



City of North Port

ORDINANCE NO. 2025-11

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO IMPACT FEES AND**
2 **IMPACT FEE MITIGATION PROGRAMS; AMENDING AND RENUMBERING CHAPTER 58 OF**
3 **THE CODE OF THE CITY OF NORTH PORT, FLORIDA; PROVIDING FOR IMPACT FEES;**
4 **PURPOSE AND AUTHORITY; DEFINITIONS; APPLICABILITY, FEE DETERMINATION, IMPACT**
5 **FEE ACCOUNTS, AND USE OF FEES; PAYMENT OF FEES; ISSUANCE OF CERTIFICATE OF**
6 **OCCUPANCY, CERTIFICATE OF COMPLETION, OR TEMPORARY CERTIFICATE OF**
7 **OCCUPANCY, CALCULATION OF FEES, IMPACT FEE SCHEDULES; EXEMPTIONS;**
8 **REDUCTIONS FOR AFFORDABLE HOUSING; APPEALS, REPORTING AND REVIEWING OF**
9 **FEES; DEVELOPER REIMBURSEMENTS AND CREDITS; AMENDING THE DEFERRAL**
10 **PROGRAM; PROVIDING FOR ELIGIBLE DEVELOPMENT, TIMING OF APPLICATION,**
11 **APPLICATION CONTENTS, AGREEMENT AND PAYMENT SCHEDULE; CREATING A**
12 **TARGETED INDUSTRY BUSINESS INCENTIVE PROGRAM; PROVIDING FOR PROGRAM**
13 **PURPOSE, PROGRAM CRITERIA, APPLICATION PROCESS, AGREEMENT, COMPLIANCE, CITY**
14 **MANAGER AND CITY COMMISSION REVIEW, AVAILABLE FUNDS; PROVIDING FOR**
15 **FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
16 **CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

17
18 **WHEREAS**, Chapter 58 of the Code of the City of North Port, Florida (the "City") currently provides for the
19 imposition, collection and use of impact fees to fund the extension and/or expansion of capital facilities
20 necessitated by new growth and development; and

21
22 **WHEREAS**, the City Commission has determined to amend Chapter 58 to eliminate redundant or obsolete
23 references, to improve the processes by which the City collects and administers its impact fees, and to
24 establish a program to mitigate potential financial burdens on businesses in certain targeted industry
25 business which currently exists in, or is considering locating in the City; and

26
27 **WHEREAS**, the Florida Legislature has declared that it is necessary and in the public interest to facilitate the
28 growth and creation of business enterprises in the counties and municipalities of this state and has
29 recognized the compelling public purpose served by economic development efforts that increase high
30 paying jobs and broaden the tax base; and

31
32 **WHEREAS**, retaining and expanding existing businesses in the City of North Port, encouraging the creation
33 of new businesses in the City, attracting new businesses to the City, and generally providing conditions
34 favorable for the growth of targeted industry business, that create high-quality, high-wage employment
35 opportunities for City residents and strengthens the City's economic foundation, thereby serving the public
36 interest and municipal purposes of the City; and

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WHEREAS, successful economic development efforts such as attracting new businesses and retaining existing and expanding businesses may involve financial incentives and assistance from state and local governments; and

WHEREAS, Section 166.021(8), Florida Statutes provides the City with the power to enhance and expand economic activity in the City, including the authority to expend and use public funds toward achievement of the City's economic development goals; and

WHEREAS, the City Commission of the City of North Port has carefully considered the *Economic Development Market Feasibility Study: Analysis and Results City of North Port, March 2021* prepared by Camoin Associates (the "Economic Development Study"); and

WHEREAS, the Economic Development Study included a fiscal benefit potential analysis on several areas of the City, and found important factors to unlocking potential commercial/industrial growth in the City; and

WHEREAS, the Economic Development Study determined that the characteristics of the potential development sites in the study areas; the size of the parcels; and the proximity to housing, other businesses, and transportation assets qualify these areas as optimal locations for commercial and industrial development, and the study further described the industry sectors that show the greatest potential for success in the City, along with how the target sectors fit within the City's economy; and

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

WHEREAS, the City Commission hereby determines that there is a need to establish an economic development impact fee mitigation program in the City to incentivize the creation and/or expansion of targeted industry businesses and thereby provide for permanent employment expansion opportunities for the citizens of the City; and

WHEREAS, the City Commission further determines that the establishment of an economic development impact fee mitigation program hereunder serves 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 – AMENDING AND RENUMBERING CHAPTER 58

84 2.01 Chapter 58, entitled Impact Fees and Mitigation Programs, of the Code of the City of North Port,
85 Florida is hereby amended as follows:

86

87 **“Chapter 58 – PLANNING AND DEVELOPMENT IMPACT FEES AND MITIGATION PROGRAMS**

88

89 **ARTICLE I. - ~~ARTICLE III.~~ – IMPACT FEES**

90

91 **Sec. 58.1. ~~58.100.~~ Purpose and authority.**

92

93 (a) Pursuant to article VIII, section 2 of the Florida Constitution and Florida Statutes Sections 166.021
94 and 166.041 or the successor in function, the city commission has all governmental, corporate, and
95 proprietary power to conduct municipal government, perform municipal functions, and render
96 municipal services. The city commission may exercise any power for municipal purposes, except
97 when expressly prohibited by law, and may exercise its power by enacting legislation in the form of
98 city ordinances.

99

100 (b) This ~~article~~ chapter is intended to impose a fee in an amount based upon the amount of new
101 demand attributable to new development and the cost of providing the additional capital
102 improvements needed to serve the new development. This ~~article~~ chapter shall not be construed to
103 authorize imposition of fees related to improvement needs attributable to existing development.

104

105 (c) The purpose of this ~~article~~ chapter is to regulate the development of land within the city by
106 requiring payment of impact fees by impact-generating development and to provide for the cost of
107 capital improvements to the city's public facilities that are required to accommodate growth. This
108 ~~article~~ chapter shall not be construed to permit the collection of impact fees in excess of the
109 amount reasonably anticipated to offset the demand on the public facilities generated by
110 applicable impact-generating development.

111

112 (d) Development and redevelopment necessitated by the growth contemplated in the city's
113 comprehensive plan and the impact fee study will require improvements and additions to the city's
114 public facilities to accommodate the new development and to maintain the standards and levels of
115 city services.

116

117 (e) Future growth, as represented by impact-generating development, should contribute its fair share
118 to the cost of improvements and additions to the city's public facilities as required to accommodate
119 the impact generated by the growth.

120

121 (f) Impact fees are necessary to offset the city's costs associated with meeting the necessary public
122 service and facility demand created by new development or redevelopment.

123

124 (g) The amount of impact fees adopted are proportional and reasonably connected to the burden
125 imposed upon the city to provide the additional public facilities and the increased impact generated
126 by new development.

127

128 (h) A reasonable connection, or rational nexus, exists between the projected new development and
129 the need for additional public facilities to be funded by the impact fees.

