



# City of North Port

## ORDINANCE NO. 2026-10

1           **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO IMPACT FEE**  
2           **COLLECTION AND THE IMPACT FEE DEFERRAL PROGRAM; AMENDING AND**  
3           **RENUMBERING CHAPTER 58 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA;**  
4           **PROVIDING FOR IMPACT FEES; PURPOSE AND AUTHORITY; DEFINITIONS; PAYMENT OF**  
5           **FEES; IMPACT FEE SCHEDULES; EXEMPTIONS; APPEALS, REPORTING AND REVIEWING OF**  
6           **FEES; REFUNDS; DEVELOPER REIMBURSEMENTS AND CREDITS; AMENDING THE**  
7           **DEFERRAL PROGRAM; PROVIDING FOR ELIGIBLE DEVELOPMENT, TIMING OF**  
8           **APPLICATION, APPLICATION CONTENTS, AGREEMENT AND PAYMENT SCHEDULE;**  
9           **PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;**  
10           **PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

11  
12           **WHEREAS**, Chapter 58 of the Code of the City of North Port, Florida (the “City Code”) currently provides for  
13 the imposition, collection, and use of impact fees to fund capital facilities necessitated by new growth and  
14 development; and

15  
16           **WHEREAS**, the City Commission of the City of North Port, Florida, has determined to amend Chapter 58 to  
17 eliminate redundant and obsolete references, to improve the processes by which the City collects and  
18 administers its impact fees, and to enhance the impact fee deferral program; and

19  
20           **WHEREAS**, the Florida Legislature has declared that it is necessary and in the public interest to facilitate the  
21 growth and creation of business enterprises in the counties and municipalities of this state and has  
22 recognized the compelling public purpose served by economic development efforts that increase high  
23 paying jobs and broaden the tax base; and

24  
25           **WHEREAS**, Chapter 58, of the Code of the City of North Port, Florida governs the imposition of all impact  
26 fees in the City and establishes impact fee schedules for the various impact fees imposed by the City; and

27  
28           **WHEREAS**, Chapter 58, Article I, section 58-1 of the City Code adopts the City of North Port Comprehensive  
29 Plan and section 58-2 adopts the City’s Planning and Zoning fees; and

30  
31           **WHEREAS**, on July 23, 2024, the City Commission adopted Ordinance 2024-09, adopting and amended  
32 Comprehensive Plan pursuant to the requirements found in Article VIII, Section 2(b) of the Constitution of  
33 the State of Florida, the North Port City Charter, and the Community Planning Act, Florida Statutes Chapter  
34 163, Part II; making the adoption in City Code section 58-1 duplicative; and

36 **WHEREAS**, City Code, Appendix A, adopts the City’s Planning and Zoning fees, making the adoption in City  
37 Code section 58-2 duplicative; and

38  
39 **WHEREAS**, Chapter 58, Article II, of the City Code adopts the City’s requirements related to Developments  
40 of Regional Impact, and Florida Statutes section 380.06(12) eliminates the requirement for new projects to  
41 proceed in compliance with the statute; and

42  
43 **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare  
44 of the citizens of the City of North Port, Florida.

45  
46 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

47  
48 **SECTION 1 – FINDINGS**

- 49
- 50 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 51
- 52 1.02 In accordance with Section 166.041(4)(a), Florida Statutes, the City timely posted a business impact
- 53 estimate on the City’s website on or before the date the newspaper published notice of this
- 54 ordinance’s final reading.
- 55

56 **SECTION 2 – REPEAL OF ARTICLES I AND II**

- 57
- 58 2.01 Chapter 58, Article I, entitled “In General,” of the Code of the City of North Port, Florida
- 59 is hereby repealed in its entirety.
- 60
- 61 2.02 Chapter 58, Article II, entitled “Impact Fees,” of the Code of the City of North Port, Florida is hereby
- 62 repealed in its entirety.
- 63

64 **SECTION 3 – ADOPTION OF AMENDMENT TO CHAPTER 58**

- 65
- 66 3.01 Chapter 58, entitled “Planning and Development,” of the Code of the City of North Port, Florida, is
- 67 hereby amended as follows:
- 68

69 **“Chapter 58 – ~~PLANNING AND DEVELOPMENT~~ IMPACT FEE AND MITIGATION PROGRAMS**

70  
71 **ARTICLE I. ~~ARTICLE III.~~ – IMPACT FEES COLLECTION AND FEE SCHEDULES**

72  
73 **Sec. 58-1. 58.100. – Purpose and authority.**

- 74
- 75 (a) Pursuant to article VIII, section 2 of the Florida Constitution and F.S. §§ 166.021 and 166.041, as
- 76 amended, the city commission has all governmental, corporate, and proprietary power to conduct
- 77 municipal government, perform municipal functions, and render municipal services. The city
- 78 commission may exercise any power for municipal purposes, except when expressly prohibited by
- 79 law, and may exercise its power by enacting legislation in the form of city ordinances.
- 80 ...

- 81
- 82 (o) This article requires audits of the city’s financial statements to include an affidavit of the finance
- 83 director stating that the requirements of F.S. § 163.31801, as amended, have been complied with.
- 84 ...

