City of North Port

ORDINANCE NO. 2025-__

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

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

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

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

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

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

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

"Chapter 58 – ~~PLANNING AND DEVELOPMENT~~ IMPACT FEES AND MITIGATION PROGRAMS

ARTICLE I. ~~ARTICLE III.~~ – IMPACT FEES

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

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

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

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

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

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

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

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

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

(i) A reasonable connection, or rational nexus, exists between the expenditure of the funds collected pursuant to this article chapter and the benefits accruing to new development through the public facilities improved or acquired by the expenditure.

(j) The impact fees adopted are proportional and reasonably connected to, or have a rational nexus with, the need for additional public facilities and the increased impact generated by the new residential or nonresidential construction.

(k) The impact fees adopted are proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(l) The required improvements and additions to city facilities needed to eliminate deficiencies shall be financed by revenue sources of the city other than impact fees.

(m) Implementation of the impact fees to require impact-generating development within the city to contribute its fair share to the cost of required capital improvements is an integral and vital element of the regulatory plan of growth management of the city.

(n) The city commission expressly finds that the improvements and additions to the city's public facilities to be funded by the respective impact fees adopted provide a benefit to all impact-generating development within the city that is in excess of the actual impact fees.

(o) The impact fees adopted pursuant to this article chapter are based upon the calculation methodology incorporated in the impact fee study, adjusted to stimulate economic development.

(p) The impact fees should be kept up to date through periodic study updates as provided in this article chapter.

(q) This article chapter includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal requirements.

(r) This article chapter establishes and requires separate accounting funds for the respective impact fees adopted.

(s) This article chapter requires audits of the city's financial statements to include an affidavit of the finance director stating that the requirements of Florida Statutes Section 163.31801, or its successor in function, have been complied with.

(t) The administrative fees set forth are equal to or lower than the city's actual costs for collection of the impact fees, including the actual costs related to the administration and the collection process.

Sec. 58-2. ~~58-101~~ - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 inter 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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. <u>58-4.</u> ~~58-103~~ <u>Payment of fees;</u> Issuance of certificate of occupancy, certificate of completion, or temporary certificate of occupancy.

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

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

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

The following procedures shall be used by the impact fee coordinator and City staff in calculating the amount of the impact fee(s) due from the applicant.

(a) *Residential New Construction & Additions.*

(1) Verify the number and type of dwelling units that are proposed as shown on the building permit application. ~~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) Determine the amount of each type of impact fee that shall be applied for each new dwelling unit per the impact fee schedule. ~~Determining nonresidential development unit pursuant to subsection (b) of this section.~~

(3) Create a total by multiplying the number of dwelling units by the applicable fee. ~~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.~~

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

(a) *Nonresidential New Construction & Additions.*

(1) Verify the number and type of the applicable units (square feet, rooms, acres, etc.) for the proposed development as shown on the building permit application and follow applicable instructions as detailed below.

i) Uses not listed. If the type of land use for which a certificate of occupancy, certificate of completion, or temporary certificate of occupancy is requested is not specified in the above fee schedules, the impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule, based on a generally-accepted land use classification system (e.g., the North American Industry Classification System, the land-based classification standards, and/or

Institute of Transportation Engineers trip generation manual) and the city's impact fee study.

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

iii) *Shell buildings and build outs. s*hell buildings shall be charged the rate most consistent with the land use type listed on the building permit.

a) Impact fees assessed on the shell building permit must be paid prior to the issuance of any permits associated with an interior build out of the space.

b) Subsequent permits for interior build outs will not require additional impact fees unless deemed to be a change in use.

(2) Determine the amount of each type of impact fee that shall be applied for the new square footage.

(3) Create a total by multiplying the number of service units by the applicable fee.

(4) Add the administrative charge to defray the cost of impact fee collection. The city shall charge an administrative fee equal to the actual cost of collection or one and one-half percent of the total amount of impact fees due, whichever is less.

(b) Change in use.

(1) Calculate the amount due for the proposed development.

(2) Subtract the amount that would be due if the fees were paid under the current land use and the applicable impact fee schedule based on the building permit number.

(3) Determine the difference between the amount due from the new land use and the previous land use.

(4) If zero or negative no fees are due. If the new rate exceeds original development charge, the difference is due.

Sec. 58-6. ~~58-104 Calculation of fees;~~ Impact Fee Schedules.