130

- 131 (i) A reasonable connection, or rational nexus, exists between the expenditure of the funds collected
132 pursuant to this article chapter and the benefits accruing to new development through the public
133 facilities improved or acquired by the expenditure.
134
- 135 (j) The impact fees adopted are proportional and reasonably connected to, or have a rational nexus
136 with, the need for additional public facilities and the increased impact generated by the new
137 residential or nonresidential construction.
138
- 139 (k) The impact fees adopted are proportional and reasonably connected to, or have a rational nexus
140 with, the expenditures of the funds collected and the benefits accruing to the new residential or
141 nonresidential construction.
142
- 143 (l) The required improvements and additions to city facilities needed to eliminate deficiencies shall be
144 financed by revenue sources of the city other than impact fees.
145
- 146 (m) Implementation of the impact fees to require impact-generating development within the city to
147 contribute its fair share to the cost of required capital improvements is an integral and vital
148 element of the regulatory plan of growth management of the city.
149
- 150 (n) The city commission expressly finds that the improvements and additions to the city's public
151 facilities to be funded by the respective impact fees adopted provide a benefit to all impact-
152 generating development within the city that is in excess of the actual impact fees.
153
- 154 (o) The impact fees adopted pursuant to this article chapter are based upon the calculation
155 methodology incorporated in the impact fee study, adjusted to stimulate economic development.
156
- 157 (p) The impact fees should be kept up to date through periodic study updates as provided in this article
158 chapter.
159
- 160 (q) This article chapter includes procedures for accounting and reporting of impact fee collections and
161 expenditures in order to assure compliance with applicable legal requirements.
162
- 163 (r) This article chapter establishes and requires separate accounting funds for the respective impact
164 fees adopted.
165
- 166 (s) This article chapter requires audits of the city's financial statements to include an affidavit of the
167 finance director stating that the requirements of Florida Statutes Section 163.31801, or its
168 successor in function, have been complied with.
169
- 170 (t) The administrative fees set forth are equal to or lower than the city's actual costs for collection of
171 the impact fees, including the actual costs related to the administration and the collection process.
172

173 **Sec. 58-2. 58-101 - Definitions.**

174
175 As applied in this article chapter, the following words and terms shall have the following meanings, unless
176 another meaning is clearly intended:
177

178 Accessory building or structure. This term shall have the meaning set forth in ~~chapter 61 of the~~
 179 Unified Land Development Code unified land development code.

181 Activity Center. A Future Land Use classification(s) for lands targeted for development that is
 182 physically and functionally integrated through a mixture of uses, multi-modal connections, and urban
 183 design.

185 Affordable Housing. Multi-family housing offered with a maximum mortgage or rent price including
 186 HOA fees, utilities, and other non-negotiable housing fees associated with the unit at or below the 120%
 187 Area Median Income value listed on the latest annually updated Area Median Income Maximum
 188 Mortgage and Rent Table for the North Port-Sarasota-Bradenton Area produced by Sarasota County
 189 Government, which shall be updated annually, and which otherwise meets the definition of affordable
 190 as defined in Section 420.9071, Florida Statutes.

192 Applicant. The property owner or duly designated agent of the property owner of land on which a
 193 building permit, certificate of occupancy, certificate of completion, and temporary certificate of
 194 occupancy is requested, or an impact fee is due pursuant to this ~~article~~ chapter or the business entity
 195 applying for an impact fee program within Chapter 58.

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

201 Building permit. The permit required for new construction and additions pursuant to the Florida
 202 Building Code. ~~city's existing subdivision and zoning regulations. For the purpose of this article, the term~~
 203 ~~also includes any development order authorizing the creation or expansion of a mobile home or~~
 204 ~~recreational vehicle park.~~

206 Certificate of completion. ~~This term shall have the meaning set forth in the Florida Building Code. A~~
 207 ~~certificate stating material and products meet specified standards or that work has been completed in~~
 208 ~~compliance with approved construction documents. A certificate of completion does not allow~~
 209 ~~occupancy of the structure and/or the conduct of business.~~

211 Certificate of occupancy (CO). This term shall have the meaning set forth in the Florida Building
 212 Code. ~~The authorization issued by the city for use of a building or premises.~~

214 ~~Community park. A ride to park located near major streets or arterials which includes active or~~
 215 ~~passive improved recreational facilities. It is designed to serve the needs of at least ten to 15~~
 216 ~~neighborhoods that constitute a community and serves community residents within a radius of up to~~
 217 ~~approximately three miles or a service population of approximately 25,000 to 35,000 permanent~~
 218 ~~residents. Community parks are approximately 20 acres or more in size.~~

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

226 Coworking Space. For purposes of the impact fee incentive program, this term shall have the
 227 meaning set forth the Unified Land Development Code.

228
 229 Dwelling Unit. This term shall have the meaning set forth in ~~chapter 61~~ of the Unified Land
 230 Development Code ~~unified land development code.~~

231
 232 Economic Development Study. The "Economic Development Market Feasibility Study: Analysis and
 233 Results for the City of North Port, March 2021" prepared by Camoin Associates, including any update
 234 or addenda thereto.

235
 236 Feepayer. A person who is obligated to pay an impact fee in accordance with the terms of this ~~article~~
 237 chapter.

238
 239 Fire/rescue system improvement. The planning, engineering, construction, or acquisition of land,
 240 equipment, vehicles, and buildings that add capital improvement capacity serving new development
 241 within the North Port Fire Rescue District. The North Port Fire Rescue District is a dependent special
 242 district of the city.

243
 244 Food truck parks. For purposes of the impact fee deferral incentive program, this term shall have
 245 the meaning set forth in the Unified Land Development Code.

246
 247 General government system improvement. The planning, engineering, construction, or acquisition
 248 of land and buildings that add capital improvement capacity serving new development benefitting from
 249 the city's general government facilities. General government facilities consist of buildings and land used
 250 to provide city services to new development, which are not self-supporting or covered by an impact fee
 251 other than the general government impact fee.

252
 253 Healthcare industry. Includes businesses that provide medical services, manufacture medical
 254 equipment or drugs, provide medical insurance, or otherwise facilitate the provision of healthcare to
 255 patients. May include North American Industry Classification System code 622.

256
 257 Impact fee. A fee imposed under this chapter upon new development to pay for the development's
 258 proportionate share of the cost of improvements to the City's infrastructure necessary to serve the new
 259 development. Impact fees are imposed for transportation, park, fire/rescue, law enforcement, general
 260 government, and solid waste. ~~The transportation, park, fire/rescue, law enforcement, general~~
 261 ~~government or solid waste impact fee.~~

262
 263 Impact fee administrator. The city employee, designated by the city manager, primarily responsible
 264 for administering the provisions of this ~~article~~ chapter.

265
 266 Impact Fee Study. The City of North Port Development Impact Fee Update Study prepared by
 267 Willdan Financial Services dated February 25, 2022, together with the City of North Port Impact Fee
 268 Update: HR 337 Demonstrated Need Study prepared by Willdan Financial Services dated February 25,
 269 2022, both approved and adopted by the city commission via Ordinance No. 2022-03 on June 21, 2022.
 270 This term includes any updates to these studies.

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

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Information technology industry. Includes 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 163.31801, Florida Statutes, or its successor in function the Florida Impact Fee Act.

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.

Live work space. For purposes of the impact fee incentive program, this term shall have the meaning set forth in the Unified Land Development Code.

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 nonresidential. For purposes of the impact fee incentive program, this term shall have the meaning set forth in the Unified Land Development Code.

~~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.

321 Pop-up retail. For purposes of the deferral fee incentive program, this term shall have the meaning
 322 set forth in the Unified Land Development Code.

323
 324 Public Facilities. Major capital improvements, including transportation, sanitary sewer, solid waste,
 325 drainage, potable water, educational, park and recreation, emergency medical, fire, and law
 326 enforcement facilities. This term includes the system improvements, infrastructure, equipment, and
 327 facilities for which impact fees are imposed.

328
 329 Qualified opportunity zone. The geographic area that falls within the U.S. Treasury certified census
 330 tract within the City of North Port created under the Tax Cuts and Jobs Act of 2017.

331
 332 ~~Retail/commercial.~~ Establishments primarily engaged in retail sales or other commercial activities,
 333 but excluding office uses. Examples include shopping centers, auto sales or repair, banks, building
 334 materials sales, hardware stores, plant nurseries, convenience stores, furniture stores, golf courses,
 335 marinas, movie theaters, recreational centers, restaurants, and service stations.

336
 337 Service units. Square footage, vehicle-miles of travel, or equivalent dwelling units, consistent with
 338 the impact fee study. ~~Vehicle-miles of travel, peak population or equivalent dwelling units, consistent~~
 339 ~~with the impact fee study.~~

340
 341 Solid waste system improvement. the planning, engineering, construction, or acquisition of land,
 342 equipment, vehicles, and buildings that add capital improvement capacity serving new development
 343 benefitting from the city's solid waste system.

344
 345 Square feet. ~~Gross floor area, defined as the total area of all floors of a primary building and all~~
 346 ~~associated~~ The total area of all floors of a primary building, including outdoor areas that are under a
 347 permanent roof, and all non-exempt accessory buildings, measured from the external surface of the
 348 outside walls. Excluded areas include basements or attic spaces of less than seven feet in height and
 349 vehicular parking and maneuvering areas.

350
 351 System improvement. A transportation system improvement, park system improvement,
 352 fire/rescue system improvement, law enforcement system improvement, general government system
 353 improvement, or solid waste system improvement. A system improvement adds capacity to serve new
 354 development.

355
 356 Targeted industry business. Business meeting the definitions herein of Health Care, Information
 357 Technology, Life Sciences, Logistics and Distribution, Manufacturing, Tourism and Entertainment, and
 358 Corporate Headquarters.

359
 360 Targeted activity centers. Activity Centers 2, 3, 4, 5 and 7 as identified in the Economic Development
 361 Study "study area."

362
 363 Temporary certificate of occupancy. This term has the meaning set forth in the Florida Building
 364 Code. ~~A certificate stating in the opinion of the building official the site and structure are safe for the~~
 365 ~~owner/tenant to enter and begin the process of setting up a residence or business. A temporary~~
 366 ~~certificate of occupancy may or may not provide permission to live in or conduct business within the~~
 367 ~~structure.~~

368

369 Tourism and entertainment industry. Includes establishments where individuals go to enjoy
 370 entertainment activities such as concerts, musicals, festivals, comedy, sports events, theatre, dancing,
 371 and theme parks, as well as hotels or restaurants. This term may include North American Industry
 372 Classification System codes 71 or 72.

373
 374 *Transportation impact fee study.* The City of North Port Impact Fee Study prepared by Tindale-
 375 Oliver and Associates, Inc. and accepted by the city commission on December 12, 2011.

376
 377 *Transportation system.* All arterial ~~and~~, collector, and local roadways identified in the
 378 transportation element contained in the city's adopted comprehensive plan and located within the
 379 city's limits. Freeways and expressways, such as I-75 and U.S. Highway 41, are excluded from the system
 380 to be funded by the transportation impact fees, but the frontage roads for U.S. Highway 41 and any
 381 other arterials or collectors are included.

382
 383 *Transportation system improvement.* The planning of, engineering for, acquisition of land for, and
 384 the construction of capital improvements for the transportation system, including but not limited to
 385 the acquisition of right-of-way, construction of new roads, widening of existing roads, intersection
 386 improvements, and installation of traffic signals. Lane reconstruction, sidewalk construction, medians,
 387 landscaping, street lighting, and other ancillary components of a capacity-expanding road
 388 improvement, shall not be considered transportation system improvements when not an integral part
 389 of a capacity-expanding improvement. Improvements directly related to and primarily serving traffic
 390 entering or exiting a development project shall not be considered system improvements.

391
 392 *Warehouse.* Establishments primarily engaged in the movement and storage of goods.

393
 394 **Sec. ~~58-3. 58-102~~ Applicability; fee determination; impact fee accounts; and use of fees.**

- 395
 396 (a) Any person who shall commence an impact-generating development or change in use or intensity
 397 to an existing development in the city, as herein defined, shall be obligated to pay impact fees as
 398 required by this ~~article~~ chapter.
 399
 400 (b) ~~(1)~~ Impact fees shall be imposed based on the impact fee schedules in effect at the time the
 401 complete building permit application is submitted to and accepted by the city, provided the permit
 402 proceeds to issuance of a certificate of occupancy, certificate of completion, or temporary
 403 certificate of occupancy without being reinstated. If the permit expires and is reinstated, impact
 404 fees shall be imposed based on the impact fee schedules in effect on the date the permit is
 405 reinstated.
 406
 407 (c) ~~(2)~~ Unless deferred or mitigated by the city commission, all impact fees due shall be collected prior
 408 to the issuance of a certificate of occupancy, certificate of completion, or temporary certificate of
 409 occupancy for the development. If the certificate of occupancy, certificate of completion, or
 410 temporary certificate of occupancy is for less than the entire development, then the fee shall be
 411 computed separately for each of the lesser parts of the development.

412
 413 ~~(2) Any person who paid impact fees between June 11, 2019 and December 31, 2019 is~~
 414 ~~entitled to a recalculation of impact fees based on subsection (a)(1) above, as well as a~~
 415 ~~refund for the amount of any overpayment.~~

416

- 417 (a) ~~Where this article becomes applicable due to an increase in the number of dwelling units for~~
418 ~~residential use, an increase in the intensity of a use or due to a change of use or in the amount~~
419 ~~of square footage for nonresidential use, the amount of the impact fee shall be based solely~~
420 ~~upon the increase in the number of dwelling units or amount of square footage.~~
421
- 422 (b) ~~The city commission may waive or reduce city impact fees only if the impact-generating~~
423 ~~development serves a valid public purpose and the petition is submitted within 30 days of~~
424 ~~payment of the impact fee. Any loss in revenue due to a waiver or reduction under this~~
425 ~~section shall be funded with other legally available city revenues and not by increasing the~~
426 ~~amount of the impact fee imposed against other properties.~~
427
- 428 (c) ~~The city commission may defer city impact fees only if the impact-generating development~~
429 ~~serves a valid public purpose and the petition meets all parameters set forth in this~~
430 ~~subsection.~~
431
- 432 (1) ~~Eligible development. Any new commercial project with a building permit valuation of at~~
433 ~~least \$1,000,000.00 is eligible to submit a petition for deferral.~~
434
- 435 (2) ~~Timing of petition. A petition for deferral of impact fees must be submitted prior to the~~
436 ~~due date for payment. If the city commission has not made a determination on the~~
437 ~~petition prior to issuance of a certificate of occupancy, certificate of completion, or~~
438 ~~temporary certificate of occupancy, then the total impact fees due must be timely paid~~
439 ~~and a request for a refund may be submitted if the deferral is granted.~~
440
- 441 (3) ~~Agreement and payment schedule. All impact fee deferrals require an agreement setting~~
442 ~~forth the terms and conditions of the deferral. The agreement must establish a schedule~~
443 ~~for payment no later than three years after the issuance of the first certificate of~~
444 ~~occupancy (temporary or otherwise).~~
- 445 (4) ~~Lien. For any deferral granted, the city shall execute a notice of nonpayment setting forth~~
446 ~~the legal description of the property and the amount of the impact fee liability, including~~
447 ~~interest, penalties, costs, and fees for collection. Costs include but are not limited to~~
448 ~~recording fees for a lien and a release of lien. The city shall serve this notice on the owner~~
449 ~~by certified mail and file it in the official county records, placing a lien against the~~
450 ~~property. Upon payment in full of all amounts owed, the city shall promptly record a~~
451 ~~notice of payment in the official county records, thereby releasing the lien.~~
452
- 453 (f) ~~The city will maintain separate and individual impact fee funds for each category of impact~~
454 ~~fee collected and will deposit into each fund impact fee revenues collected solely for the~~
455 ~~category of fees assigned to that fund. The city will account for the revenues and~~
456 ~~expenditures made from each fund, by facility type.~~
457
- 458 (d) (g) ~~Impact fee revenues shall be spent only for system improvements and only for the category of~~
459 ~~system improvements for which the fee revenues were collected, consistent with the impact fee~~
460 ~~study.~~
461

462 **Sec. ~~58-4. 58-103~~ Payment of fees; Issuance of certificate of occupancy, certificate of completion, or**
463 **temporary certificate of occupancy.**
464