85 **Sec. 58-2. 58-101 – Definitions.**

86

87 As applied throughout this chapter, the following words and terms shall have the following meanings:

88

89 ~~*Accessory building or structure.* This term shall have the meaning set forth in chapter 61 of the unified~~  
90 ~~land development code.~~

91

92 *Applicant.* The property owner or duly designated agent of the property owner of land on which a  
93 building permit, certificate of occupancy, certificate of completion, and temporary certificate of occupancy  
94 is requested, or an impact fee is due pursuant to this article; or the business entity applying for an impact  
95 fee program within this chapter.

96

97 ~~*Building.* This term shall have the meaning set forth in chapter 61 of the unified land development code.~~  
98 ~~This term shall not include temporary construction sheds or trailers erected to assist in construction and~~  
99 ~~maintained during the term of construction.~~

100

101 *Building permit.* This term shall have the meaning as set forth in the Florida Building Code, as amended.  
102 ~~The permit required for new construction and additions pursuant to the city's existing subdivision and~~  
103 ~~zoning regulations. For the purpose of this article, the term also includes any development order authorizing~~  
104 ~~the creation or expansion of a mobile home or recreational vehicle park.~~

105

106 *Certificate of completion.* This term shall have the meaning as set forth in the Florida Building Code, as  
107 amended. A certificate stating material and products meet specified standards or that work has been  
108 completed in compliance with approved construction documents. A certificate of completion does not  
109 allow occupancy of the structure and/or the conduct of business.

110

111 *Certificate of occupancy (CO).* This term shall have the meaning as set forth in the Florida Building Code,  
112 as amended. The authorization issued by the city for use of a building or premises.

113

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

119

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

125

126 *Demand unit.* A measure used to quantify the increased demand new development places on public  
127 infrastructure and services that is consistent with the impact fee study. Examples include but are not limited  
128 to square footage and quantity of dwelling units.

129

130 *Dwelling unit.* ~~This term shall have the meaning set forth by chapter 61 of the unified land development~~  
131 ~~code.~~

132

133 *Feepayer.* A person who is obligated to pay an impact fee in accordance with the terms of this ~~article~~  
 134 chapter.

135

136 *Fire/rescue system improvement.* The planning, engineering, construction, or acquisition of land,  
 137 equipment, vehicles, and buildings that add capital improvement capacity serving new development within  
 138 the North Port Fire Rescue District. ~~The North Port Fire Rescue District is a dependent special district of the~~  
 139 ~~city.~~

140

141 *General government system improvement.* The planning, engineering, construction, or acquisition of  
 142 land and buildings that add capital improvement capacity serving new development ~~benefitting~~ benefiting  
 143 from the city's general government facilities. General government facilities consist of buildings and land  
 144 used to provide city services to new development, which are not self-supporting or covered by an impact  
 145 fee other than the general government impact fee.

146

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

150

151 *Impact fee.* A fee imposed under this chapter upon new development to pay for the development's  
 152 proportionate share of the cost of improvements to the city's infrastructure necessary to serve the new  
 153 development. ~~The transportation, park, fire/rescue, law enforcement, general government or solid waste~~  
 154 ~~impact fee.~~

155

156 *Impact fee administrator.* The city employee, designated by the city manager, primarily responsible for  
 157 administering the provisions of this article.

158

159 *Impact fee study.* The City of North Port Development Impact Fee Update Study prepared by Willdan  
 160 Financial Services dated February 25, 2022, together with the City of North Port Impact Fee Update: HR 337  
 161 Demonstrated Need Study prepared by Willdan Financial Services dated February 25, 2022, both approved  
 162 and adopted by the city commission via Ordinance No. 2022-03 on June 21, 2022. This term includes any  
 163 updates to these studies.

164

165 *Impact-generating development.* Any land development activity designed or intended to permit a use  
 166 of the land that will increase the number of ~~service~~ demand units.

167

168 *Information technology industry.* Includes but is not limited to businesses that produce software,  
 169 hardware, or semiconductor equipment, and companies that provide internet or related services. May  
 170 include North American Industry Classification System code 51.

171

172 ~~Industrial.~~ ~~Activities primarily related to the manufacture, assembly or production of goods.~~

173

174 *Infrastructure.* This term shall have the meaning set forth in ~~Section F.S. § 163.31801, Florida Statutes,~~  
 175 the Florida Impact Fee Act, or its successor in function.

176

177 *Law enforcement system improvement.* The planning, engineering, construction, or acquisition of land,  
 178 equipment, vehicles, and buildings that add capital improvement capacity serving new development that  
 179 benefits from the city's police services.

180

181 Life sciences industry. Includes but is not limited to research, development, commercialization,  
 182 manufacturing, and implementation of innovative treatments, diagnostic tools, healthcare related  
 183 software, medical devices, services, and equipment that supports the study, protection and improvement  
 184 of plant, animal, and human life. The industry also includes firms that manufacture either finished or interim  
 185 advance technologies or components. Exclusions from this industry include direct provision of health care  
 186 services in hospitals, outpatient facilities, dentist offices, nursing homes, or within a home setting. May  
 187 include North American Industry Classification System codes 54.

188  
 189 Logistics and distribution industry. Includes businesses involved in wholesale trade, transportation, and  
 190 warehousing. May include North American Industry Classification System codes 48 and 49.