(a) *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 ~~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

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

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

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

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

(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.* ~~Following are the fire/rescue impact fees applicable to new development~~ The following are the fire/rescue impact fees:

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

(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

(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*. ~~Following are the general government impact fees applicable to new development~~ The following are the general government impact fees:

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

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

(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.

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

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

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

~~(e) *Appeal.* A property owner may appeal the impact fee calculation to the city commission by filing a notice of appeal with the city clerk no later than ten business days following the~~

~~impact fee administrator's final calculation. The filing of an appeal shall stay the issuance of the certificate of occupancy, certificate of completion, or temporary certificate of occupancy, as applicable, unless the property owner attaches to the notice of appeal a letter of credit in an amount equal to the impact fee administrator's final calculation. In reviewing the impact fee administrator's determination, the city commission shall apply the standards established in this section.~~

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

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

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

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

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

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

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

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

(c) ~~(3)~~The construction of accessory buildings or structures less than 1,000 square feet associated with residential subdivisions and multifamily structures. ~~The replacement of a building or dwelling unit where no additional dwelling units or square footage are created and where the existing and replacement buildings or dwelling units are located on the same lot. A certificate of occupancy must have been issued for the replacement building or dwelling unit within five years of the date~~

~~the previous building or dwelling unit was previously occupied, otherwise no exemption will be granted.~~

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

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

(f) ~~(6)Affordable housing properties developed and owned by the city.~~ Impact Fees imposed for all complete building permit applications qualifying as an affordable housing development that are legally permitted within section 3.6.3.A of the Unified Land Development Code shall be subject to the following fee reductions:

(1) Affordable housing offered at 60% Annual Median Income (AMI) or below will receive a 75% reduction in impact fees;

(2) Affordable housing offered above 60% AMI and up to 80% AMI will receive a 50% reduction in impact fees;

(3) Affordable housing offered above 80% AMI and up to 120% AMI will receive a 25% reduction in impact fees.

Sec. 58-8. Appeals.

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

(b) Should the appeal request be denied by the Development Services Director, the feepayer shall have the right to appeal the decision to the Commission within 30 days following the determination of the appeal request by the Development Services Director. The notice of appeal shall be filed with the city clerk with a copy sent to the Development Services Director and impact fee administrator. The Development Services Director shall prepare a written response justifying the decision to deny the appeal request and cite applicable policies and rationale for the decision. The Commission shall base its decision on the applicable standards and criteria established in this chapter and the evidence presented at a properly advertised public hearing. The hearing shall be held within 90 days of receipt of the appeal request. The Commission may uphold or revoke, in whole or in part, the determination being appealed.

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

Section 58-9. Reporting and reviewing of fees.

(a) *Review requirement.* The city commission shall review this chapter and the impact fee study at least once every seven years. The purpose of this review is to ensure that the impact fee revenues collected adequately fund the public facilities necessitated by new growth and development and

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

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

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

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

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

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

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

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

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

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

(5) *General government impact fee account.* The general government impact fee account shall contain only those general government impact fees collected pursuant to this ~~article~~ chapter

plus any interest that may accrue from time to time on those amounts. Funds of the account shall only be used for general government system improvements.

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

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

(1) Land acquisition, including any cost of acquisition;

(2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management;

(3) Design and construction documents;

(4) Site development and on-site and off-site improvements incidental to construction;

(5) Any permitting or application fees necessary for the construction;

(6) Construction and design of new public facilities, including related drainage facilities and relocation of utilities;

(7) Landscaping;

(8) Acquisition of apparatus, vehicles, or other capital equipment;

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

(10) Costs related to the administration, collection, and implementation of impact fees;

(11) Payment of principal and interest, necessary reserves, and costs of issuance under any bonds or other indebtedness issued by the city to provide funds to construct or acquire growth necessitated capital improvements or additions to the public facilities; provided, however, that revenues generated by impact fees shall not be used, in whole or in part, to pay existing debt for the city's public facilities or for previously approved projects related to public facilities unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact of impact-generating development; and

(12) Any other expenditures of the impact fee as then allowed by law.

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

Sec. 58-11.~~58-107.~~ Refunds; petitions.

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

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

(2) The petition must contain the following information:

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

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

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

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

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

(b) Any petitioner may appeal the decision on the refund to the city commission by filing a notice of appeal to the city manager within ten working days following the decision. In reviewing the

decision on the amount of the refund, the city commission shall use the standards established in subsection (a)(3).