- 465 (a) No certificate of occupancy, certificate of completion, or temporary certificate of occupancy shall be
 466 issued unless the applicant thereof has paid the applicable impact fee imposed by this article chapter
 467 unless otherwise exempted, waived, or deferred pursuant to this article chapter.
 468
- 469 (b) Any certificate of occupancy, certificate of completion, or temporary certificate of occupancy issued
 470 without payment by the applicant and collection by the city of the required impact fee pursuant to
 471 the provisions of this article chapter or the terms of any deferral granted by the city commission,
 472 shall be null and void.
 473

474 **Sec. 58-5. ~~58-104~~ Calculation of fees; ~~schedules.~~**

475 The following procedures shall be used by those that calculate and access impact fees.
 476

- 477 (a) Residential New Construction & Additions.
 478
- 479 (1) Verify the number and type of dwelling units that are proposed as shown on the building permit
 480 application. Verifying the number and type of dwelling units or the square footage, or other
 481 measurement, of nonresidential impact that is proposed to be constructed as shown on the
 482 building permit application.
 483
- 484 (2) Determine the amount of each type of impact fee that shall be applied for each new dwelling
 485 unit per the impact fee schedule. Determining nonresidential development unit pursuant to
 486 subsection (b) of this section.
 487
- 488 (3) Create a total by multiplying the number of dwelling units by the applicable fee. Multiplying the
 489 number of dwelling units or nonresidential development units by the fee per dwelling unit or
 490 nonresidential development unit as indicated in subsection (b) below.
 491
- 492 (4) Add the administrative charge to defray the cost of impact fee collection. The city shall charge an
 493 administrative fee equal to the actual cost of collection or one and one-half percent of the total
 494 amount of impact fees due, whichever is less. ~~(i) Administrative charge. In order to defray the~~
 495 cost of impact fee collection, the city shall charge an administrative fee equal to the actual cost
 496 of collection or one and one-half percent of the total amount of impact fees due, whichever is
 497 less.
 498
- 499 (a) Nonresidential New Construction & Expansions.
 500
- 501 (1) Verify the number and type of the applicable units (square feet, rooms, acres, etc.) for the
 502 proposed development as shown on the building permit application and follow applicable
 503 instructions as detailed below.
 504
- 505 i) Uses not listed. If the type of land use for which a certificate of occupancy, certificate of
 506 completion, or temporary certificate of occupancy is requested is not specified in the
 507 above fee schedules, the city shall determine the fee on the basis of the fee applicable to
 508 the most nearly comparable type of land use on the fee schedule, based on a generally-
 509 accepted land use classification system (e.g., the North American Industry Classification
 510 System, the land-based classification standards, and/or Institute of Transportation
 511 Engineers trip generation manual) and the city's impact fee study.
 512

- 513 ii) Primary use; mixed uses. In many instances, a particular structure may include accessory
514 uses associated with the primary land use. For example, in addition to the actual
515 production of goods, manufacturing facilities usually also have office, warehouse,
516 research, and other associated functions. The impact fees are assessed based on the
517 primary land use for the lot or structure. However, for a proposed development that
518 mixes residential and nonresidential uses or multiple unrelated nonresidential uses in the
519 same lot or structure, the impact fee shall be calculated separately for each land use and
520 the fees added together to determine the appropriate impact fee for the development.
521
522 iii) Shell buildings and build outs. shell buildings shall be charged the rate most consistent
523 with the land use type listed on the building permit.
524
525 a) Impact fees assessed on the shell building permit must be paid prior to the
526 issuance of any permits associated with an interior build out of the space.
527
528 b) Subsequent permits for interior build outs will not require additional impact fees
529 unless deemed to be a change in use.
530
531 (2) Determine the amount of each type of impact fee that shall be applied for the new square
532 footage.
533
534 (3) Create a total by multiplying the number of service units by the applicable fee.
535
536 (4) Add the administrative charge to defray the cost of impact fee collection. The city shall charge an
537 administrative fee equal to the actual cost of collection or one and one-half percent of the total
538 amount of impact fees due, whichever is less.
539
540 (b) Change in use.
541
542 (1) Calculate the amount due for the proposed development.
543
544 (2) Subtract the amount that would be due if the fees were paid under the current land use and the
545 applicable impact fee schedule based on the building permit number.
546
547 (3) Determine the difference between the amount due from the new land use and the previous land
548 use.
549
550 (4) If zero or negative no fees are due. If the new rate exceeds original development charge, the
551 difference is due.

552
553 **Sec. 58-6. 58-104 Calculation of fees; Impact Fee Schedules.**
554

555 (a) Transportation impact fees.
556

- 557 (1) Transportation impact fee district. Pursuant to the transportation impact fee study, the city has
558 found and determined that the benefits of planned transportation system improvements, to be
559 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 applicable to new development:

Land Use Type	Unit	Fee Effective 09/10/2024	Fee Effective 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	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

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567

(b) ~~(2)~~ Park impact fees.

568 (1) *Park impact fee district.* Pursuant to the impact fee study, the city has found and determined that
 569 the benefits of planned park system improvements, to be funded with impact fees, will serve
 570 new development citywide and hereby establishes a single, citywide impact fee district for the
 571 collection and expenditure of park impact fees.

572
 573 (2) *Park impact fee schedule.* ~~Following are the park impact fees applicable to new residential~~
 574 ~~development~~ The following are the park impact fees:
 575

Land Use Type	Unit	Fee
Residential		
Single-Family	Dwelling	\$2,284.00
Multifamily	Dwelling	\$1,654.00
Senior Unit	Dwelling	\$1,053.00
Nonresidential		
Hotel/Lodging	Room	\$879.00

576
 577 (c) ~~(3)~~ *Fire/rescue impact fees.*

578
 579 (1) *Fire/rescue impact fee district.* Pursuant to the impact fee study, the city has found and
 580 determined that the benefits of planned fire/rescue system improvements, to be funded with
 581 impact fees, will serve new development throughout the North Port Fire and Rescue District and
 582 hereby establishes a single impact fee district, for the collection and expenditure of fire/rescue
 583 impact fees, commensurate with the boundaries of the North Port Fire and Rescue District.

584
 585 (2) *Fire/rescue impact fee schedule.* ~~Following are the fire/rescue impact fees applicable to new~~
 586 ~~development~~ The following are the fire/rescue impact fees:
 587

Land Use Type	Unit	Fee
Residential		
Single-Family	Dwelling	\$785.00
Multifamily	Dwelling	\$568.00
Senior Unit	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

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(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. ~~Following are the law enforcement impact fees applicable to new development~~ The following are the law enforcement impact fees:

Land Use Type	Unit	Fee
Residential		
Single-Family	Dwelling	\$503.00
Multifamily	Dwelling	\$364.00
Senior Unit	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

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(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

604 with impact fees, will serve new development citywide and hereby establishes a single, citywide
 605 impact fee district for the collection and expenditure of general government impact fees.

606
 607 (2) *General government impact fee schedule.* ~~Following are the general government impact fees~~
 608 ~~applicable to new development.~~ The following are the general government impact fees:
 609

Land Use Type	Unit	Fee
Residential		
Single-Family	Dwelling	\$377.00
Multifamily	Dwelling	\$273.00
Senior Unit	Dwelling	\$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

610
 611 (f) ~~(6)~~ Solid waste impact fees.

612
 613 (1) *Solid waste impact fee district.* Pursuant to the impact fee study, the city has found and determined
 614 that the benefits of planned solid waste system improvements, to be funded with impact fees, will
 615 serve new development citywide and hereby establishes a single, citywide impact fee district for
 616 the collection and expenditure of solid waste impact fees.

