. 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.~~

(a) (1) Transportation impact fees.

- (1) 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) Transportation impact fee schedule. The following are the transportation impact fees: ~~Following are the transportation impact fees applicable to new development.~~

Land Use Type	Demand Unit	Fee Effective Prior To 10/01/2025	Fee Effective After 10/01/2025
Residential			
Single-Family Detached	Dwelling	\$3,828.09	\$4,306.61
Multi-Family (Apartment)	Dwelling	\$2,598.75	\$2,923.59
Condominium/Townhouse	Dwelling	\$3,142.13	\$3,534.89

Mobile Home/RV Park	Site	\$1,389.66	\$1,563.36
Adult Cong. Living Facility	Dwelling	\$556.88	\$626.48
Retirement Community	Dwelling	\$885.94	\$996.68
Hotel/Motel	Room	\$1,571.06	\$1,767.45
Retail/Commercial			
Shopping Center 50,000 or less	1,000 sfgla	\$6,414.19	\$7,215.96
Shopping Center > 50,000	1,000 sfgla	\$5,795.72	\$6,520.18
New/Used Auto Sales	1,000 sq. ft.	\$8,768.25	\$9,864.28
Tire Store	1,000 sq. ft.	\$4,730.91	\$5,322.27
Supermarket	1,000 sq. ft.	\$8,839.97	\$9,944.96
Bank/Savings w/drive-In	1,000 sq. ft.	\$13,748.06	\$15,466.57
Bldg. Mats./Lumber Store	1,000 sq. ft.	\$16,991.44	\$19,115.37
Hardware/Paint	1,000 sq. ft.	\$3,462.75	\$3,895.59
Convenience Store w/Gas	1,000 sq. ft.	\$24,600.38	\$27,675.42
Home Improvement Store	1,000 sq. ft.	\$4,649.91	\$5,231.14
Pharmacy/Drug Store	1,000 sq. ft.	\$4,391.72	\$4,940.68
Furniture Store	1,000 sq. ft.	\$1,324.69	\$1,490.27
Golf Course	Acre	\$2,389.50	\$2,688.19
Movie Theater w/o Matinee	1,000 sq. ft.	\$4,632.19	\$5,211.21
Marina	Berth	\$1,406.53	\$1,582.35
Recreational Center	1,000 sq. ft.	\$7,316.16	\$8,230.68
Restaurant, Fast Food	1,000 sq. ft.	\$48,463.31	\$54,521.23
Restaurant, Sit-Down	1,000 sq. ft.	\$17,852.06	\$20,083.57
Restaurant, High Turnover	1,000 sq. ft.	\$23,126.34	\$26,017.14
Quick Lube	Bays	\$8,586.00	\$9,659.25
Automobile Repair Shop	1,000 sq. ft.	\$7,031.81	\$7,910.79
Service Station w/Conv Sales	Fuel Position	\$5,520.66	\$6,210.74
Self-Service Car Wash	Bays	\$1,241.16	\$1,396.30
Convenience/Gas/Fast Food Store	1,000 sq. ft.	\$67,137.19	\$75,529.34
Office/Institutional			
Office, General 50,000 or less	1,000 sq. ft.	\$5,866.59	\$6,599.92
Office, General 50,001—100,000	1,000 sq. ft.	\$4,940.16	\$5,557.68

Office, General 100,001—200,000	1,000 sq. ft.	\$4,156.31	\$4,675.85
Office, General 200,001—400,000	1,000 sq. ft.	\$3,505.78	\$3,944.00
Office, General greater than 400,000	1,000 sq. ft.	\$3,153.09	\$3,547.23
Medical Office (0—10,000 sf)	1,000 sq. ft.	\$9,544.50	\$10,737.56
Medical Office (> 10,000 sf)	1,000 sq. ft.	\$14,583.38	\$16,406.30
Business Park (Flex Space)	1,000 sq. ft.	\$4,922.44	\$5,537.74
Hospital	1,000 sq. ft.	\$6,600.66	\$7,425.74
Nursing Home	1,000 sq. ft.	\$913.78	\$1,028.00
Church/Synagogue	1,000 sq. ft.	\$2,439.28	\$2,744.19
Day Care Center	1,000 sq. ft.	\$8,283.94	\$9,319.43
Elementary School (K—8)	1,000 sq. ft.	\$3,892.22	\$4,378.75
High School (9—12)	1,000 sq. ft.	\$4,127.63	\$4,643.58
University/Junior College (7,500 or fewer students)	Student	\$1,003.22	\$1,128.62
University/Junior College (more than 7,500 students)	Student	\$763.59	\$859.04
Industrial			
General Light Ind/Industrial Park	1,000 sq. ft.	\$2,467.97	\$2,776.46
General Heavy Industrial	1,000 sq. ft.	\$294.47	\$331.28
Manufacturing	1,000 sq. ft.	\$1,212.47	\$1,364.03
Warehouse	1,000 sq. ft.	\$1,203.19	\$1,353.59
Mini-Warehouse	1,000 sq. ft.	\$526.50	\$592.31