191  
 192 Manufacturing industry. Includes companies engaged in the transformation of inputs into new products  
 193 using either a mechanical, physical, or chemical process. This industry also includes the assemblage of  
 194 component parts inter new goods. May include North American Industry Classification System codes 31,  
 195 32, or 33.

196  
 197 Microunits non-residential. A building consisting of multiple small commercial or office suites designed  
 198 as an affordable, low-maintenance entry point for small businesses.

199  
 200 ~~Office/institutional. Activities primarily consisting of the provision of professional or skilled services,~~  
 201 ~~public services or non-profit activities. Examples include general or medical offices, hospitals, nursing~~  
 202 ~~homes, schools and colleges, churches, lodges, fire and police stations, and libraries.~~

203  
 204 Park system improvement. The planning, engineering, construction, or acquisition of land, equipment,  
 205 vehicles, and buildings that add capital improvement capacity serving new development that benefits from  
 206 the city's parks and recreation system.

207  
 208 ~~Peak population.~~ The theoretical total residential population if every dwelling unit were occupied by a  
 209 ~~household with the average number of persons for the type of housing.~~

210  
 211 Public facilities. Major capital improvements, including transportation, sanitary sewer, solid waste,  
 212 drainage, potable water, educational, park and recreation, emergency medical, fire, and law enforcement  
 213 facilities. This term includes the system improvements, infrastructure, equipment, and facilities for which  
 214 impact fees are imposed.

215  
 216 ~~Retail/commercial.~~ Establishments primarily engaged in retail sales or other commercial activities, but  
 217 ~~excluding office uses. Examples include shopping centers, auto sales or repair, banks, building materials~~  
 218 ~~sales, hardware stores, plant nurseries, convenience stores, furniture stores, golf courses, marinas, movie~~  
 219 ~~theaters, recreational centers, restaurants, and service stations.~~

220  
 221 ~~Service units.~~ Vehicle miles of travel, peak population or equivalent dwelling units, consistent with the  
 222 ~~impact fee study.~~

223  
 224 Solid waste system improvement. The planning, engineering, construction, or acquisition of land,  
 225 equipment, vehicles, and buildings that add capital improvement capacity serving new development  
 226 benefitting benefitting from the city's solid waste system.

227

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

233

234 *System improvement.* A transportation system improvement, park system improvement, fire/rescue  
 235 system improvement, law enforcement system improvement, general government system improvement,  
 236 or solid waste system improvement. A system improvement adds capacity to serve new development.

237

238 Targeted industry business. Business meeting the definitions herein of corporate headquarters,  
 239 healthcare industry, information technology industry, life sciences industry, logistics and distribution  
 240 industry, manufacturing industry, and tourism and entertainment industry.

241

242 ~~Temporary certificate of occupancy.~~ This term shall have the meaning as set forth in the Florida Building  
 243 Code, as amended. A certificate stating in the opinion of the building official the site and structure are safe  
 244 for the owner/tenant to enter and begin the process of setting up a residence or business. A temporary  
 245 certificate of occupancy may or may not provide permission to live in or conduct business within the  
 246 structure.

247

248 Tourism and entertainment industry. Includes but is not limited to establishments where individuals go  
 249 to enjoy entertainment activities such as concerts, musicals, festivals, comedy, sports events, theatre,  
 250 dancing, and theme parks, as well as hotels or restaurants. This term may include North American Industry  
 251 Classification System codes 71 or 72.

252

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

255

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

261

262 *Transportation system improvement.* The planning of, engineering for, acquisition of land for, and the  
 263 construction of capital improvements for the transportation system, including but not limited to the  
 264 acquisition of right-of-way, construction of new roads, widening of existing roads, intersection  
 265 improvements, and installation of traffic signals. Lane reconstruction, sidewalk construction, medians,  
 266 landscaping, street lighting, and other ancillary components of a capacity-expanding road improvement,  
 267 shall not be considered transportation system improvements when not an integral part of a capacity-  
 268 expanding improvement. Improvements directly related to and primarily serving traffic entering or exiting  
 269 a development project shall not be considered system improvements.

270

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

272

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

274

275 (a) Any person who shall commence an impact-generating development or change in use or intensity  
276 to an existing development in the city, as herein defined, ~~shall be obligated to~~ must pay impact  
277 fees as required by this ~~article~~ chapter.

278  
279 (b) ~~(1)~~ Impact fees shall be imposed based on the impact fee schedules in effect at the time the complete  
280 building permit application is submitted to and accepted by the city, provided the permit  
281 proceeds to issuance of a certificate of occupancy, certificate of completion, or temporary  
282 certificate of occupancy without being reinstated. If the permit expires and is reinstated, impact  
283 fees shall be imposed based on the impact fee schedules in effect on the date the permit is  
284 reinstated.

285  
286 (c) ~~(2)~~ Unless deferred or waived by the city commission, all impact fees due shall be collected ~~upon~~  
287 prior to the issuance of a certificate of occupancy, certificate of completion, or temporary  
288 certificate of occupancy for the development. If the certificate of occupancy, certificate of  
289 completion, or temporary certificate of occupancy is for less than the entire development, then  
290 the fee shall be computed separately for each of the lesser parts of the development.