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

(a) *Eligibility.* Developers may be eligible for reimbursements or credits for the value of land dedications, construction, or monetary payments for impact-fee eligible system improvements. At the city's discretion, reimbursements or credits may be negotiated by the city and a developer seeking reimbursements or credits based on, but not limited to, any of the following factors: the actual cost of construction or dedicated improvements, the fair market value of land dedicated, the city's documented cost estimates for the proffered system improvement, whether the proffered system improvement is included in the city's capital improvement element, and the amount of unallocated impact fee funds available for reimbursements.

(b) *Effective upon acceptance.* Eligibility for reimbursements or credits shall become effective when the land dedication or improvements have been completed and have been accepted by the city commission under the provisions of a prior agreement.

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

(d) *Reimbursement funds.* The source of reimbursements will be impact fees collected for the same type of facility. If the amount available for reimbursements is insufficient to pay all the reimbursement payments due in a particular year, each developer may receive a pro rata share of the reimbursement due. Upon the execution of a developer agreement pursuant to this section, the city finance director, or the finance director's designee, shall establish and maintain necessary accounting mechanisms so that impact fee revenues collected within any established reimbursement subarea shall be segregated from other impact fee revenues within the same impact fee account.

(e) *Transfer of credit.* Impact fee credits included in a developer agreement may be assigned and transferred at any time after establishment. The credits may transfer from one development or parcel to any other that is within the impact fee district and that receives benefits from the improvement or contribution that generated the credits.

(f) *Credits for proportionate fair-share mitigation.* Notwithstanding anything in this ~~article~~ chapter to the contrary, impact fee credits granted pursuant to ~~chapter 28~~ Section 1.3.7 of the Unified Land Development Code shall be applied on a dollar-for-dollar basis at fair market value to reduce any impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made. If the city does not charge and collect an impact fee for the general

category or class of public facilities or infrastructure contributed, a credit against the impact fee shall not be applied.

ARTICLE II. – DEFERRAL PROGRAM

Sec. 58-13. Eligible Development.

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

(1) *New construction*.

i) *Office.* 5,000 square foot minimum.

ii) *Industrial.* 15,000 square foot minimum.

iii) *Restaurant* (excluding quick service). 3,000 square foot minimum.

iv) *All Other City Impact Fee Categories*. 50,000 square foot minimum.

v) *Affordable nonresidential development*. The following affordable nonresidential development, regardless of size and impact fee business activity.

c) Microunits nonresidential /Live Work Space.

d) Coworking Space.

e) Pop-up retail and office space.

f) Nonresidential development created through a Community Land Trust or Co-operative.

g) Food truck parks.

i. Or other similar development types, verified by the Development Services Director or designee that comply with the new construction criteria.

(2) *Additions/expansions.* Developments *expanding* existing approved square footage by at least 30% and fall into one of the categories as described in section 58.10(a)(1)

(3) *Change in use.* The proposed *development* previously paid an impact fee based on Restaurant, Industrial, Hotel/Lodging, Office or a similar use and the impact fee rate and the square footage converted to the new use meets the square footage minimum set forth in section 58.10(a)(1)

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

Sec. 58-14. Timing of application.

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

Sec. 58-15. Application contents.

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

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

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

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

Sec. 58-16. Agreement and payment schedule.

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

(b) The deferral agreement shall specify the remedies available to the City in the event the deferred impact fees are not paid according to the schedule set forth therein. The agreements shall include an acknowledgement by the applicant that the voluntary deferral of an impact fee otherwise payable in accordance with sections 58-3 and 58-4 hereof provides a special benefit to business or property by reducing the immediate cost associated with improvement or change of use of the property, and that payment delinquencies, if any, may be collected by the City in any manner authorized by law including but not limited to collection as a non-ad valorem assessment in accordance with section 197.3632, Florida Statutes.

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

ARTICLE III. – TARGETED INDUSTRY BUSINESS INCENTIVE PROGRAM.

Sec. 58-17. Program purpose.

(a) This article establishes a Targeted Industry Business Incentive Program ("Program") for certain target industry businesses to mitigate any real or perceived disadvantage occurring from the imposition of the impact fees, because the imposition of the impact fees may place the city in a non-competitive position with other local governments that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the city and the community to

encourage economic development opportunities within the city, and to create permanent employment expansion opportunities for the city's residents.

