



City of North Port

ORDINANCE NO. 2024-12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Commission has determined that the amendments and fees adopted herein serve 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 as legislative findings of the city commission.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), 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 – TRANSPORTATION IMPACT FEE STUDY

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

SECTION 3 – AMENDMENT OF CHAPTER 58 OF CITY CODE

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

“Chapter 58 – PLANNING AND DEVELOPMENT

...

ARTICLE III. – IMPACT FEES

...

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

...

(b) *Impact fee schedules.*

(1) *Transportation impact fees.*

Transportation impact fee district. Pursuant to the transportation impact fee study, the city has found and determined that the benefits of planned transportation 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 transportation impact fees.

Transportation impact fee schedule. Following are the transportation impact fees applicable to new development.

Land Use Type	Unit	Fee Effective 6/21/2022	Fee Effective 09/10/2024	Fee Effective 10/01/2025
Residential				
Single-Family Detached	Dwelling	\$ 3,402.75	<u>\$3,828.09</u>	<u>\$4,306.61</u>
Multi-Family (Apartment)	Dwelling	\$ 2,310.00	<u>\$2,598.75</u>	<u>\$2,923.59</u>
<u>Condominium/Townhouse</u>	<u>Dwelling</u>	\$ 2,793.00	<u>\$3,142.13</u>	<u>\$3,534.89</u>
Mobile Home/RV Park	Site	\$ 1,235.25	<u>\$1,389.66</u>	<u>\$1,563.36</u>
Adult Cong. Living Facility	Dwelling	\$ 495.00	<u>\$556.88</u>	<u>\$626.48</u>
Retirement Community	Dwelling	\$ 787.50	<u>\$885.94</u>	<u>\$996.68</u>
Hotel/Motel	Room	\$ 1,396.50	<u>\$1,571.06</u>	<u>\$1,767.45</u>
Retail/Commercial				
Shopping Center 50,000 or less	1,000 sfgla	\$ 5,701.50	<u>\$6,414.19</u>	<u>\$7,215.96</u>
Shopping Center > 50,000	1,000 sfgla	\$ 5,151.75	<u>\$5,795.72</u>	<u>\$6,520.18</u>
New/Used Auto Sales	1,000 sq. ft.	\$ 7794.00	<u>\$8,768.25</u>	<u>\$9,864.28</u>
Tire Store	1,000 sq. ft.	\$ 4205.25	<u>\$4,730.91</u>	<u>\$5,322.27</u>
Supermarket	1,000 sq. ft.	\$ 7857.75	<u>\$8,839.97</u>	<u>\$9,944.96</u>
Bank/Savings w/drive-In	1,000 sq. ft.	\$ 12,220.50	<u>\$13,748.06</u>	<u>\$15,466.57</u>
Bldg. Mats./Lumber Store	1,000 sq. ft.	\$ 15,103.50	<u>\$16,991.44</u>	<u>\$19,115.37</u>
Hardware/Paint	1,000 sq. ft.	\$ 3,078.00	<u>\$3,462.75</u>	<u>\$3,895.59</u>
Convenience Store w/Gas	1,000 sq. ft.	\$ 21,867.00	<u>\$24,600.38</u>	<u>\$27,675.42</u>
Home Improvement Store	1,000 sq. ft.	\$ 4,133.25	<u>\$4,649.91</u>	<u>\$5,231.14</u>