291  
292 ~~(3) Any person who paid impact fees between June 11, 2019 and December 31, 2019 is entitled to a~~  
293 ~~recalculation of impact fees based on subsection (a)(1) above, as well as a refund for the amount~~  
294 ~~of any overpayment.~~

295  
296 (d) ~~(b)~~ This article shall not be applicable to building permits otherwise necessary for:  
297 ...

298  
299 ~~(c) Where this article becomes applicable due to an increase in the number of dwelling units for residential~~  
300 ~~use, an increase in the intensity of a use or due to a change of use or in the amount of square footage~~  
301 ~~for nonresidential use, the amount of the impact fee shall be based solely upon the increase in the~~  
302 ~~number of dwelling units or amount of square footage.~~

303  
304 ~~(d) The city commission may waive or reduce city impact fees only if the impact-generating development~~  
305 ~~serves a valid public purpose and the petition is submitted within 30 days of payment of the impact~~  
306 ~~fee. Any loss in revenue due to a waiver or reduction under this section shall be funded with other~~  
307 ~~legally available city revenues and not by increasing the amount of the impact fee imposed against~~  
308 ~~other properties.~~

309  
310 ~~(e) The city commission may defer city impact fees only if the impact-generating development serves a~~  
311 ~~valid public purpose and the petition meets all parameters set forth in this subsection.~~

312  
313 ~~(1) Eligible development. Any new commercial project with a building permit valuation of at least~~  
314 ~~\$1,000,000.00 is eligible to submit a petition for deferral.~~

315  
316 ~~(2) Timing of petition. A petition for deferral of impact fees must be submitted prior to the due date~~  
317 ~~for payment. If the city commission has not made a determination on the petition prior to~~  
318 ~~issuance of a certificate of occupancy, certificate of completion, or temporary certificate of~~  
319 ~~occupancy, then the total impact fees due must be timely paid and a request for a refund may be~~  
320 ~~submitted if the deferral is granted.~~

321

322 ~~(3) Agreement and payment schedule. All impact fee deferrals require an agreement setting forth~~  
323 ~~the terms and conditions of the deferral. The agreement must establish a schedule for payment~~  
324 ~~no later than three years after the issuance of the first certificate of occupancy (temporary or~~  
325 ~~otherwise).~~

326  
327 ~~(4) Lien. For any deferral granted, the city shall execute a notice of nonpayment setting forth the~~  
328 ~~legal description of the property and the amount of the impact fee liability, including interest,~~  
329 ~~penalties, costs, and fees for collection. Costs include but are not limited to recording fees for a~~  
330 ~~lien and a release of lien. The city shall serve this notice on the owner by certified mail and file it~~  
331 ~~in the official county records, placing a lien against the property. Upon payment in full of all~~  
332 ~~amounts owed, the city shall promptly record a notice of payment in the official county records,~~  
333 ~~thereby releasing the lien.~~

334  
335 ~~(f) The city will maintain separate and individual impact fee funds for each category of impact fee~~  
336 ~~collected and will deposit into each fund impact fee revenues collected solely for the category of fees~~  
337 ~~assigned to that fund. The city will account for the revenues and expenditures made from each fund,~~  
338 ~~by facility type.~~

339  
340 ~~(e) (g)~~ Impact fee revenues shall be spent only for system improvements and only for the category of  
341 system improvements for which the fee revenues were collected, consistent with the impact fee  
342 study.

343  
344 ~~**Sec. 58-103. Issuance of certificate of occupancy, certificate of completion, or temporary certificate of**~~  
345 ~~**occupancy.**~~

346  
347 **Sec. 58-4. – Payment of fees.**

348  
349 (a) No certificate of occupancy, certificate of completion, or temporary certificate of occupancy shall be  
350 issued unless the applicant thereof has paid the applicable impact fee imposed by this ~~article~~ chapter  
351 unless otherwise exempted, waived, or deferred pursuant to this ~~article~~ chapter.

352  
353 (b) Any certificate of occupancy, certificate of completion, or temporary certificate of occupancy issued  
354 without payment by the applicant and collection by the city of the required impact fee pursuant to the  
355 provisions of this ~~article~~ chapter or the terms of any deferral granted by the city commission, shall be  
356 null and void.

357  
358 **Sec. 58-5. – Calculation of fees.**

359  
360 The following procedures shall be used by those that calculate and assess impact fees.

361  
362 (a) Residential new construction and additions.

363  
364 (1) Verify the number and type of dwelling units that are proposed as shown on the building permit  
365 application.

366  
367 (2) Determine the amount of each type of impact fee that shall be applied for each new dwelling unit  
368 per the impact fee schedule.