617
 618 (2) *Solid waste impact fee schedule.* ~~Following are the solid waste impact fees applicable to new~~
 619 ~~development.~~ The following are the solid waste impact fees:

Land Use Type	Unit	Fee
Residential		
Single-Family	Dwelling	\$399.00
Multifamily	Dwelling	\$237.00

Senior Unit	Dwelling	\$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	1,000 sq. ft.	\$1,018.00
Recreational: Community Center	1,000 sq. ft.	\$899.00

621

622 (g) ~~(e)~~ *Uses not listed.* If the type of land use for which a certificate of occupancy, certificate of
 623 completion, or temporary certificate of occupancy is requested is not specified in the above fee
 624 schedules, the impact fee administrator shall determine the fee on the basis of the fee applicable to
 625 the most nearly comparable type of land use on the fee schedule, based on a generally-accepted
 626 land use classification system (e.g., the North American Industry Classification System, the land-
 627 based classification standards (APA), and/or ITE's trip generation manual) and the impact fee study.

628

629 (h) ~~(d)~~ *Primary use; mixed uses.* In many instances, a particular structure may include auxiliary uses
 630 associated with the primary land use. For example, in addition to the actual production of goods,
 631 manufacturing facilities usually also have office, warehouse, research, and other associated
 632 functions. The impact fees are assessed based on the primary land use for the lot or structure.
 633 However, for a proposed development that mixes residential and nonresidential uses or multiple
 634 unrelated nonresidential uses in the same lot or structure, the impact fee shall be calculated
 635 separately for each land use and the fees added together to determine the appropriate impact fee
 636 for the development.

637

~~(e) — *Appeal.* A property owner may appeal the impact fee calculation to the city commission by
 638 filing a notice of appeal with the city clerk no later than ten business days following the
 639 impact fee administrator's final calculation. The filing of an appeal shall stay the issuance
 640 of the certificate of occupancy, certificate of completion, or temporary certificate of
 641 occupancy, as applicable, unless the property owner attaches to the notice of appeal a
 642 letter of credit in an amount equal to the impact fee administrator's final calculation. In
 643 reviewing the impact fee administrator's determination, the city commission shall apply the
 644 standards established in this section.~~

645

~~(f) — *Review requirement.* The city commission shall review this article and the impact fee study
 646 at least once every four years. The purpose of this review is to ensure that the impact fee
 647 revenues collected adequately fund the public facilities necessitated by new growth and~~

648 development and that the impact fees do not exceed the reasonably anticipated costs
 649 associated with the improvements and additions necessary to offset the demand generated
 650 by the impact generating development on the respective public facilities. In the event the
 651 required review of this article alters or changes the assumptions, conclusions, and findings
 652 of the impact fee study or alters or changes the amount or classification of the impact fee,
 653 the impact fee study shall be amended, supplemented, and/or updated to reflect the
 654 assumptions, conclusions, and findings of reviews and this article shall be amended to
 655 adopt any updated study.

656

657 (g) ~~— Audits. Audits of the city's financial statements performed by a certified public accountant~~
 658 ~~pursuant to F.S. § 218.39 and submitted to the auditor general shall include an affidavit~~
 659 ~~signed by the finance director. The affidavit shall attest to the facts required in F.S. §~~
 660 ~~163.31801(8).~~

661

662 (h) ~~— Annual report. In addition to the items that the city must include in its annual financial~~
 663 ~~report pursuant to F.S. § 218.32, the city must annually report on the information required~~
 664 ~~in F.S. § 163.31801(13).~~

665

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

669

670 **Sec. 58-7. ~~(58-105)~~ Exemptions; Reductions for Affordable Housing.**

671

672 The following shall be exempt from the payment of impact fees adopted in this ~~article~~ chapter:

673

674 (a) ~~(1) Alteration, The alteration, expansion, or replacement of an existing dwelling unit residential~~
 675 ~~structure where no additional dwelling units are created.~~

676

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

680

681 (c) ~~(3) The construction of accessory buildings or structures less than 1,000 square feet associated with~~
 682 ~~residential subdivisions and multifamily structures. The replacement of a building or dwelling unit~~
 683 ~~where no additional dwelling units or square footage are created and where the existing and~~
 684 ~~replacement buildings or dwelling units are located on the same lot. A certificate of occupancy must~~
 685 ~~have been issued for the replacement building or dwelling unit within five years of the date the~~
 686 ~~previous building or dwelling unit was previously occupied, otherwise no exemption will be granted.~~

687

688 (d) ~~(4) All public educational and ancillary plants constructed by an educational board, to the extent F.S.~~
 689 ~~§ 1013.371(1)(a) or any other statute or that state law requires an exemption.~~

690

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

693

694 (f) ~~(6) Affordable housing properties developed and owned by the city. Impact Fees imposed for all~~
 695 ~~complete building permit applications qualifying as an affordable housing development that are~~

696 legally permitted within section 3.6.3.A of the Unified Land Development Code shall be subject to the
 697 following fee reductions:

- 698
- 699 (1) Affordable housing offered at 60% Annual Median Income (AMI) or below will receive a 75%
 700 reduction in impact fees;
- 701
- 702 (2) Affordable housing offered above 60% AMI and up to 80% AMI will receive a 50% reduction in
 703 impact fees;
- 704
- 705 (3) Affordable housing offered above 80% AMI and up to 120% AMI will receive a 25% reduction in
 706 impact fees.
- 707

708 **Sec. 58-8. Appeals.**

709

- 710 (a) A feepayer may appeal the impact fee calculation in writing to the Development Services Director.
 711 Development Services Director shall have 15 business days to provide a written response as to the
 712 determination of the appeal request.
- 713
- 714 (b) Should the appeal request be denied by the Development Services Director, the feepayer shall
 715 have the right to appeal the decision to the Commission within 30 days following the
 716 determination of the appeal request by the Development Services Director. The notice of appeal
 717 shall be filed with the city clerk with a copy sent to the Development Services Director and impact
 718 fee administrator. The Development Services Director shall prepare a written response justifying
 719 the decision to deny the appeal request and cite applicable policies and rationale for the decision.
 720 The Commission shall base its decision on the applicable standards and criteria established in this
 721 chapter and the evidence presented at a properly advertised public hearing. The hearing shall be
 722 held within 90 days of receipt of the appeal request. The Commission may uphold or revoke, in
 723 whole or in part, the determination being appealed.
- 724
- 725 (c) Any request for review of a decision by the Commission under this chapter shall be made by filing
 726 an appeal to the circuit court within 30 days of receipt of the city attorney's written
 727 communication of the Commission decision.
- 728

729 **Section 58-9. Reporting and reviewing of fees.**

730

- 731 (a) Review requirement. The city commission shall review this chapter and the impact fee study at least
 732 once every seven years. The purpose of this review is to ensure that the impact fee revenues
 733 collected adequately fund the public facilities necessitated by new growth and development and that
 734 the impact fees do not exceed the reasonably anticipated costs associated with the improvements
 735 and additions necessary to offset the demand generated by the impact-generating development on
 736 the respective public facilities. In the event the required review of this chapter alters or changes the
 737 assumptions, conclusions, and findings of the impact fee study or alters or changes the amount or
 738 classification of the impact fee, the impact fee study shall be amended, supplemented, and/or
 739 updated to reflect the assumptions, conclusions, and findings of reviews and this chapter shall be
 740 amended to adopt any updated study.
- 741
- 742 (b) Audits. Audits of the city's financial statements performed by a certified public accountant pursuant
 743 to Section 218.39, Florida Statutes and submitted to the auditor general shall include an affidavit

744 signed by the finance director. The affidavit shall attest to the facts required in Section 163.31801(8),
 745 Florida Statutes or its successor in function.

746

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

751

752 **Sec. ~~58-10~~ ~~58-106~~. Disposition of fees.**

753

754 (a) *Designation of fees.* Any fees collected under this ~~article~~ chapter are expressly designated for the
 755 acquisition of system improvements serving the city's jurisdiction as provided in this section.

