City of North Port

ORDINANCE NO. 2026-26

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 58-5 –FEE TABLES; UPDATING IMPACT FEE RATE SCHEDULE FOR THE CITY'S TRANSPORTATION IMPACT FEE; 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 ("City Code") governs the imposition of all impact fees in the City of North Port and establishes impact fee schedules for the Transportation Impact Fee District ("transportation impact fees"); and

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

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

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

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

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

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

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

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

WHEREAS, on September 10, 2024 Ordinance No. 2024-12 was adopted increasing Transportation Impact Fees at 12.5% over 2 years; and

WHEREAS, on June 26, 2025, Governor Ron DeSantis approved Chapter 2025-190, Laws of Florida, codifying Florida Senate Bill 180; and

WHEREAS, Chapter 2025-190, Section 28, Laws of Florida, prohibits certain municipalities, including the City, from proposing or adopting more restrictive or burdensome amendments to their comprehensive plan or land development regulations, or more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, retroactive from August 1, 2024 through October 1, 2027, providing that such adoption shall be null and void *ab initio*; and

WHEREAS, Ordinance No. 2026-26 is to be adopted October 6, 2026, recognizing that the Florida Legislature's retroactive application of Chapter 2025-190, Section 28, Laws of Florida invalidated Ordinance No. 2024-12 by operation of law, deeming Ordinance No. 2024-12 repealed through state preemptive action; and

WHEREAS, the City Commission has determined that reducing the City's transportation impact fees is not more restrictive or burdensome as otherwise prohibited by Chapter 2025-190, Laws of Florida; and

WHEREAS, the City Commission has determined that the amendments and fees adopted herein serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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

SECTION 1 – FINDINGS

1.01 The above recitals are true and correct and are incorporated in this ordinance as legislative findings.

1.02 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this ordinance is required for compliance with federal or state law or regulation.

1.03 The City Commission finds that, pursuant to Section 14 of Chapter 2023-304, Laws of Florida, the changes to the land development-related fees are not more restrictive or burdensome than current fees. Adoption of this ordinance creates a reduction of the City's transportation impact fees prior to October 1, 2027, and is not more restrictive or burdensome as otherwise prohibited by Chapter 2025-190, Laws of Florida.

SECTION 2 – TRANSPORTATION IMPACT FEE STUDY

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

SECTION 3 – AMENDMENT OF CHAPTER 58 OF THE CITY CODE

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

"**Chapter 58 – IMPACT FEES**

. . .

Sec. 58-5. – Fee Tables.

. . .

(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:

Land Use Type	**Demand Unit**	**~~Fee Prior to 10/01/2025~~**	**Fee After 10/1/2025**	**Fee Effective 10/6/2026**
Residential				
Single-Family Detached	Dwelling	~~$3,828.09~~	$4,306.61	$3,402.75
Multi-Family (Apartment)	Dwelling	~~$2,598.75~~	$2,923.59	$2,310.00

Condominium/Townhouse	Dwelling	~~$3,142.13~~	$3,534.89	$2,793.00
Mobile Home/RV Park	Site	~~$1,389.66~~	$1,563.36	$1,235.25
Adult Cong. Living Facility	Dwelling	~~$556.88~~	$626.48	$495.00
Retirement Community	Dwelling	~~$885.94~~	$996.68	$787.50
Hotel/Motel	Room	~~$1,571.06~~	$1,767.45	$1,396.50
Retail/Commercial				
Shopping Center 50,000 or less	1,000 sfgla	~~$6,414.19~~	$7,215.96	$5,701.50
Shopping Center > 50,000	1,000 sfgla	~~$5,795.72~~	$6,520.18	$5,151.75
New/Used Auto Sales	1,000 sq. ft.	~~$8,768.25~~	$9,864.28	$7,794.00
Tire Store	1,000 sq. ft.	~~$4,730.91~~	$5,322.27	$4,205.25
Supermarket	1,000 sq. ft.	~~$8,839.97~~	$9,944.96	$7,857.75
Bank/Savings w/drive-In	1,000 sq. ft.	~~$13,748.06~~	$15,466.57	$12,220.50
Bldg. Mats./Lumber Store	1,000 sq. ft.	~~$16,991.44~~	$19,115.37	$15,103.50
Hardware/Paint	1,000 sq. ft.	~~$3,462.75~~	$3,895.59	$3,078.00
Convenience Store w/Gas	1,000 sq. ft.	~~$24,600.38~~	$27,675.42	$21,867.00
Home Improvement Store	1,000 sq. ft.	~~$4,649.91~~	$5,231.14	$4,133.25
Pharmacy/Drug Store	1,000 sq. ft.	~~$4,391.72~~	$4,940.68	$3,903.75
Furniture Store	1,000 sq. ft.	~~$1,324.69~~	$1,490.27	$1,177.50
Golf Course	Acre	~~$2,389.50~~	$2,688.19	$2,124.00
Movie Theater w/o Matinee	1,000 sq. ft.	~~$4,632.19~~	$5,211.21	$4,117.50
Marina	Berth	~~$1,406.53~~	$1,582.35	$1,250.25
Recreational Center	1,000 sq. ft.	~~$7,316.16~~	$8,230.68	$6,503.25
Restaurant, Fast Food	1,000 sq. ft.	~~$48,463.31~~	$54,521.23	$43,078.50
Restaurant, Sit-Down	1,000 sq. ft.	~~$17,852.06~~	$20,083.57	$15,868.50