369



- 370       (3) Create a total by multiplying the number of dwelling units by the applicable fee.  
 371
- 372       (4) Add the administrative charge to defray the cost of impact fee collection. The city shall charge an  
 373       administrative fee equal to the actual cost of collection or one and one-half percent of the total  
 374       amount of impact fees due, whichever is less.  
 375
- 376    **(b) Non-residential new construction and additions.**  
 377
- 378       (1) Verify the number and type of the applicable demand units (square feet, rooms, acres, etc.) for  
 379       the proposed development as shown on the building permit application and follow applicable  
 380       instructions as detailed below.  
 381
- 382           a. Uses not listed. If the type of land use for which a certificate of occupancy, certificate of  
 383           completion, or temporary certificate of occupancy is requested is not specified in the above fee  
 384           schedules, the city shall determine the fee on the basis of the fee applicable to the most nearly  
 385           comparable type of land use on the fee schedule, based on a generally-accepted land use  
 386           classification system (e.g., the North American Industry Classification System, the land-based  
 387           classification standards, and/or Institute of Transportation Engineers trip generation manual)  
 388           and the city's impact fee study.  
 389
- 390           b. Primary use; mixed uses. In many instances, a particular structure may include accessory uses  
 391           associated with the primary land use. For example, in addition to the actual production of  
 392           goods, manufacturing facilities usually also have office, warehouse, research, and other  
 393           associated functions. The impact fees are assessed based on the primary land use for the lot or  
 394           structure. However, for a proposed development that mixes residential and nonresidential uses  
 395           or multiple unrelated nonresidential uses in the same lot or structure, the impact fee shall be  
 396           calculated separately for each land use and the fees added together to determine the  
 397           appropriate impact fee for the development.  
 398
- 399           c. Shell buildings and build outs. shell buildings shall be charged the rate most consistent with the  
 400           land use type listed on the building permit.  
 401
- 402                   (i) Impact fees assessed on the shell building permit must be paid prior to the issuance of any  
 403                   permits associated with an interior build out of the space.  
 404
- 405                   (ii) Subsequent permits for interior build outs will not require additional impact fees unless  
 406                   deemed to be a change in use.  
 407
- 408       (2) Determine the amount of each type of impact fee that shall be applied for the new square footage.  
 409
- 410       (3) Create a total by multiplying the number of demand units by the applicable fee.  
 411
- 412       (4) Add the administrative charge to defray the cost of impact fee collection. The city shall charge an  
 413       administrative fee equal to the actual cost of collection or one and one-half percent of the total  
 414       amount of impact fees due, whichever is less.  
 415
- 416    **(c) Change in use.**  
 417

- 418 (1) Calculate the amount due for the proposed development.
- 419
- 420 (2) Subtract the amount that would be due if the fees were paid under the current land use and the
- 421 applicable impact fee schedule based on the building permit number.
- 422
- 423 (3) Determine the difference between the amount due from the new land use and the previous land
- 424 use.
- 425
- 426 (4) If zero or negative, then no fees are due. If the new rate exceeds original development charge, the
- 427 difference is due.
- 428

~~Sec. 58-104. — Calculation of fee; schedules.~~

Sec. 58-6. — Impact Fee Schedules.

~~(a) Calculation. The city shall calculate the impact fee due by:~~

- ~~(1) Verifying the number and type of dwelling units or the square footage, or other measurement, of nonresidential impact that is proposed to be constructed as shown on the building permit application.~~
- ~~(2) Determining the amount of each type of impact fee that shall be applied for each dwelling unit or nonresidential development unit pursuant to subsection (b) of this section.~~
- ~~(3) Multiplying the number of dwelling units or nonresidential development units by the fee per dwelling unit or nonresidential development unit as indicated in subsection (b) below.~~

~~(b) Impact fee schedules.~~

~~(a) (1) Transportation impact fees.~~

- (1) 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.
- (2) Transportation impact fee schedule. The following are the transportation impact fees: ~~Following are the transportation impact fees applicable to new development.~~

Land Use Type	Demand Unit	Fee Effective Prior To 10/01/2025	Fee Effective After 10/01/2025
<b>Residential</b>			
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
<b>Retail/Commercial</b>			
Shopping Center 50,000 or less	1,000 sfgla	\$6,414.19	\$7,215.96
Shopping Center > 50,000	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
<b>Office/Institutional</b>			
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
<b>Industrial</b>			
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

458

459 (b) (2) *Park impact fees.*

460

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

465

466 (2) *Park impact fee schedule.* The following are the park impact fees: ~~Following are the park impact~~  
467 ~~fees applicable to new residential development.~~

468

Land Use Type	Demand Unit	Fee Effective 6/21/2022
<b>Residential</b>		
Single-Family	Dwelling	\$2,284.00
Multifamily	Dwelling	\$1,654.00

Senior Unit Housing	Dwelling	\$1,053.00
<b>Nonresidential</b>		
Hotel/Lodging	Room	\$879.00

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(c) (3) Fire/rescue impact fees.

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

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

Land Use Type	Demand Unit	Fee Effective 6/21/2022
<b>Residential</b>		
Single-Family	Dwelling	\$785.00
Multifamily	Dwelling	\$568.00
Senior Unit Housing	Dwelling	\$362.00
<b>Nonresidential</b>		
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

488 with impact fees, will serve new development citywide and hereby establishes a single, citywide  
 489 impact fee district for the collection and expenditure of law enforcement impact fees.

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(2) *Law enforcement impact fee schedule.* The following are the law enforcement impact fees:  
 Following are the law enforcement impact fees applicable to new development:

Land Use Type	Demand Unit	Fee Effective 6/21/2022
<b>Residential</b>		
Single-Family	Dwelling	\$503.00
Multifamily	Dwelling	\$364.00
Senior Unit Housing	Dwelling	\$232.00
<b>Nonresidential</b>		
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 with impact fees, will serve new development citywide and hereby establishes a single, citywide impact fee district for the collection and expenditure of general government impact fees.

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

Land Use Type	Demand Unit	Fee Effective 6/21/2022
<b>Residential</b>		
Single-Family	Dwelling	\$377.00

Multifamily	Dwelling	\$273.00
Senior <del>Unit</del> Housing	<u>Dwelling</u>	\$174.00
<b>Nonresidential</b>		
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

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

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510

(1) *Solid waste impact fee district.* Pursuant to the impact fee study, the city has found and determined that the benefits of planned solid waste 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 solid waste impact fees.

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515

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

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517

Land Use Type	Demand Unit	Fee Effective <del>6/21/2022</del>
<b>Residential</b>		
Single-Family	Dwelling	\$399.00
Multifamily	Dwelling	\$237.00
Senior <del>Unit</del> Housing	<u>Dwelling</u>	\$151.00
<b>Nonresidential</b>		
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	Building 1,000 sq. ft.	\$1,018.00
Recreational: Community Center	1,000 sq. ft.	\$899.00

518

519 ~~(g)~~ ~~(e)~~ *Uses not listed.* If the type of land use for which a certificate of occupancy, certificate of completion,  
 520 or temporary certificate of occupancy is requested is not specified in the above fee schedules, the  
 521 impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly  
 522 comparable type of land use on the fee schedule, based on a generally-accepted land use  
 523 classification system (e.g., the North American Industry Classification System, the land-based  
 524 classification standards, ~~(APA)~~ published by the American Planning Association, and/or Institute of  
 525 Transportation Engineers ~~ITE's~~ trip generation manual) and the impact fee study.

526

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

535

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

543

544 ~~(f)~~ *Review requirement.* The city commission shall review this article and the impact fee study at least once  
 545 every four years. The purpose of this review is to ensure that the impact fee revenues collected  
 546 adequately fund the public facilities necessitated by new growth and development and that the impact  
 547 fees do not exceed the reasonably anticipated costs associated with the improvements and additions  
 548 necessary to offset the demand generated by the impact generating development on the respective  
 549 public facilities. In the event the required review of this article alters or changes the assumptions,  
 550 conclusions, and findings of the impact fee study or alters or changes the amount or classification of  
 551 the impact fee, the impact fee study shall be amended, supplemented, and/or updated to reflect the  
 552 assumptions, conclusions, and findings of reviews and this article shall be amended to adopt any  
 553 updated study.

554



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

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

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

565  
 566 **Sec. 58-7. – ~~58-105~~ Exemptions.**

567  
 568 The following shall be exempt from the payment of impact fees adopted in this ~~article~~ chapter. Exemptions  
 569 must be claimed by the feepayer before the issuance of a certificate of occupancy.

571 ~~(a) (1) Alteration~~ The alteration, expansion, or replacement of an existing dwelling unit where no additional  
 572 dwelling units are created residential structure where there is no increase in size, intensity, or  
 573 number of dwelling units.

575 ~~(b) (2) The alteration, expansion, or replacement of existing nonresidential structures where there is no~~  
 576 increase in square footage or no increase in size, intensity, or capacity of use. The construction of  
 577 accessory buildings or structures that will not create an additional impact on the city's public  
 578 facilities.

580 ~~(c) (3) The construction of accessory buildings or structures less than 2,000 square feet associated with~~  
 581 residential subdivisions and multifamily structures. The replacement of a building or dwelling unit  
 582 where no additional dwelling units or square footage are created and where the existing and  
 583 replacement buildings or dwelling units are located on the same lot. A certificate of occupancy must  
 584 have been issued for the replacement building or dwelling unit within five years of the date the  
 585 previous building or dwelling unit was previously occupied, otherwise no exemption will be granted.

587 ~~(d) (4) All public educational and ancillary plants constructed by an educational board, to the extent F.S. §~~  
 588 ~~1013.371(1)(a) or any other statute or that Florida law requires an exemption.~~

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

593 ~~(6) Affordable housing properties developed and owned by the city.~~

594  
 595 **Sec. 58-8. – Appeals.**

597 ~~(a) A feepayer may appeal the impact fee calculation in writing to the Development Services Director.~~  
 598 Development Services Director shall have 15 business days to provide a written response as to the  
 599 determination of the appeal request.

601 ~~(b) Should the appeal request be denied by the Development Services Director, the feepayer shall have~~  
 602 the right to appeal the decision to the Commission within 30 days following the determination of

603 the appeal request by the Development Services Director. The notice of appeal shall be filed with  
 604 the city clerk with a copy sent to the Development Services Director and impact fee administrator.  
 605 The Development Services Director shall prepare a written response justifying the decision to deny  
 606 the appeal request and cite applicable policies and rationale for the decision. The Commission shall  
 607 base its decision on the applicable standards and criteria established in this chapter and the evidence  
 608 presented at a properly advertised public hearing. The hearing shall be held within 90 days of receipt  
 609 of the appeal request. The Commission may uphold or revoke, in whole or in part, the determination  
 610 being appealed.

611  
 612 (c) Any request for review of a decision by the Commission under this chapter shall be made by filing  
 613 an appeal to the circuit court within 30 days of receipt of the city attorney's written communication  
 614 of the Commission decision.

615  
 616 **Sec. 58-9. – Reporting and reviewing of fees.**

617  
 618 (a) Review requirement. The city commission shall review this chapter and the impact fee study at least  
 619 once every seven years. The purpose of this review is to ensure that the impact fee revenues collected  
 620 adequately fund the public facilities necessitated by new growth and development and that the impact  
 621 fees do not exceed the reasonably anticipated costs associated with the improvements and additions  
 622 necessary to offset the demand generated by the impact-generating development on the respective  
 623 public facilities. In the event the required review of this chapter alters or changes the assumptions,  
 624 conclusions, and findings of the impact fee study or alters or changes the amount or classification of  
 625 the impact fee, the impact fee study shall be amended, supplemented, and/or updated to reflect the  
 626 assumptions, conclusions, and findings of reviews and this chapter shall be amended to adopt any  
 627 updated study.

628  
 629 (b) Audits. Audits of the city's financial statements performed by a certified public accountant pursuant to  
 630 Section 218.39, Florida Statutes and submitted to the auditor general shall include an affidavit signed  
 631 by the finance director. The affidavit shall attest to the facts required in Section 163.31801(8), Florida  
 632 Statutes or its successor in function.

633  
 634 (c) Annual report. In addition to the items that the city must include in its annual financial report pursuant  
 635 to Section 218.32, Florida Statutes, or its successor in function, the city must annually report on the  
 636 information required in Section 163.31801(13), Florida Statutes or its successor in function.

637  
 638 **Sec. 58-10. – ~~58-106.~~ Disposition of fees.**

639  
 640 (a) Designation of fees. Any fees collected under this ~~article~~ chapter are expressly designated for the  
 641 acquisition of system improvements serving the city's jurisdiction as provided in this section.

642  
 643 (b) Segregation of funds. An impact fee fund that is distinct from the general fund of the city is hereby  
 644 created, and the impact fees received will be deposited in the following interest-bearing accounts of  
 645 the impact fee fund.

646  
 647 (1) Transportation impact fee account. The transportation impact fee account shall contain only those  
 648 transportation impact fees collected pursuant to this ~~article~~ chapter plus any interest that may  
 649 accrue from time to time on those amounts. Funds of the account shall only be used for  
 650 transportation system improvements.

651

652 (2) *Park impact fee account.* The park impact fee account shall contain only those park impact fees  
653 collected pursuant to this ~~article~~ chapter plus any interest that ~~may many~~ accrue from time to time  
654 on those amounts. Funds of the account shall only be used for park system improvements.  
655

656 (3) *Fire/rescue impact fee account.* The fire/rescue impact fee account shall contain only those  
657 fire/rescue impact fees collected pursuant to this ~~article~~ chapter plus any interest that may accrue  
658 from time to time on those amounts. Funds of the account shall only be used for fire/rescue system  
659 improvements.  
660

661 (4) *Law enforcement impact fee account.* The law enforcement impact fee account shall contain only  
662 those law enforcement impact fees collected pursuant to this ~~article~~ chapter plus any interest that  
663 may accrue from time to time on those amounts. Funds of the account shall only be used for law  
664 enforcement system improvements.  
665

666 (5) *General government impact fee account.* The general government impact fee account shall contain  
667 only those general government impact fees collected pursuant to this ~~article~~ chapter plus any  
668 interest that may accrue from time to time on those amounts. Funds of the account shall only be  
669 used for general government system improvements.  
670

671 (6) *Solid waste impact fee account.* The solid waste impact fee account shall contain only those solid  
672 waste impact fees collected pursuant to this ~~article~~ chapter plus any interest that may accrue from  
673 time to time on those amounts. Funds of the account shall only be used for solid waste system  
674 improvements.  
675

676 (c) *Use of funds.* Funds from the impact fee accounts may only be used for system improvements of the  
677 type specified in the title of the account. Funds on deposit in the impact fee accounts shall not be used  
678 for any expenditure that would be classified as a maintenance or repair expense. The funds shall be  
679 used solely for the purpose of acquiring, constructing, or improving growth-necessitated public  
680 facilities, including but not limited to:

681 ...

682  
683 (9) Repayment of monies borrowed from any budgetary fund of the city which were used to fund  
684 growth-necessitated capital improvements to the respective system improvements as provided in  
685 this ~~article~~ chapter;  
686

687 ...

688 **Sec. ~~58-11. – Refunds.~~ ~~58-107. Refunds; petitions.~~**

689  
690 (a) Any fees collected shall be returned to the feepayer or successor in interest if the fees have not been  
691 spent within ~~five~~ six years from the date the impact fees were paid in full; provided, however, that the  
692 city commission may by resolution extend by up to two years the date at which fees should be  
693 refunded. Any extension should be made upon a finding that within the two-year period, the impact  
694 fees will be expended for specific system improvements identified in the capital improvements  
695 element (CIE) of the comprehensive plan and that there is a rational nexus between the impact fee  
696 and the system improvements with respect to the demand generated for these improvements by the  
697 applicable new development. Fees shall be deemed to be spent on the basis that the first fee collected  
698 shall be the first fee spent. The refund of the fees shall be undertaken through the following process:  
699

