



City of North Port

ORDINANCE NO. 06-30

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF NORTH PORT BY AMENDING CHAPTER 66 TO ADD A SECTION ENTITLED "CONSTRUCTION TRAFFIC ROAD FEE"; PROVIDING SCOPE; PROVIDING DEFINITIONS; PROVIDING FOR A REGULATORY PROGRAM; PROVIDING FOR ADMINISTRATIVE POLICIES; PROVIDING FOR A CONSTRUCTION TRAFFIC ROAD FEE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 - TITLE

1.01 - Chapter 66 of the Code for the City of North Port is hereby amended to add a section which will be cited as the "Construction Traffic Road Fee."

SECTION 2 - SCOPE

2.01 - This Chapter is not to be read in conflict with pertinent State statutes and or City or County ordinances pertaining to construction traffic road fees.

SECTION 06-64 - PURPOSE AND INTENT

The City Commission of the City of North Port adopts this Ordinance for the following purposes:

- (a) The City of North Port has approximately 813 miles of roads constructed by general development corporation in the 1970's;
- (b) Population growth together with residential and non-residential development in the City of North Port has increased dramatically in the last decade straining the adequacy of existing revenues to prevent, detect and repair wide-scale street and road deterioration due to this growth;
- (c) The revised and updated comprehensive plan for the City, adopted in 1997 indicates that this growth will continue placing greater demand upon the road network in the City of North Port. Street and road deterioration, if not managed through a program of prevention, early detection, and repair, can lead to large scale disrepair and destruction of City streets and roads with serious traffic safety consequences as well as a sustained interruption of residential, industrial and commercial flow of traffic and the blighting of residential, industrial and commercial neighborhoods in areas of the City;
- (d) Special assessments collected by the North Port Road and Drainage District have been insufficient to prevent, detect and repair street and road deterioration in North Port as the result of construction traffic during these times of unprecedented growth. Impact fees may not be used for rehabilitation of existing roads;
- (e) Additional funds are necessary in order to restore North Port streets and roads to their condition prior to this period of unprecedented growth;

- (f) The road rehabilitation fee analysis completed April 4, 2006, by Infrastructure Management Services (IMS) is incorporated herein and made a part of the basis for this Ordinance;
- (g) The fees proposed herein are not impact fees as they are not intended for new capital infrastructure.

SECTION 66-65 - DEFINITIONS

For the purpose of this Section, the following terms, phrases, words and their derivation shall have the meanings given herein:

- (a) *Building Permit.* The permit required for new construction and additions Pursuant to the City of North Port'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.
- (b) *Developed Property.* A parcel or portion of real property on which an improvement exists. Improvement on developed property includes, but is not limited to, buildings, parking lots, and outside storage.
- (c) *Gross Square Footage.* The calculated area of all structures, located on a site, measured along the exterior walls of such structures, including, but not limited to, enclosed courtyards, stairwells, and square footage on each level of multi-story structures, but not including fences and parking areas which are not enclosed within a building.

- (d) *ITE Manual*. Institute of Transportation Engineers Trip Generation Manual. Fifth Edition.
- (e) *Multi-Family Residential*. Residential property consisting of two or more dwelling units. For purposes of this ordinance, condominiums and individual mobile home units are also classified as multi-family residences.
- (f) *Non-Residential*. A use of property which is primarily not for personal, domestic accommodation.
- (g) *Pavement Condition Index (PCI)*. A uniform way to measure pavement distress with a rating scale from 1 to 100, with higher values indicating better condition.
- (h) *Recoverable*. Represent the costs that the City may recover from lot development and is based on taking the total rehabilitation costs times the pavement condition score less the salvage value. For example, if the cost to rebuild a street is \$100,000 and the pre-development score was 55 and the salvage value is equal to \$0.00, the recoverable cost would equal $(\$100,000 \times 55/100) - \$0 = \$55,000$.
- (i) *Re-investment*. Represent the cost to rehabilitate the roadways less the salvage and recoverable costs. This is the monies the City would have to provide from other funding sources to complete the construction traffic road rehabilitation.

- (j) *Salvage.* No salvage values for the local and collector networks have been included as the roadways will need 100% reconstruction, including drainage and landscaping.
- (k) *Single Family Residential.* A residential structure which is occupied by one or more persons of which there shall be only one dwelling unit per lot and which provides complete, independent living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation. A granny flat shall be considered as part of a single family residence.
- (l) *Street or Road.* A public road or right-of-way within the City, which is under the jurisdiction or control of the City. For purposes of this ordinance, state and federal roads are excluded.
- (m) *Truck.* A motor vehicle having six or more tires in contact with the pavement.