(b) {2} Park impact fees.

(1) 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.

(2) Park impact fee schedule. The following are the park impact fees: ~~Following are the park impact fees applicable to new residential development.~~

Land Use Type	Demand Unit	Fee Effective 6/21/2022
Residential		
Single-Family	Dwelling	\$2,284.00
Multifamily	Dwelling	\$1,654.00

Senior Unit Housing	Dwelling	\$1,053.00
Nonresidential		
Hotel/Lodging	Room	\$879.00

(c) (3) Fire/rescue impact fees.

(1) 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.

(2) Fire/rescue impact fee schedule. The following are the fire/rescue impact fees: ~~Following are the fire/rescue impact fees applicable to new development:~~

Land Use Type	Demand Unit	Fee Effective 6/21/2022
Residential		
Single-Family	Dwelling	\$785.00
Multifamily	Dwelling	\$568.00
Senior Unit Housing	Dwelling	\$362.00
Nonresidential		
Commercial: Retail and Services	1,000 sq. ft.	\$1,492.00
Commercial: Restaurant	1,000 sq. ft.	\$3,548.00
Commercial: Gas Station (Building Area)	1,000 sq. ft.	\$1,492.00
Commercial: Car Wash	Tunnel	\$1,232.00
Commercial: Hotel/Lodging	Room	\$394.00
Office	1,000 sq. ft.	\$2,295.00
Medical Office	1,000 sq. ft.	\$2,908.00
Industrial: Manufacturing/Warehouse	1,000 sq. ft.	\$817.00
Institutional (schools, churches, daycare)	1,000 sq. ft.	\$1,490.00
Nursing Home/Congregate Care Facility	1,000 sq. ft.	\$1,436.00
Recreational: Golf Course	Acre	\$345.00
Recreational: Community Center	1,000 sq. ft.	\$746.00

(d) (4) Law enforcement impact fees.

(1) 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.

- (2) *Law enforcement impact fee schedule.* The following are the law enforcement impact fees:
Following are the law enforcement impact fees applicable to new development:

Land Use Type	Demand Unit	Fee Effective 6/21/2022
Residential		
Single-Family	Dwelling	\$503.00
Multifamily	Dwelling	\$364.00
Senior Unit Housing	Dwelling	\$232.00
Nonresidential		
Commercial: Retail and Services	1,000 sq. ft.	\$1,624.00
Commercial: Restaurant	1,000 sq. ft.	\$3,861.00
Commercial: Gas Station (building area)	1,000 sq. ft.	\$1,624.00
Commercial: Car Wash	Tunnel	\$1,341.00
Commercial: Hotel/Lodging	Room	\$429.00
Office	1,000 sq. ft.	\$2,497.00
Medical Office	1,000 sq. ft.	\$3,164.00
Industrial: Manufacturing/Warehouse	1,000 sq. ft.	\$889.00
Institutional (schools, churches, daycare)	1,000 sq. ft.	\$1,622.00
Nursing Home/Congregate Care Facility	1,000 sq. ft.	\$1,563.00
Recreational: Golf Course	Acre	\$375.00
Recreational: Community Center	1,000 sq. ft.	\$812.00

- (e) ~~(5)~~ *General government impact fees.*

- (1) *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.