Restaurant, High Turnover	1,000 sq. ft.	~~$23,126.34~~	$26,017.14	$20,556.75
Quick Lube	Bays	~~$8,586.00~~	$9,659.25	$7,632.00
Automobile Repair Shop	1,000 sq. ft.	~~$7,031.81~~	$7,910.79	$6,250.50
Service Station w/Conv Sales	Fuel Position	~~$5,520.66~~	$6,210.74	$4,907.25
Self-Service Car Wash	Bays	~~$1,241.16~~	$1,396.30	$1,103.25
Convenience/Gas/Fast Food Store	1,000 sq. ft.	~~$67,137.19~~	$75,529.34	$59,677.50
Office/Institutional				
Office, General 50,000 or less	1,000 sq. ft.	~~$5,866.59~~	$6,599.92	$5,214.75
Office, General 50,001—100,000	1,000 sq. ft.	~~$4,940.16~~	$5,557.68	$4,391.25
Office, General 100,001—200,000	1,000 sq. ft.	~~$4,156.31~~	$4,675.85	$3,694.50
Office, General 200,001—400,000	1,000 sq. ft.	~~$3,505.78~~	$3,944.00	$3,116.25
Office, General greater than 400,000	1,000 sq. ft.	~~$3,153.09~~	$3,547.23	$2,802.75
Medical Office (0—10,000 sf)	1,000 sq. ft.	~~$9,544.50~~	$10,737.56	$8,484.00
Medical Office (> 10,000 sf)	1,000 sq. ft.	~~$14,583.38~~	$16,406.30	$12,963.00
Business Park (Flex Space)	1,000 sq. ft.	~~$4,922.44~~	$5,537.74	$4,375.50
Hospital	1,000 sq. ft.	~~$6,600.66~~	$7,425.74	$5,867.25
Nursing Home	1,000 sq. ft.	~~$913.78~~	$1,028.00	$812.25
Church/Synagogue	1,000 sq. ft.	~~$2,439.28~~	$2,744.19	$2,168.25
Day Care Center	1,000 sq. ft.	~~$8,283.94~~	$9,319.43	$7,363.50
Elementary School (K—8)	1,000 sq. ft.	~~$3,892.22~~	$4,378.75	$3,459.75
High School (9—12)	1,000 sq. ft.	~~$4,127.63~~	$4,643.58	$3,669.00
University/Junior College (7,500 or fewer students)	Student	~~$1,003.22~~	$1,128.62	$891.75

University/Junior College (more than 7,500 students)	Student	~~$763.59~~	$859.04	$678.75
Industrial				
General Light Ind/Industrial Park	1,000 sq. ft.	~~$2,467.97~~	$2,776.46	$2,193.75
General Heavy Industrial	1,000 sq. ft.	~~$294.47~~	$331.28	$261.75
Manufacturing	1,000 sq. ft.	~~$1,212.47~~	$1,364.03	$1,077.75
Warehouse	1,000 sq. ft.	~~$1,203.19~~	$1,353.59	$1,069.50
Mini-Warehouse	1,000 sq. ft.	~~$526.50~~	$592.31	$468.00

. . ."

SECTION 4 – CONFLICTS

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

SECTION 5 – SEVERABILITY

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

SECTION 6 – CODIFICATION

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

SECTION 7 – EFFECTIVE DATE

7.01 This ordinance shall take 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 September 22, 2026.

ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session on October 6, 2026.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER FAUST, MMC, F.C.P.C.
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL FUINO, B.C.S.
CITY ATTORNEY