756

757 (b) *Segregation of funds.* An impact fee fund that is distinct from the general fund of the city is hereby
 758 created, and the impact fees received will be deposited in the following interest-bearing accounts of
 759 the impact fee fund.

760

761 (1) *Transportation impact fee account.* The transportation impact fee account shall contain only
 762 those transportation impact fees collected pursuant to this ~~article~~ chapter plus any interest that
 763 may accrue from time to time on those amounts. Funds of the account shall only be used for
 764 transportation system improvements.

765

766 (2) *Park impact fee account.* The park impact fee account shall contain only those park impact fees
 767 collected pursuant to this ~~article~~ chapter plus any interest that many accrue from time to time on
 768 those amounts. Funds of the account shall only be used for park system improvements.

769

770 (3) *Fire/rescue impact fee account.* The fire/rescue impact fee account shall contain only those
 771 fire/rescue impact fees collected pursuant to this ~~article~~ chapter plus any interest that may
 772 accrue from time to time on those amounts. Funds of the account shall only be used for
 773 fire/rescue system improvements.

774

775 (4) *Law enforcement impact fee account.* The law enforcement impact fee account shall contain only
 776 those law enforcement impact fees collected pursuant to this ~~article~~ chapter plus any interest
 777 that may accrue from time to time on those amounts. Funds of the account shall only be used for
 778 law enforcement system improvements.

779

780 (5) *General government impact fee account.* The general government impact fee account shall
 781 contain only those general government impact fees collected pursuant to this ~~article~~ chapter plus
 782 any interest that may accrue from time to time on those amounts. Funds of the account shall
 783 only be used for general government system improvements.

784

785 (6) *Solid waste impact fee account.* The solid waste impact fee account shall contain only those solid
 786 waste impact fees collected pursuant to this ~~article~~ chapter plus any interest that may accrue
 787 from time to time on those amounts. Funds of the account shall only be used for solid waste
 788 system improvements.

789

790 (c) *Use of funds.* Funds from the impact fee accounts may only be used for system improvements of the
 791 type specified in the title of the account. Funds on deposit in the impact fee accounts shall not be

792 used for any expenditure that would be classified as a maintenance or repair expense. The funds
793 shall be used solely for the purpose of acquiring, constructing, or improving growth-necessitated
794 public facilities, including but not limited to:

- 795
- 796 (1) Land acquisition, including any cost of acquisition;
- 797
- 798 (2) Fees for professional services, including but not limited to architecture, engineering, surveying,
799 landscaping, soils and material testing, legal, appraisals, and construction management;
- 800
- 801 (3) Design and construction documents;
- 802
- 803 (4) Site development and on-site and off-site improvements incidental to construction;
- 804
- 805 (5) Any permitting or application fees necessary for the construction;
- 806
- 807 (6) Construction and design of new public facilities, including related drainage facilities and
808 relocation of utilities;
- 809
- 810 (7) Landscaping;
- 811
- 812 (8) Acquisition of apparatus, vehicles, or other capital equipment;
- 813
- 814 (9) Repayment of monies borrowed from any budgetary fund of the city which were used to fund
815 growth-necessitated capital improvements to the respective system improvements as provided
816 in this ~~article~~ chapter;
- 817
- 818 (10) Costs related to the administration, collection, and implementation of impact fees;
- 819
- 820 (11) Payment of principal and interest, necessary reserves, and costs of issuance under any bonds or
821 other indebtedness issued by the city to provide funds to construct or acquire growth
822 necessitated capital improvements or additions to the public facilities; provided, however, that
823 revenues generated by impact fees shall not be used, in whole or in part, to pay existing debt for
824 the city's public facilities or for previously approved projects related to public facilities unless the
825 expenditure is reasonably connected to, or has a rational nexus with, the increased impact of
826 impact-generating development; and
- 827
- 828 (12) Any other expenditures of the impact fee as then allowed by law.

829

830 (d) *Annual recommendation for expenditure of fees.* Each year, at the time the annual city budget is
831 being prepared, the city manager shall propose appropriations to be spent from each impact fee
832 account. After review of the city manager's recommendation, the city commission shall approve,
833 modify or deny the recommended expenditures of the impact fee moneys. Any amounts not
834 appropriated from the trust account, together with any interest earnings, shall be carried over in the
835 account to the following fiscal year.

836

837 **Sec. ~~58-11.58-107.~~ Refunds; petitions.**

838

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

849
 850 (1) The current owner of the property must petition the city for the refund within one year following
 851 the ~~six~~ five-year period from the date on which the impact fee was paid. If the time of refund has
 852 been extended pursuant to this subsection (a), the petition shall be submitted within one year
 853 following the end of the extension.

854
 855 (2) The petition must contain the following information:

856
 857 i) A notarized sworn statement that the petitioner is the current owner of the property.

858
 859 ii) A copy of the dated receipt issued for payment of the impact fee.

860
 861 iii) A certified copy of the latest recorded deed for the property.

862
 863 iv) A copy of the most recent ad valorem tax bill for the property.

864
 865 (3) Within one month from the date of receipt of a petition for refund, the impact fee administrator
 866 shall review the petition and determine whether it is complete. If the impact fee administrator
 867 determines the petition is not complete, a written statement specifying the deficiencies shall be
 868 sent to the petitioner by certified mail. Unless the deficiencies are corrected, the impact fee
 869 administrator shall take no further action on the petition. When the impact fee administrator
 870 determines that the petition is complete, the petition shall be reviewed within one month. The
 871 impact fee administrator shall approve the refund petition if it is determined that the feepayer or
 872 his successor in interest has paid a fee which the city has not spent within the time permitted
 873 under this section. The refund shall include the fee paid.

874
 875 (b) Any petitioner may appeal the decision on the refund to the city commission by filing a notice of
 876 appeal to the city manager within ten working days following the decision. In reviewing the decision
 877 on the amount of the refund, the city commission shall use the standards established in subsection
 878 (a)(3).

879
 880 **Sec. 58-12 (~~58-108~~). Developer reimbursements and credits.**

881
 882 (a) *Eligibility.* Developers may be eligible for reimbursements or credits for the value of land dedications,
 883 construction, or monetary payments for impact-fee eligible system improvements. At the city's
 884 discretion, reimbursements or credits may be negotiated by the city and a developer seeking
 885 reimbursements or credits based on, but not limited to, any of the following factors: the actual cost
 886 of construction or dedicated improvements, the fair market value of land dedicated, the city's

- 887 documented cost estimates for the proffered system improvement, whether the proffered system
 888 improvement is included in the city's capital improvement element, and the amount of unallocated
 889 impact fee funds available for reimbursements.
 890
- 891 (b) *Effective upon acceptance.* Eligibility for reimbursements or credits shall become effective when the
 892 land dedication or improvements have been completed and have been accepted by the city
 893 commission under the provisions of a prior agreement.
 894
- 895 (c) *Developer Development agreement.* To qualify for an impact fee reimbursement or credit, the
 896 developer must enter into an agreement with the city as approved by the city commission. The
 897 developer agreement shall specify the amount of the reimbursement and the method and timing of
 898 repayment, or the amount of the credit and how the credit will be used to offset impact fees paid by
 899 the development project for which the developer contribution was made. Reimbursements of larger
 900 amounts may be scheduled for payment over several years, rather than be due all at once. The
 901 agreement may specify that reimbursement will come from impact fees collected in a subarea of the
 902 city most directly benefitted by the improvements. The agreement may also specify a maximum
 903 percentage of impact fees collected that will be available to be used for reimbursement.
 904
- 905 (d) *Reimbursement funds.* The source of reimbursements will be impact fees collected for the same type
 906 of facility. If the amount available for reimbursements is insufficient to pay all the reimbursement
 907 payments due in a particular year, each developer may receive a pro rata share of the
 908 reimbursement due. Upon the execution of a developer agreement pursuant to this section, the city
 909 finance director, or the finance director's designee, shall establish and maintain necessary accounting
 910 mechanisms so that impact fee revenues collected within any established reimbursement subarea
 911 shall be segregated from other impact fee revenues within the same impact fee account.
 912
- 913 (e) *Transfer of credit.* Impact fee credits included in a developer agreement may be assigned and
 914 transferred at any time after establishment. The credits may transfer from one development or
 915 parcel to any other that is within the impact fee district and that receives benefits from the
 916 improvement or contribution that generated the credits.
 917
- 918 (f) *Credits for proportionate fair-share mitigation.* Notwithstanding anything in this ~~article~~ chapter to the
 919 contrary, impact fee credits granted pursuant to ~~chapter 28~~ Section 1.3.7 of the Unified Land
 920 Development Code shall be applied on a dollar-for-dollar basis at fair market value to reduce any
 921 impact fee collected for the general category or class of public facilities or infrastructure for which
 922 the contribution was made. If the city does not charge and collect an impact fee for the general
 923 category or class of public facilities or infrastructure contributed, a credit against the impact fee shall
 924 not be applied.
 925