- (2) *General government impact fee schedule.* The following are the general government impact fees:
Following are the general government impact fees applicable to new development:

Land Use Type	Demand Unit	Fee Effective 6/21/2022
Residential		
Single-Family	Dwelling	\$377.00

Multifamily	Dwelling	\$273.00
Senior Unit Housing	<u>Dwelling</u>	\$174.00
Nonresidential		
Commercial: Retail and Services	1,000 sq. ft.	\$102.00
Commercial: Restaurant	1,000 sq. ft.	\$242.00
Commercial: Gas Station (Building Area)	1,000 sq. ft.	\$102.00
Commercial: Car Wash	Tunnel	\$84.00
Commercial: Hotel/Lodging	Room	\$27.00
Office	1,000 sq. ft.	\$156.00
Medical Office	1,000 sq. ft.	\$198.00
Industrial: Manufacturing/Warehouse	1,000 sq. ft.	\$56.00
Institutional (schools, churches, daycare)	1,000 sq. ft.	\$102.00
Nursing Home/Congregate Care Facility	1,000 sq. ft.	\$98.00
Recreational: Golf Course	Acre	\$24.00
Recreational: Community Center	1,000 sq. ft.	\$51.00

(f) ~~(6)~~ Solid waste impact fees.

(1) *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.

(2) *Solid waste impact fee schedule.* The following are the solid waste impact fees: ~~Following are the solid waste impact fees applicable to new development:~~

Land Use Type	Demand Unit	Fee Effective 6/21/2022
Residential		
Single-Family	Dwelling	\$399.00
Multifamily	Dwelling	\$237.00
Senior Unit Housing	<u>Dwelling</u>	\$151.00
Nonresidential		
Commercial: Retail and Services	1,000 sq. ft.	\$984.00
Commercial: Restaurant	1,000 sq. ft.	\$4,724.00
Commercial: Gas Station (Building Area)	1,000 sq. ft.	\$3,943.00
Commercial: Car Wash	Tunnel	\$659.00
Commercial: Hotel/Lodging	Room	\$277.00

Office	1,000 sq. ft.	\$463.00
Medical Office	1,000 sq. ft.	\$551.00
Industrial: Manufacturing/Warehouse	1,000 sq. ft.	\$845.00
Institutional (schools, churches, daycare)	1,000 sq. ft.	\$1,417.00
Nursing Home/Congregate Care Facility	1,000 sq. ft.	\$399.00
Recreational: Golf Course	Building 1,000 sq. ft.	\$1,018.00
Recreational: Community Center	1,000 sq. ft.	\$899.00

(g) ~~(e)~~ *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)~~ published by the American Planning Association, and/or Institute of Transportation Engineers ~~ITE's~~ trip generation manual) and the impact fee study.

(h) ~~(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) *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 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 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. In order to defray the cost of impact fee collection, the city shall charge an administrative fee equal to the actual cost of collection or one and one-half percent of the total amount of impact fees due, whichever is less.~~

Sec. 58-7. – ~~58-105~~ Exemptions.

The following shall be exempt from the payment of impact fees adopted in this ~~article~~ chapter. Exemptions must be claimed by the feepayer before the issuance of a certificate of occupancy.

~~(a) {1} Alteration~~ The alteration, expansion, or replacement of an existing dwelling unit where no additional dwelling units are created residential structure where there is no increase in size, intensity, or number of dwelling units.

~~(b) {2} The alteration, expansion, or replacement of existing nonresidential structures where there is no increase in square footage or no increase in size, intensity, or capacity of use. The construction of accessory buildings or structures that will not create an additional impact on the city's public facilities.~~

~~(c) {3} The construction of accessory buildings or structures less than 2,000 square feet associated with residential subdivisions and multifamily structures. The replacement of a building or dwelling unit where no additional dwelling units or square footage are created and where the existing and replacement buildings or dwelling units are located on the same lot. A certificate of occupancy must have been issued for the replacement building or dwelling unit within five years of the date the previous building or dwelling unit was previously occupied, otherwise no exemption will be granted.~~

~~(d) {4} All public educational and ancillary plants constructed by an educational board, to the extent F.S. § 1013.371(1)(a) or any other statute or that Florida law requires an exemption.~~

~~(e) {5} Charter school facilities, to the extent F.S. § 1002.33(18)(d) or any other statute or that Florida law requires an exemption.~~

~~{6} Affordable housing properties developed and owned by the city.~~

Sec. 58-8. – Appeals.

