



## Legislation Text

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**File #:** ORD. NO. 2022-03, **Version:** 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** A. Jerome Fletcher II, City Manager

**TITLE:** 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 and Updating Impact Fee Rate Schedules for the City's Parks, Fire Rescue, Law Enforcement, General Government, and Solid Waste Impact Fees; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

### **Recommended Action**

Continue Ordinance No. 2022-03 to second reading on June 21, 2022.

### **Recommended Action for Second Reading**

Approve Ordinance 2022-03.

### **Background Information**

Impact fees are charged on new development based upon the burden placed on City services and for a proportionate share of the cost of providing additional infrastructure available for use by new growth. Chapter 58 of the Code of the City of North Port, Florida, establishes the City's impact fees.

The City's current impact fees are based on an Impact Fee Study prepared in 2011 and the fees calculated in 2011 can no longer fund the intended facilities and level of service. As such, City Commission directed staff to conduct a Study to update the City's impact fees, excluding transportation impact fees. A Consultant was retained to evaluate the current and projected financial condition of the City's impact fees to determine and propose any necessary or potential adjustments for the City of North Port to be able to adequately provide capital improvements to support development. In September 2021, the consultant work assignment was revised to also include "extraordinary circumstances" as required by state statute.

A Development Impact Fee Update Study has been prepared and the following Workshops and City Commission Meetings were held on the Study drafts:

- August 27, 2020: A Community Outreach Workshop was conducted.
- September 22, 2020: A Draft Impact Fee Study was presented to the Commission during their Regular Meeting.
- February 11, 2021, and February 16, 2021: Subsequent to Commission direction, Focus Groups were conducted.
- March 15, 2021: An updated Draft Impact Fee Study was presented to the Commission during their Special Meeting.
- October 22, 2021 and October 25, 2021: Subsequent to Commission direction, Focus Groups were conducted with comments taken through November 5, 2021.
- November 10, 2021: An updated Draft Impact Fee Study was presented to the Commission during a Special Meeting.

A Demonstrated Need Study has been prepared to meet the requirements of state statute and provide the Commission with the option to consider increasing impact fees beyond the new phase-in limitations. This Demonstrated Need Study establishes the extraordinary circumstances in North Port necessitating the need to exceed the phase in limitations specified in Florida law for the general government, law enforcement, fire and emergency medical services, parks and recreation and solid waste facilities fees.

Two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the limitations were held, the first on November 10, 2021 and the second on December 6, 2021.

The Florida Impact Fee Act provides that when increasing impact fees, 90 days notice must be provided by advertisement. This Ordinance has been properly advertised for a second reading to meet that requirement. Ordinance No. 2022-03 has been reviewed by the City Attorney and is legally correct as to form.

**Added for Second Reading:**

The City Commission heard this item at their regularly scheduled meeting on April 12, 2022. There was discussion and direction to add two whereas clauses. The first clause added concerned Commission actions on February 9, 2021 adopting Ordinance No. 2022-42 which established Impact Fees at one hundred percent of the 2011 study rates. The second clause added concerned Commission actions on September 28, 2021 repealing Ordinance No. 2022-42 due to state preemptive action. The City Commission voted 4-1 to continue Ordinance 2022-03 to second reading.

**Strategic Plan**

Infrastructure

**Financial Impact**

Provide funds to pay for the burden of new development on City services and for a proportionate share of the cost of providing additional infrastructure available for use by new growth. It is estimated that annual impact fee revenues will increase by over \$3.5 million dollars under the proposed new rates.

**Procurement**

n/a

**Attachments:**

1. Ordinance No. 2022-03 First Reading
2. Exhibit A to Ordinance No. 2022-03
3. Exhibit B to Ordinance No. 2022-03
4. Ordinance No. 2022-03 Second Reading

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