



## Legislation Text

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**File #:** ORD. NO. 2024-12, **Version:** 1

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

**FROM:** A. Jerome Fletcher II, ICMA-CM, MPA, 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; Updating Impact Fee Rate Schedules for the City's Transportation Impact Fees; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

### Recommended Action

First Reading: Continue Ordinance No. 2024-12 to second reading on September 10, 2024, as presented.

### Recommended Action for Second Reading

Approve Ordinance No. 2024-12 as presented.

### Background Information

On January 30, 2012, the City Commission adopted Ordinance No. 2012-01, establishing impact fee schedules based on the Impact Fee Study, (Study), prepared by Tindale - Oliver & Associates, Inc., dated September 13, 2011.

On February 24, 2014, the City Commission accepted the Study as still valid and adopted Ordinance No. 2014-12, which established Impact Fee Schedules for the Transportation Impact Fee District, the Fire Rescue Impact Fee District, the Law Enforcement Impact Fee District, the General Government Impact Fee District, the Parks Impact Fee District, and the Solid Waste Impact Fee District. The Transportation Impact Fee was established at a rate lower than identified by Tindale - Oliver & Associates, Inc. in the 2011 Study. The Ordinance also continued a moratorium on Transportation Impact Fee collection until January 31, 2015.

On June 11, 2019, the City Commission again accepted the Study as still valid and adopted Ordinance No. 2019-06, which increased the Transportation Impact Fee to 75 percent of the rate identified in the 2011 Study.

On February 9, 2021, the City Commission again accepted the Study as still valid and adopted Ordinance No. 2020-42, which increased the Transportation Impact Fee to 100 percent of the rate identified in the 2011 Study.

The Florida Legislature adopted Laws of Florida Chapter 2021-063, amending Florida Statutes Section 163.31801, known as the "Florida Impact Fee Act" in the 2021 regular session. The new law created Florida Statutes Section 163.31801(6) and limited increases to impact fees by adding a cap, requiring a phase-in, and restricting the frequency of impact fee increases to once every four years. The new law became effective on July 1, 2021, but specifically identified Florida Statutes Section 163.31801(6) as operating retroactively to January 1, 2021. By retroactively applying the new law, the Florida Legislature invalidated Ordinance No. 2020-42, which was adopted before the new law's effective date but after the retroactive date of January 1, 2021, and did not meet the new requirements of Florida Statutes Section

163.31801(6) regarding the four year period between impact fee rate increases.

On September 28, 2021, the City Commission adopted Ordinance No. 2021-39, deeming Ordinance No. 2020-42 repealed through state preemptive action, and ratified its adoption of Ordinance No. 2019-06 as if fully in effect without interruption since its adoption. As a result of this invalidation and state preemption, the Transportation Impact Fee returned to 75 percent of the rate identified in the 2011 Study following Ordinance No. 2019-06.

The Transportation Impact Fee now meets the time requirements for increase as identified in the Florida Impact Fee Act. The proposed Ordinance 2024-12 increases Transportation Impact Fees by 12.5% on adoption, scheduled for September 10, 2024 and an additional 12.5% on October 1, 2025.

Ordinance No. 2024-12 has been reviewed by the City Attorney and is legally correct as to form.

#### Information for Second Reading

Ordinance No. 2024-12 was brought before Commission for first reading on May 28, 2024. During this meeting, a motion was made to continue Ordinance No. 2024-12 to second reading on September 10, 2024, that passed unanimously.

Ordinance No. 2024-12 was amended from first reading to include paragraph 1.02 relating to the business impact estimate.

Pursuant to Florida Statutes Section 166.041, the business impact estimate statement was posted on August 28, 2024.

The required public notice was published on May 29, 2024.

Additionally, the title of the ordinance has been corrected to include "Providing for Findings" as noted below:

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 Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

#### **Strategic Plan**

Good Governance

#### **Financial Impact**

If approved, annual revenue into the Transportation Impact Fee Fund 153 is projected to increase compared to the FY 2025 revenues approximately \$1,633,800 following the first increase and \$3,471,830 following the second increase. Calculations are contingent on approval of the estimates in the FY2025 budget.

#### **Procurement**

All applicable Purchasing policies will be applied for the procurement of any goods or services utilizing the funds generated from the Transportation Impact Fee.

Attachments:

1. Ordinance No. 2024-12 - Second Reading
2. Business Impact Estimate
3. Ordinance No. 2024-12 - First Reading
4. Ordinance No. 2012-01
5. Transportation Impact Fee Study September 13, 2011
6. Ordinance No. 2014-12
7. Ordinance No. 2019-06

8. Ordinance No. 2020-42
9. Florida Statutes Section 163.31801
10. Ordinance No. 2021-39

**Prepared by:** Tricia Wisner, Assistant Director

**Department Director:** Chuck Speake, Director