926 **ARTICLE II. – DEFERRAL PROGRAM**

927 **Sec. 58-13. Eligible Development.**

- 928
- 929
- 930 (a) Fee payers subject to impact fees imposed hereunder may apply for deferral of the payment of the
 931 impact fees provided the development meets one of the following criteria:
 932

- 933 (1) *New construction.*
 934

- 935 i) Office. 5,000 square foot minimum.
 936
 937 ii) Industrial. 15,000 square foot minimum.
 938
 939 iii) Restaurant (excluding quick service). 3,000 square foot minimum.
 940
 941 iv) All Other City Impact Fee Categories. 50,000 square foot minimum.
 942
 943 v) Affordable nonresidential development. The following development, regardless of size and
 944 impact fee business activity.
 945
 946 c) Microunits nonresidential /Live Work Space.
 947
 948 d) Coworking Space.
 949
 950 e) Pop-up retail and office space.
 951
 952 f) Nonresidential development created through a Community Land Trust or Co-
 953 operative.
 954
 955 g) Food truck parks.
 956
 957 h) Or other similar development types, verified by the Development Services
 958 Director or designee that comply with the new construction criteria.
 959
 960 (2) Expansions. Developments expanding existing approved square footage by at least 30% and fall
 961 into one of the categories as described in section 58.13(a)(1).
 962
 963 (3) Change in use. The proposed change in use meets the square footage requirement and impact
 964 fee category as listed in section 58.13(a)(1).
 965
 966 (b) Security. To secure the obligation, the deferral agreement must be recorded in the Sarasota County
 967 Clerk of the Court Official Records. Upon payment in full the obligation to pay will be released in
 968 recordable form. In the event of a performance bond, the deferral agreement will not be recorded.
 969

970 **Sec. 58-14. Timing of application.**

- 971
 972 (a) The applicant shall apply for the deferral of city impact fees prior to requesting the issuance of a
 973 certificate of occupancy, certificate of completion, or temporary certificate of occupancy. If the city
 974 commission has not acted on the application prior to issuance of a certificate of occupancy,
 975 certificate of completion, or temporary certificate of occupancy, then the total impact fees due must
 976 be timely paid and a request for a refund may be submitted if the deferral is granted.
 977

978 **Sec. 58-15. Application contents.**

- 979
 980 (a) A completed impact fee statement showing the total fees due.
 981

- 982 (b) A description of the property, including address, parcel identification number and a current and
983 complete legal description of the property location;
- 984
- 985 (c) The name and address of the business owner and the owner of the property upon which the business
986 is located or proposed to be located;
- 987
- 988 (d) Any other necessary information as determined by the city manager or the impact fee administrator.
989

990 **Sec. 58-16. Agreement and payment schedule.**

- 991
- 992 (a) All city impact fee deferrals require an agreement setting forth the terms and conditions of the
993 deferral. The agreement must establish a schedule for payment and a term of not to exceed five
994 years after the issuance of the first certificate of occupancy (temporary or otherwise).
- 995
- 996 (b) The deferral agreement shall specify the remedies available to the City in the event the deferred
997 impact fees are not paid according to the schedule set forth therein. The agreements shall include an
998 acknowledgement by the applicant that the voluntary deferral of an impact fee otherwise payable in
999 accordance with sections 58-3 and 58-4 hereof provides a special benefit to business or property by
1000 reducing the immediate cost associated with improvement or change of use of the property, and that
1001 payment delinquencies, if any, may be collected by the City in any manner authorized by law
1002 including but not limited to collection as a non-ad valorem assessment in accordance with section
1003 197.3632, Florida Statutes.
- 1004
- 1005 (c) Prepayment. If a business pays a deferred impact fee prior to the due date specified in the deferral
1006 agreement, no penalty shall be assessed for the early payment.
- 1007

1008 **ARTICLE III. – TARGETED INDUSTRY INCENTIVE PROGRAM.**

1009

1010 **Sec. 58-17. Program purpose.**

- 1011
- 1012 (a) This article establishes a Targeted Industry Incentive Program (“Program”) for certain target industry
1013 businesses to mitigate any real or perceived disadvantage occurring from the imposition of the
1014 impact fees, because the imposition of the impact fees may place the city in a non-competitive
1015 position with other local governments that have chosen not to require growth to pay its fair share of
1016 needed capital facilities, thus hindering efforts by the city and the community to encourage
1017 economic development opportunities within the city, and to create permanent employment
1018 expansion opportunities for the city's residents.
- 1019
- 1020 (b) The Program provides for a partial waiver of the city impact fees otherwise due pursuant to this
1021 chapter for targeted industry businesses that comply with the criteria established in this article.
- 1022
- 1023 (c) The targeted industry business and their corresponding activity centers or qualified Opportunity
1024 Zone are based on growth and buildout considerations, the features of the potential development
1025 sites, the proximity to housing, and access to the transportation network.
- 1026
- 1027 (d) The Program is not an entitlement program. The Program is subject to appropriation of funds by the
1028 city commission and is intended to provide the city commission with the opportunity, in its sole

1029 discretion, to grant impact fee mitigation to target industry businesses in targeted activity centers, as
1030 identified by the Economic Development Study.

1031

1032 **Sec. 58-18. Program criteria.**

1033

1034 To qualify for the Program the business must meet the business criteria and location criteria.

1035

1036 (a) Business criteria. To be eligible for the Program, an applicant must meet the following criteria:

1037

1038 (1) Qualify as a targeted industry business;

1039

1040 (2) Commit to continue operating the business in the city for a minimum of five years; and

1041

1042 (3) Demonstrate that the development being incentivized creates substantial economic impact by
1043 meeting at least one of the two criteria below:

1044

1045 vi) Create a minimum of ten new jobs in the city with an average private sector wage
1046 (excluding benefits) of at least 115 percent of the average private sector wage as
1047 identified annually by the Florida Department of Commerce, for the metropolitan
1048 statistical area that includes the city.

1049

1050 vii) Create a minimum of ten new jobs in the city with an average private sector wage
1051 (excluding benefits) of 100 percent of the average private sector wage, as identified
1052 annually by the Florida Department of Commerce for the metropolitan statistical area
1053 that includes the city and make a taxable capital investment in the city of \$1,000,000.00
1054 or greater in new construction, renovations, equipment purchases or other major capital
1055 investment items.

1056

1057 (b) Location criteria. To be eligible for the Program, the business must be in one of the following activity
1058 centers and listed as a targeted industry under the activity center or opportunity zone in which the
1059 business is located per the following criteria:

1060

1061 (1) Activity Center 2 – for the following targeted industry business:

1062

1063 i) Corporate Headquarters.

1064

1065 ii) Healthcare.

1066

1067 iii) Information Technology.