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

704 ...  
705

706 **Sec. ~~58-12.~~ – (~~58-108~~). Developer reimbursements and credits.**

707 ...  
708

709 (c) ~~Developer~~ Development agreement. To qualify for an impact fee reimbursement or credit, the  
710 developer must enter into an agreement with the city as approved by the city commission. The  
711 developer agreement shall specify the amount of the reimbursement and the method and timing of  
712 repayment, or the amount of the credit and how the credit will be used to offset impact fees paid by  
713 the development project for which the developer contribution was made. Reimbursements of larger  
714 amounts may be scheduled for payment over several years, rather than be due all at once. The  
715 agreement may specify that reimbursement will come from impact fees collected in a subarea of the  
716 city most directly benefited by the improvements. The agreement may also specify a maximum  
717 percentage of impact fees collected that will be available to be used for reimbursement.

718 ...  
719

720 (f) Credits for proportionate fair-share mitigation. Notwithstanding anything in this ~~article~~ chapter to the  
721 contrary, impact fee credits granted pursuant to ~~chapter 28~~ Section 1.3.7 of the unified land  
722 development code shall be applied on a dollar-for-dollar basis at fair market value to reduce any impact  
723 fee collected for the general category or class of public facilities or infrastructure for which the  
724 contribution was made. If the city does not charge and collect an impact fee for the general category  
725 or class of public facilities or infrastructure contributed, a credit against the impact fee shall not be  
726 applied.

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728

728 **Secs. 58-13 – 58-25. – Reserved.**

729  
730

730 **ARTICLE II. – DEFERRAL PROGRAM**

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732

732 **Sec. 58-26. – Eligible development.**

733  
734

734 (a) Fee payers subject to impact fees imposed hereunder may apply for deferral of the payment of the  
735 impact fees provided the development meets one of the following criteria:

736  
737

737 (1) New construction.

738  
739

739 a) Office. 5,000 square foot minimum.

740  
741

741 b) Industrial. 15,000 square foot minimum.

742  
743

743 c) Restaurant (excluding quick service). 3,000 square foot minimum.

744  
745

745 d) Targeted industry businesses, regardless of size

746

747 e) Affordable nonresidential development. The following development, regardless of size and  
748 impact fee business activity:

749

750 (i) Microunits nonresidential.

751

752 (ii) Nonresidential development created through a community land trust or co-operative.

753

754 f) All other city impact fee categories. 50,000 square foot minimum.

755

756 (2) Expansions. Developments expanding existing approved square footage by at least 30% and that  
757 fall into one of the categories as described in subsection (a)(1) above.

758

759 (3) Change in use. The proposed change in use meets the square footage requirement and impact fee  
760 category as listed in subsection (a)(1) above.

761

762 (b) Security. To secure the obligation, the deferral agreement must be recorded in the official records of  
763 the Sarasota County Clerk of the Court. Upon payment in full, the obligation to pay will be released in  
764 recordable form. In the event of a performance bond, the deferral agreement will not be recorded.

765

766 **Sec. 58-27. – Timing of application.**

767

768 The applicant must apply for the deferral of city impact fees prior to requesting the issuance of a certificate  
769 of occupancy, certificate of completion, or temporary certificate of occupancy. If the city commission has  
770 not acted on the application prior to issuance of a certificate of occupancy, certificate of completion, or  
771 temporary certificate of occupancy, then the total impact fees due must be timely paid and a request for a  
772 refund may be submitted if the deferral is granted.

773

774 **Sec. 58-28. – Application contents.**

775

776 All applications for impact fee payment deferral must include the following:

777

778 (a) A completed impact fee statement showing the total fees due;

779

780 (b) A description of the property, including address, parcel identification number, and a current and  
781 complete legal description of the property location;

782

783 (c) The name and address of the business owner and the owner of the property upon which the business  
784 is located or proposed to be located; and

785

786 (d) Any other necessary information as determined by the city manager or the impact fee administrator.

787

788 **Sec. 58-29. – Agreement and payment schedule.**

789

790 (a) All city impact fee deferrals require a deferral agreement setting forth the terms and conditions of the  
791 deferral. The agreement must establish a schedule for payment and a term not to exceed five years  
792 after the issuance of the first certificate of occupancy (temporary or otherwise).

793

794 (b) The deferral agreement shall specify the remedies available to the City in the event the deferred impact  
795 fees are not paid according to the schedule set forth therein. The agreement shall include an  
796 acknowledgement by the applicant that the voluntary deferral of an impact fee otherwise payable in  
797 accordance with Article I of this Chapter provides a special benefit to their business or property by  
798 reducing the immediate cost associated with improvement or change of use of the property, and that  
799 payment delinquencies, if any, may be collected by the city in any manner authorized by law including  
800 but not limited to collection as a non-ad valorem assessment in accordance with F.S. § 197.3632.

801  
802 (c) Prepayment. If a business pays a deferred impact fee prior to the due date specified in the deferral  
803 agreement, no penalty shall be assessed for the early payment.”  
804

**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 \_\_\_\_\_, 2026.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on \_\_\_\_\_, 2026.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
PETE EMRICH  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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MICHAEL FUINO, B.C.S.  
CITY ATTORNEY