~~(a) A feepayer may appeal the impact fee calculation in writing to the Development Services Director. Development Services Director shall have 15 business days to provide a written response as to the determination of the appeal request.~~

~~(b) Should the appeal request be denied by the Development Services Director, the feepayer shall have the right to appeal the decision to the Commission within 30 days following the determination of~~

the appeal request by the Development Services Director. The notice of appeal shall be filed with the city clerk with a copy sent to the Development Services Director and impact fee administrator. The Development Services Director shall prepare a written response justifying the decision to deny the appeal request and cite applicable policies and rationale for the decision. The Commission shall base its decision on the applicable standards and criteria established in this chapter and the evidence presented at a properly advertised public hearing. The hearing shall be held within 90 days of receipt of the appeal request. The Commission may uphold or revoke, in whole or in part, the determination being appealed.

- (c) Any request for review of a decision by the Commission under this chapter shall be made by filing an appeal to the circuit court within 30 days of receipt of the city attorney's written communication of the Commission decision.

Sec. 58-9. – Reporting and reviewing of fees.

- (a) Review requirement. The city commission shall review this chapter and the impact fee study at least once every seven 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 chapter 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 chapter shall be amended to adopt any updated study.

- (b) Audits. Audits of the city's financial statements performed by a certified public accountant pursuant to Section 218.39, Florida Statutes and submitted to the auditor general shall include an affidavit signed by the finance director. The affidavit shall attest to the facts required in Section 163.31801(8), Florida Statutes or its successor in function.

- (c) Annual report. In addition to the items that the city must include in its annual financial report pursuant to Section 218.32, Florida Statutes, or its successor in function, the city must annually report on the information required in Section 163.31801(13), Florida Statutes or its successor in function.

Sec. 58-10. – ~~58-106.~~ Disposition of fees.

- (a) Designation of fees. Any fees collected under this ~~article~~ chapter are expressly designated for the acquisition of system improvements serving the city's jurisdiction as 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~~ chapter plus any interest that may accrue from time to time on those amounts. Funds of the account shall only be used for transportation system improvements.

- 652 (2) *Park impact fee account.* The park impact fee account shall contain only those park impact fees
 653 collected pursuant to this ~~article~~ chapter plus any interest that ~~may many~~ accrue from time to time
 654 on those amounts. Funds of the account shall only be used for park system improvements.
 655
- 656 (3) *Fire/rescue impact fee account.* The fire/rescue impact fee account shall contain only those
 657 fire/rescue impact fees collected pursuant to this ~~article~~ chapter plus any interest that may accrue
 658 from time to time on those amounts. Funds of the account shall only be used for fire/rescue system
 659 improvements.
 660
- 661 (4) *Law enforcement impact fee account.* The law enforcement impact fee account shall contain only
 662 those law enforcement impact fees collected pursuant to this ~~article~~ chapter plus any interest that
 663 may accrue from time to time on those amounts. Funds of the account shall only be used for law
 664 enforcement system improvements.
 665
- 666 (5) *General government impact fee account.* The general government impact fee account shall contain
 667 only those general government impact fees collected pursuant to this ~~article~~ chapter plus any
 668 interest that may accrue from time to time on those amounts. Funds of the account shall only be
 669 used for general government system improvements.
 670
- 671 (6) *Solid waste impact fee account.* The solid waste impact fee account shall contain only those solid
 672 waste impact fees collected pursuant to this ~~article~~ chapter plus any interest that may accrue from
 673 time to time on those amounts. Funds of the account shall only be used for solid waste system
 674 improvements.
 675
- 676 (c) *Use of funds.* Funds from the impact fee accounts may only be used for system improvements of the
 677 type specified in the title of the account. Funds on deposit in the impact fee accounts shall not be used
 678 for any expenditure that would be classified as a maintenance or repair expense. The funds shall be
 679 used solely for the purpose of acquiring, constructing, or improving growth-necessitated public
 680 facilities, including but not limited to:
 681 ...
 682
- 683 (9) Repayment of monies borrowed from any budgetary fund of the city which were used to fund
 684 growth-necessitated capital improvements to the respective system improvements as provided in
 685 this ~~article~~ chapter;
 686 ...
 687

688 **Sec. 58-11. – Refunds. ~~58-107. Refunds; petitions.~~**
 689

- 690 (a) Any fees collected shall be returned to the feepayer or successor in interest if the fees have not been
 691 spent within ~~five~~ six years from the date the impact fees were paid in full; provided, however, that the
 692 city commission may by resolution extend by up to two years the date at which fees should be
 693 refunded. Any extension should be made upon a finding that within the two-year period, the impact
 694 fees will be expended for specific system improvements identified in the capital improvements
 695 element (CIE) of the comprehensive plan and that there is a rational nexus between the impact fee
 696 and the system improvements with respect to the demand generated for these improvements by the
 697 applicable new development. Fees shall be deemed to be spent on the basis that the first fee collected
 698 shall be the first fee spent. The refund of the fees shall be undertaken through the following process:
 699

- (1) The current owner of the property must petition the city for ~~the~~ a refund within one year following the ~~five~~ six-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.