(b) The Program contemplated herein provides for a partial waiver of the city impact fees otherwise due pursuant to this chapter for targeted industry businesses that comply with the criteria established in this article.

(c) The targeted industry business and their corresponding activity centers or qualified Opportunity Zone are based on growth and buildout considerations, the features of the potential development sites, the proximity to housing, and access to the transportation network.

(d) The Program is not an entitlement program. The Program is subject to appropriation of funds by the city commission and is intended to provide the city commission with the opportunity, in its sole discretion, to grant impact fee mitigation to target industry businesses in targeted activity centers, as identified by the Economic Development Study.

Sec. 58-18. Program criteria.

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

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

(1) Qualify as a targeted industry business;

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

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

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

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

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

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

i) Corporate Headquarters.

ii) Healthcare.

iii) Information Technology.

iv) Tourism and Entertainment.

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

i) Corporate Headquarters.

ii) Healthcare.

iii) Information Technology.

iv) Tourism and Entertainment.

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

i) Life Sciences.

ii) Corporate Headquarters.

iii) Healthcare.

iv) Information Technology.

v) Logistics and Distribution.

vi) Manufacturing.

vii) Tourism and Entertainment.

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

i) Corporate Headquarters.

ii) Healthcare.

iii) Information Technology.

iv) Manufacturing.

v) Tourism and Entertainment.

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

i) Healthcare.

ii) Tourism and Entertainment.

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

i) Life Sciences.

ii) Corporate Headquarters.

iii) Healthcare.

iv) Information Technology.

v) Manufacturing

vi) Tourism and Entertainment.

(c) The following criteria shall apply when determining whether to approve an incentive application and the amount to be mitigated. Projects are eligible for both the job creation and capital investment mitigation, up to a maximum of 50% mitigation of city impact fees.

(1) *Job Creation Standards*

i) A 5% mitigation would require 1 – 10 jobs be created.

ii) A 10% mitigation would require 11 – 25 jobs be created.

iii) A 15% mitigation would require 26 – 100 jobs be created.

iv) A 25% mitigation would a require a minimum of 101 jobs be created.

(2) *Capital Investment Standards*

i) A 5% mitigation requires a capital investment ranging from $1,000 – $100,000.

ii) A 10% mitigation requires a capital investment ranging from $100,001 – $250,000.

iii) A 15% mitigation requires a capital investment ranging from $250,001 – $1,000,000.

iv) A 25% mitigation requires a minimum capital investment of $1,000,001 or more.

Sec. 58-19. Application process.

(a) Any applicant seeking an impact fee incentive must file an application for mitigation with the impact fee administrator prior to the issuance of the certificate of occupancy for the subject property or project. The application must contain:

(1) Description of the proposed project including a narrative explaining how the proposed business meets the qualifications for the Program;

(2) Provide a proposed Targeted Industry Business Incentive Agreement;

(3) A description of the property or project subject to an imposition of impact fees under this chapter, including a current and complete legal description of the property location for the targeted industry business;

(4) The name and address of the business owner, and of the owner of the property upon which the targeted industry business is proposed to be located;

(5) A notarized affidavit and all necessary supporting evidence, including proof of valuation for capital improvements, if applicable, affirming that the requirements of this article will be met within one year of the date the certificate of occupancy is issued; the city manager may extend this term upon good cause shown; and

(6) Other necessary information as determined by the city manager.

(b) Any applicant that applies for the Program and desires the immediate issuance of a certificate of occupancy prior to approval of the application must:

(1) Pay the full amount of impact fees. Should the City Commission approve Targeted Industry Business Incentive Agreement, the mitigated amount shall be refunded to the applicant or

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

Sec. 58-20. Agreement.

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

Sec. 58-21. Compliance.

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

immediately due and payable.

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

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

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

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

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

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

(d) To ensure compliance with the provisions of this article, the employee records of any business that has been granted a mitigation under this article shall be held open and available for reasonable inspection by the impact fee administrator and representatives or employees of the city at the business location, upon request and without court order.

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

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

Sec. 58-23. Available funds.

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

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

. . ."

SECTION 3 – CONFLICTS

3.01 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 4 – SEVERABILITY

4.01 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 5 – CODIFICATION

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

SECTION 6 – EFFECTIVE DATE

6.01 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 _____, 202__.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on _____, 202__.

INSERT CURRENT MAYOR SIGNATURE BLOCK ON THE FOLLOWING PAGE (from separate template)