



# City of North Port

## ORDINANCE NO. 2024-12

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 58 – PLANNING AND DEVELOPMENT, ARTICLE III. – IMPACT FEES; UPDATING IMPACT FEE RATE SCHEDULES FOR THE CITY'S TRANSPORTATION IMPACT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 58, Article III of the Code of the City of North Port, Florida (“City Code”) governs the imposition of all impact fees in the City of North Port and establishes impact fee schedules for the Transportation Impact Fee District (“transportation impact fees”); and

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

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

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

**WHEREAS**, on February 9, 2021, the City Commission adopted Ordinance No. 2020-42, again accepting the 2011 Study, determining that the methodology and the rates contained in the study were still valid based upon the most recent localized data as required by the Impact Fee Act, and establishing impact fee schedules at one hundred percent of the 2011 Study rates for all impact fees; and

**WHEREAS**, in its 2021 regular session, the Florida Legislature adopted Laws of Florida Chapter 2021-063, amending the Impact Fee Act to create Florida Statutes Section 163.31801(6) and retroactively applying as of January 1, 2021. This new subsection limited impact fee increases by adding a cap, requiring a phase-in, and restricting the frequency of impact fee increases to once every four years, except when based on a demonstrated need study; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95  
96 **SECTION 1 – FINDINGS**

97  
98 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference as  
99 legislative findings of the city commission.

100  
101 **SECTION 2 – TRANSPORTATION IMPACT FEE STUDY**

102  
103 2.01 The City Commission again adopts and approves the September 13, 2011, Tindale-Oliver &  
104 Associates, Inc. Final Report of the *Impact Fee Study* to the extent it relates to transportation  
105 impact fees, and finds that the study contains the most recent and localized data available as of  
106 the date of this ordinance.

107  
108 **SECTION 3 – AMENDMENT OF CHAPTER 58 OF CITY CODE**

109  
110 3.01 Chapter 58 of the Code of the City of North Port, Florida is hereby amended as follows:

111  
112 **“Chapter 58 – PLANNING AND DEVELOPMENT**

113 ...

114 **ARTICLE III. – IMPACT FEES**

115 ...

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

117 ...

118 (b) *Impact fee schedules.*

119  
120 (1) *Transportation impact fees.*

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

127  
128 *Transportation impact fee schedule.* Following are the transportation impact fees  
129 applicable to new development.

130

131

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

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

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

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

132 ...”

133 **SECTION 4 – CONFLICTS**

134  
135 4.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in  
136 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.  
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138 **SECTION 5 – SEVERABILITY**

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

145 **SECTION 6 – CODIFICATION**

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

151 **SECTION 7 – EFFECTIVE DATE**

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

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

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

162 CITY OF NORTH PORT, FLORIDA

163  
164  
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166 \_\_\_\_\_  
167 ALICE WHITE  
168 MAYOR  
169

170 ATTEST

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HEATHER FAUST, MMC

175 CITY CLERK

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178 APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON, B.C.S.

183 CITY ATTORNEY