SECTION 66-66 – REGULATORY PROGRAM

- (a) There is hereby created a road maintenance rehabilitation program for prevention, early detection and repair of the City of North Port street system to their condition prior to the present period of unprecedented growth.
- (b) A road rehabilitation fund is hereby established. Revenues collected pursuant to this ordinance shall be dedicated to the construction traffic road fund and used exclusively to fund a street/construction traffic road rehabilitation program to provide for a safe, functioning street system. In

the event that construction traffic road fees collected are insufficient to properly regulate the rehabilitation of City streets, additional funding may be allocated by the City Commission from other non-dedicated City funds provided, however, the City Commission may direct the reimbursement to such other fund if additional construction traffic road fees are collected.

SECTION 66-67 – ADMINISTRATIVE POLICIES

- (a) The use of North Port City streets and roads involves a complex mixture of interdependent uses between categories of residentially and non-residentially developed property and residential and non-residential undeveloped property. In order to determine the effect growth, particularly construction traffic related to residential and non-residential undeveloped property has upon the streets and roads of the City of North Port, a methodology was developed whereby the City's 2005 GIS topology was used as a basis for identifying the local, collector and arterial roadway network and 94 identified neighborhoods. The 94 neighborhoods were aggregated into 5 analysis areas as identified on the IMS study. On a neighborhood by neighborhood basis, the number of undeveloped and developed lots were identified, plus the length and average condition of the local, collector and arterial roadways. Neighborhood counts are identified in Table 2 to the IMS Analysis Memorandum. Construction costs were developed for rehabilitation of local, collector and arterial

roadways. The costs were based on rebuilding the roadways in their present location to current standards. Arterial roadway deterioration was based on identifying the number of truck counts used to develop an average lot, converting them to equivalent single axle loads and then estimating the number of years of deterioration from the truck loading based on average traffic conditions for similar roadways. For areas identified in the study as 1, 2, 3 and 4, roads and streets were identified as either Salvage, Recoverable and Re-investment costs for each roadway affected by development. Due to the low density of the development in Area 1, such area was broken out from Area 4 as recoverable costs on a per lot basis are much higher. Due to the higher level of development within Area 5 - Core, it was removed from the construction traffic road fee calculations. The total costs, mileage, lot counts and area were aggregated together to develop an overall construction traffic road fee for the City.

- (b) The City Manager, or his/her designee, is authorized and directed to review the operation of this ordinance and where appropriate recommend changes thereto in the form of administrative procedures for adoption by the City Commission by resolution. Such procedures, if adopted by the City Commission, shall be given full force and effect and, unless clearly inconsistent with this ordinance, shall apply uniformly throughout the City.

- (c) The initial construction traffic road fees shall not be increased for the first three (3) years of this program's operation, except by an annual increase for inflation beginning on October 1st of each new budget year. During the third (3rd) year of this program and every three (3) years thereafter, the City Manager, or his/her designee and/or consultants hired by the City, shall review the construction traffic road fees and advise the City Commission of any suggested changes that are deemed advisable. Such a review shall occur sooner than the third (3rd) year in the event the City receives substantial new sources of funds from federal, state, regional, or county programs earmarked for construction traffic road rehabilitation.
- (d) The provisions of this ordinance shall be appealed by writ of certiorari within thirty (30) days of its effective date.

SECTION 66-68 - CONSTRUCTION TRAFFIC ROAD FEE

- (a) A construction traffic road fee is hereby established and shall be assessed on all residential building permits at \$ 0.50 per square foot of building. The building permit shall not be issued until such time as the fee is paid.
- (b) Developed property shall not be charged a construction traffic road fee.
- (c) For non-residential, commercial and multi-family developments, a construction traffic road fee is hereby established and shall be collected at the time of issuance of building permit at \$ 0.75 per square foot of building print.

SECTION 66-69 - ENFORCEMENT

- (a) In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this ordinance by withholding delivery of building permits until such time as the construction traffic road fees are paid.
- (b) Construction which has begun without the payment of the construction traffic road fees shall be handled pursuant to other sections of the North Port City Code with regard to construction without a building permit.
- (c) Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this ordinance, including, but not limited to, injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative. The City shall be entitled to any attorneys' fees and costs with required in the collection of funds due under this ordinance.

SECTION 66-70 - SEVERABILITY

- (a) If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 66-71 - CONFLICTS


- (a) In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 66-72 - EFFECTIVE DATE

- (a) This ordinance and the provisions thereof shall take effect six (6) months from the date of its adoption by the City Commission.

Passed by title only in public session this 25th day of September, 2006.

PASSED AND ADOPTED as an Ordinance in public session this 10th day of October, 2006.


RUE S. BERRYMAN, COMMISSION
CHAIR

ATTEST:


HELEN M. RAIMBEAU, CITY CLERK, CMC

Approved as to form and correctness


ROBERT K. ROBINSON, CITY ATTORNEY