...

Sec. 58-12. – ~~(58-108).~~ Developer reimbursements and credits.

...

- (c) ~~Developer~~ Development 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 several 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 benefited by the improvements. The agreement may also specify a maximum percentage of impact fees collected that will be available to be used for reimbursement.

...

- (f) *Credits for proportionate fair-share mitigation.* Notwithstanding anything in this ~~article~~ chapter to the contrary, impact fee credits granted pursuant to ~~chapter 28~~ Section 1.3.7 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.

Secs. 58-13 – 58-25. – Reserved.

ARTICLE II. – DEFERRAL PROGRAM

Sec. 58-26. – Eligible development.

- (a) Fee payers subject to impact fees imposed hereunder may apply for deferral of the payment of the impact fees provided the development meets one of the following criteria:

(1) New construction.

a) Office. 5,000 square foot minimum.

b) Industrial. 15,000 square foot minimum.

c) Restaurant (excluding quick service). 3,000 square foot minimum.

d) Targeted industry businesses, regardless of size

e) Affordable nonresidential development. The following development, regardless of size and impact fee business activity:

(i) Microunits nonresidential.

(ii) Nonresidential development created through a community land trust or co-operative.

f) All other city impact fee categories. 50,000 square foot minimum.

(2) Expansions. Developments expanding existing approved square footage by at least 30% and that fall into one of the categories as described in subsection (a)(1) above.

(3) Change in use. The proposed change in use meets the square footage requirement and impact fee category as listed in subsection (a)(1) above.

(b) Security. To secure the obligation, the deferral agreement must be recorded in the official records of the Sarasota County Clerk of the Court. Upon payment in full, the obligation to pay will be released in recordable form. In the event of a performance bond, the deferral agreement will not be recorded.

Sec. 58-27. – Timing of application.

The applicant must apply for the deferral of city impact fees prior to requesting the issuance of a certificate of occupancy, certificate of completion, or temporary certificate of occupancy. If the city commission has not acted on the application prior to issuance of a certificate of occupancy, certificate of completion, or temporary certificate of occupancy, then the total impact fees due must be timely paid and a request for a refund may be submitted if the deferral is granted.

Sec. 58-28. – Application contents.

All applications for impact fee payment deferral must include the following:

(a) A completed impact fee statement showing the total fees due;

(b) A description of the property, including address, parcel identification number, and a current and complete legal description of the property location;

(c) The name and address of the business owner and the owner of the property upon which the business is located or proposed to be located; and

(d) Any other necessary information as determined by the city manager or the impact fee administrator.

Sec. 58-29. – Agreement and payment schedule.

(a) All city impact fee deferrals require a deferral agreement setting forth the terms and conditions of the deferral. The agreement must establish a schedule for payment and a term not to exceed five years after the issuance of the first certificate of occupancy (temporary or otherwise).

- (b) The deferral agreement shall specify the remedies available to the City in the event the deferred impact fees are not paid according to the schedule set forth therein. The agreement shall include an acknowledgement by the applicant that the voluntary deferral of an impact fee otherwise payable in accordance with Article I of this Chapter provides a special benefit to their business or property by reducing the immediate cost associated with improvement or change of use of the property, and that payment delinquencies, if any, may be collected by the city in any manner authorized by law including but not limited to collection as a non-ad valorem assessment in accordance with F.S. § 197.3632.
- (c) Prepayment. If a business pays a deferred impact fee prior to the due date specified in the deferral agreement, no penalty shall be assessed for the early payment."

SECTION 4 – CONFLICTS

- 4.01 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 5 – SEVERABILITY

- 5.01 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.

SECTION 6 – CODIFICATION

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

SECTION 7 – EFFECTIVE DATE

- 7.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on _____, 2026.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on _____, 2026.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL FUINO, B.C.S.
CITY ATTORNEY