1068

1069 iv) Tourism and Entertainment.

1070

1071 (2) Activity Center 3 – for the following targeted industry business:

1072

1073 i) Corporate Headquarters.

1074

1075 ii) Healthcare.

1076

1077 iii) Information Technology.

1078

1079 iv) Tourism and Entertainment.

1080

1081 (3) Activity Center 4 – for the following targeted industry business:

1082

1083 i) Life Sciences.

1084

1085 ii) Corporate Headquarters.

1086

1087 iii) Healthcare.

1088

1089 iv) Information Technology.

1090

1091 v) Logistics and Distribution.

1092

1093 vi) Manufacturing.

1094

1095 vii) Tourism and Entertainment.

1096

1097 (4) Activity Center 5 – for the following targeted industry business:

1098

1099 i) Corporate Headquarters.

1100

1101 ii) Healthcare.

1102

1103 iii) Information Technology.

1104

1105 iv) Manufacturing.

1106

1107 v) Tourism and Entertainment.

1108

1109 (5) Activity Center 7 – for the following targeted industry business:

1110

1111 i) Healthcare.

1112

1113 ii) Tourism and Entertainment.

1114

1115 (6) Qualified Opportunity Zone – for the following targeted industry business:

1116

1117 i) Life Sciences.

1118

1119 ii) Corporate Headquarters.

1120

1121 iii) Healthcare.

1122

1123 iv) Information Technology.

1124

- 1125 v) Manufacturing
- 1126
- 1127 vi) Tourism and Entertainment.
- 1128
- 1129 (c) The following criteria shall apply when determining whether to approve an incentive application and
- 1130 the amount to be mitigated. Projects are eligible for both the job creation and capital investment
- 1131 mitigation, up to a maximum of 50% mitigation of city impact fees.
- 1132
- 1133 (1) Job Creation Standards Mitigation Thresholds
- 1134
- 1135 i) A 10% mitigation would require 11 – 25 jobs be created.
- 1136
- 1137 ii) A 15% mitigation would require 26 – 100 jobs be created.
- 1138
- 1139 iii) A 25% mitigation would require a minimum of 101 jobs be created.
- 1140
- 1141 (2) Capital Investment Mitigation Thresholds
- 1142
- 1143 i) A 5% mitigation requires a capital investment ranging from \$1,000 – \$100,000.
- 1144
- 1145 ii) A 10% mitigation requires a capital investment ranging from \$100,001 – \$250,000.
- 1146
- 1147 iii) A 15% mitigation requires a capital investment ranging from \$250,001 – \$1,000,000.
- 1148
- 1149 iv) A 25% mitigation requires a minimum capital investment of \$1,000,001 or more.
- 1150
- 1151 **Sec. 58-19. Application process.**
- 1152
- 1153 (a) Any applicant seeking an impact fee incentive must file an application for mitigation with the impact
- 1154 fee administrator prior to the issuance of the certificate of occupancy for the subject property or
- 1155 project. The application must contain:
- 1156
- 1157 (1) Description of the proposed project including a narrative explaining how the proposed business
- 1158 meets the qualifications for the Program;
- 1159
- 1160 (2) A description of the property or project subject to an imposition of impact fees under this
- 1161 chapter, including a current and complete legal description of the property location for the
- 1162 targeted industry business;
- 1163
- 1164 (3) The name and address of the business owner, and of the owner of the property upon which the
- 1165 targeted industry business is proposed to be located;
- 1166
- 1167 (4) A notarized affidavit and all necessary supporting evidence, including proof of valuation for
- 1168 capital improvements, if applicable, affirming that the requirements of this article will be met
- 1169 within one year of the date the certificate of occupancy is issued; the city manager may extend
- 1170 this term upon good cause shown; and
- 1171
- 1172 (5) Other necessary information as determined by the city manager.

1173

1174 (b) Any applicant that applies for the Program and desires the immediate issuance of a certificate of
 1175 occupancy prior to approval of the application must pay the full amount of impact fees. Should the
 1176 City Commission approve Targeted Industry Incentive Agreement, the mitigated amount shall be
 1177 refunded to the applicant.

1178

1179 (1) If the applicant has diligently completed the petition and the approval is delayed past the
 1180 payment due date, then in lieu of payment, the applicant may provide the city a letter of credit
 1181 issued on a form approved by the city.

1182

1183 **Sec. 58-20. Agreement.**

1184

1185 (a) As a condition of receiving the impact fee mitigation, an applicant must enter into a Targeted
 1186 Industry Incentive Agreement with the city, agreeing to locate or expand its business operations
 1187 within the city and to remain in the city for at least five years, the incentive term. The agreement will
 1188 also require the applicant to provide the city with the applicant's Florida Department of Revenue
 1189 Quarterly Report (UCT-6) form or successor document, and all other documentation to demonstrate
 1190 that the job creation and capital investment thresholds were achieved during the incentive term.

1191

1192 **Sec. 58-21. Compliance.**

1193

1194 (a) A business that has received an impact fee mitigation will attest to the maintenance of the qualifying
 1195 number of full-time employees or full-time equivalent employees and total capital investment by
 1196 submitting a biannual report for five years. In the event the number of full-time equivalent
 1197 employees or the total capital investment of the business fall below the minimum necessary for
 1198 initial eligibility, the city commission shall have the right to terminate the impact fee mitigation for
 1199 the business and to declare the entire impact fee(s) for the business to be immediately due and
 1200 payable.

1201

1202 (b) The submission date for the annual report will be on a six-month basis starting from the date the
 1203 Targeted Industry Incentive Agreement is approved and shall be sent to the impact fee administrator.

1204

1205 (c) In making its determination as to whether to terminate, continue or amend the Targeted Industry
 1206 Incentive Agreement for businesses that fail to meet the capital investment or jobs criteria, the city
 1207 commission may consider the following factors:

1208

1209 (1) The decrease in jobs since the initial eligibility period;

1210

1211 (2) Whether the jobs have been eliminated or are merely vacant;

1212

1213 (3) The length of time the jobs have been vacant and the attempts, if any, that the business has
 1214 made to fill those jobs; or

1215

1216 (4) Any other factor(s) that the city commission may deem relevant to its decision.

1217

1218 (d) To ensure compliance with the provisions of this article, the employee records of any business that
 1219 has been granted a mitigation under this article shall be held open and available for reasonable

1220 inspection by the impact fee administrator and representatives or employees of the city at the
1221 business location, upon request and without court order.

1222

1223 **Sec. 58-22. City Manager and City Commission Review.**

1224

1225 (a) If the impact fee administrator finds that the applicant meets the requirements for mitigation, the
1226 city manager shall present a Targeted Industry Incentive Agreement for the city commission’s
1227 consideration.

1228

1229 **Sec. 58-23. Available funds.**

1230

1231 (a) Any impact fee mitigation approved pursuant to the Program shall be paid from legally available
1232 funds of the city other than impact fees.

1233

1234 (b) Once approved, the Finance Director or their designee shall apply the funds to the applicable
1235 building permit(s) to cover the costs of the waived impact fees.

1236

1237 ..”

1238

1239 **SECTION 3 – CONFLICTS**

1240

1241 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
1242 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

1243

1244 **SECTION 4 – SEVERABILITY**

1245

1246 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or
1247 provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
1248 deemed a separate, distinct, and independent provision and will not affect the validity of the
1249 remaining portions of the ordinance.

1250

1251 **SECTION 5 – CODIFICATION**

1252

1253 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional
1254 codification information and notations appear in *italics*. These editorial notations are not intended
1255 to appear in the codified text.

1256

1257 **SECTION 6 – EFFECTIVE DATE**

1258

1259 6.01 This ordinance takes effect immediately upon adoption.

1260

1261

1262 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
1263 session on May 13th, 2025.

1264

1265 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public
1266 session on May 27, 2025.

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CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY