



City of North Port

Office of the City Attorney

Response to Request for Legal Services

To: Ruth Buchanan, Economic Development

From: Amber L. Slayton, City Attorney

Date: June 4, 2018

RE: Request for Legal Services – Impact fee deferral for hotel developer

Pursuant to the above-referenced Request for Legal Services, you have inquired as to whether the City may defer the payment of impact fees for a particular developer.

Section 163.31801 of the Florida Statutes provides the requirements for a municipality's impact fee ordinance. Consistent with this statute, the City has adopted provisions related to impact fees in City Code Sections 58-100 – 58-516.

Section 58-101(a) provides that impact fees are payable at the time of certificate of occupancy, certificate of completion, or temporary certificate of occupancy issuance. The Code provides options for the waiver or reduction of impact fees, but not the deferral of payment.¹ Thus, the City may not offer a deferral plan or enter into a deferral agreement unless the Commission amends the code to provide for a deferral option.

Please let me know if you have any questions, comments, or concerns. If none, no further action will be taken on this Request for Legal Services. The matter will be deemed concluded. The file will be closed.

¹ See City Code § 58-103(c) (relating to residential dwelling units); § 58-103(e) (providing for a waiver or reduction of impact fees if the development serves a valid public purpose and the request is made within 30 days of payment of the impact fee); § 58-109 (providing for developer reimbursements and credits).