Pharmacy/Drug Store	1,000 sq. ft.	\$3,903.75	<u>\$4,391.72</u>	<u>\$4,940.68</u>
Furniture Store	1,000 sq. ft.	\$1,177.50	<u>\$1,324.69</u>	<u>\$1,490.27</u>
Golf Course	Acre	\$2,124.00	<u>\$2,389.50</u>	<u>\$2,688.19</u>
Movie Theater w/o Matinee	1,000 sq. ft.	\$4,117.50	<u>\$4,632.19</u>	<u>\$5,211.21</u>
Marina	Berth	\$1,250.25	<u>\$1,406.53</u>	<u>\$1,582.35</u>
Recreational Center	1,000 sq. ft.	\$6,503.25	<u>\$7,316.16</u>	<u>\$8,230.68</u>
Restaurant, Fast Food	1,000 sq. ft.	\$43,078.50	<u>\$48,463.31</u>	<u>\$54,521.23</u>
Restaurant, Sit-Down	1,000 sq. ft.	\$15,868.50	<u>\$17,852.06</u>	<u>\$20,083.57</u>
Restaurant, High Turnover	1,000 sq. ft.	\$20,556.75	<u>\$23,126.34</u>	<u>\$26,017.14</u>
Quick Lube	Bays	\$7,632.00	<u>\$8,586.00</u>	<u>\$9,659.25</u>
Automobile Repair Shop	1,000 sq. ft.	\$6,250.50	<u>\$7,031.81</u>	<u>\$7,910.79</u>
Service Station w/Conv Sales	Fuel Position	\$4,907.25	<u>\$5,520.66</u>	<u>\$6,210.74</u>
Self-Service Car Wash	Bays	\$1,103.25	<u>\$1,241.16</u>	<u>\$1,396.30</u>
Convenience/Gas/Fast Food Store	1,000 sq. ft.	\$59,677.50	<u>\$67,137.19</u>	<u>\$75,529.34</u>
Office/Institutional				
Office, General 50,000 or less	1,000 sq. ft.	\$5,214.75	<u>\$5,866.59</u>	<u>\$6,599.92</u>
Office, General 50,001—100,000	1,000 sq. ft.	\$4,391.25	<u>\$4,940.16</u>	<u>\$5,557.68</u>
Office, General 100,001—200,000	1,000 sq. ft.	\$3,694.50	<u>\$4,156.31</u>	<u>\$4,675.85</u>

Office, General 200,001—400,000	1,000 sq. ft.	\$3,116.25	<u>\$3,505.78</u>	<u>\$3,944.00</u>
Office, General greater than 400,000	1,000 sq. ft.	\$2,802.75	<u>\$3,153.09</u>	<u>\$3,547.23</u>
Medical Office (0—10,000 sf)	1,000 sq. ft.	\$8,484.00	<u>\$9,544.50</u>	<u>\$10,737.56</u>
Medical Office (> 10,000 sf)	1,000 sq. ft.	\$12,963.00	<u>\$14,583.38</u>	<u>\$16,406.30</u>
Business Park (Flex Space)	1,000 sq. ft.	\$4,375.50	<u>\$4,922.44</u>	<u>\$5,537.74</u>
Hospital	1,000 sq. ft.	\$5,867.25	<u>\$6,600.66</u>	<u>\$7,425.74</u>
Nursing Home	1,000 sq. ft.	\$812.25	<u>\$913.78</u>	<u>\$1,028.00</u>
Church/Synagogue	1,000 sq. ft.	\$2,168.25	<u>\$2,439.28</u>	<u>\$2,744.19</u>
Day Care Center	1,000 sq. ft.	\$7,363.50	<u>\$8,283.94</u>	<u>\$9,319.43</u>
Elementary School (K—8)	1,000 sq. ft.	\$3,459.75	<u>\$3,892.22</u>	<u>\$4,378.75</u>
High School (9—12)	1,000 sq. ft.	\$3,669.00	<u>\$4,127.63</u>	<u>\$4,643.58</u>
University/Junior College (7,500 or fewer students)	Student	\$891.75	<u>\$1,003.22</u>	<u>\$1,128.62</u>
University/Junior College (more than 7,500 students)	Student	\$678.75	<u>\$763.59</u>	<u>\$859.04</u>
Industrial				
General Light Ind/Industrial Park	1,000 sq. ft.	\$2,193.75	<u>\$2,467.97</u>	<u>\$2,776.46</u>
General Heavy Industrial	1,000 sq. ft.	\$261.75	<u>\$294.47</u>	<u>\$331.28</u>
Manufacturing	1,000 sq. ft.	\$1,077.75	<u>\$1,212.47</u>	<u>\$1,364.03</u>

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

...”

SECTION 4 – CONFLICTS

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

SECTION 5 – SEVERABILITY

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

SECTION 6 – CODIFICATION

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

SECTION 7 – EFFECTIVE DATE

7.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on May 28, 2024.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on September 10, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY