

**ORDINANCE NO. \_\_\_\_-2025**

**ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA AMENDING CHAPTER 11 OF THE PUNTA GORDA CITY CODE (“CITY CODE”), THE CITY OF PUNTA GORDA DEVELOPMENT IMPACT FEE ORDINANCE; PROVIDING FINDINGS, INTENT, AND REVISED DEFINITIONS; PROVIDING FOR WAIVER OF APPLICABILITY FOR CERTAIN AFFORDABLE HOUSING; PROVIDING FOR IMPOSITION OF IMPACT FEES; PROVIDING FOR CALCULATION OF IMPACT FEES AND ESTABLISHING NEW IMPACT FEE SCHEDULES FOR PARKS, MOBILITY, AND PUBLIC FACILITIES EFFECTIVE AS OF OCTOBER 1, 2025, EFFECTIVE AS OF OCTOBER 1, 2026, EFFECTIVE AS OF OCTOBER 1, 2027, AND EFFECTIVE AS OF OCTOBER 1, 2028; AMENDING IMPACT FEE TRUST FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND TIME.

WHEREAS, the City Council of Punta Gorda, Florida (hereinafter “Council”) is experiencing development and redevelopment which generates a need for additional public facility capacity and capital equipment; and

WHEREAS, impact fees are a necessary and indispensable mechanism the City uses to help shift the cost of providing public facilities needed to accommodate new development; and

WHEREAS, the Council hereby finds and declares that the existing fair share impact fees do not adequately reflect the current burdens on public infrastructure created by new development; and

WHEREAS, the Council has examined the impacts generated by new development resulting in the need for additional public facility capacity and capital equipment and has determined that the impact fees adopted by this ordinance are necessary to protect, promote and preserve the public health, safety and welfare; and

WHEREAS, the Council has determined that it is in the public interest to phase in the updated impact and mobility fees and has determined that the fees shall be phased in pursuant to the provisions in F.S. 163.31801(6); and

WHEREAS, the Council has considered the information and recommendations presented in “Development Impact Fees, City of Punta Gorda, Florida” by Raftelis Financial Consultants, Inc., dated May 19, 2025, and comments from the public and other interested parties; and

WHEREAS, the Council has determined that the proposed development impact fees are based on a rational nexus between the demand for public facilities generated by new development and the impact fees to be imposed on new development; and

WHEREAS, the City has noticed, advertised, scheduled and held a public hearing in compliance with Florida Statutes on this proposed ordinance; and

WHEREAS, the Council, after hearing from the public as well as from staff and professional consultants, has determined that it is necessary to adopt and implement the proposed ordinance in order to protect public health, safety and welfare and to promote the public interest;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:**

**Section 1.** The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

**Section 2.** Chapter 11, Punta Gorda Impact Fees, of the Code of the City of Punta Gorda, also known as the Punta Gorda Development Impact Fee Ordinance, is hereby amended as provided in this Ordinance. Specific sections identified below are amended, either in whole or in part, as specifically provided in each section of this Ordinance. Any sections of Chapter 11 not amended herein remain as previously adopted and in full force and effect.

**Section 3.** Section 11-2. Findings of Chapter 11 of the City Code is hereby amended as specifically set forth as follows, with new text shown with underline and deleted text shown in ~~strikethrough~~:

**Sec. 11-2. Findings.**

The City Council of Punta Gorda, Florida (hereinafter "Council") hereby finds and declares that:

- (a) Punta Gorda, Florida, (hereinafter "City") experienced New Development, including redevelopment, and population growth during the 1990's, 2000's and 2010's and projects additional New Development in the upcoming 2020's, which development has and will strain the adequacy of existing sources of funds to provide public facilities to meet the demands created by New Development and redevelopment. The City anticipates an increasing strain on the City's financial ability to provide necessary public facilities and services. The City will continue to experience New Development and the need for public facilities and services. The updated impact fees adopted in this Ordinance reflect the development conditions, construction costs, capital improvements planning and policy decisions of the City Council in ~~late 2019 and early 2020~~2024 and 2025, and are based on the technical data presented in the report "Development Impact Fees City of Punta Gorda, Florida" dated May 19, 2025 by Raftelis Financial Consultants.
- (b) The Comprehensive Plan for Punta Gorda, as adopted and amended by the Council, and census and population studies predict that growth will continue and will create significant demands for public facilities needed to accommodate New Development.
- (c) The City of Punta Gorda's Comprehensive Plan and the Capital Improvements Plan, as amended from time to time, identify the need for additional public facilities necessary to insure the health, safety and welfare of the residents and property owners in the City. These needs include additional facilities and equipment for roads, fire protection and emergency services, law enforcement, and general government which are essential responsibilities under the police power authority of the City. The ~~Comprehensive~~ City's Capital Improvements Plan, ~~as of December, 2019~~, identifies ~~minimal~~ improvements for general

government, police, and fire facilities and vehicles related to New Development. The imposition of impact fees for general government will remain suspended indefinitely ~~until significant new growth related improvements needs for these facilities are identified in the future.~~ The imposition of impact fees for public safety will be suspended indefinitely. As the need for additional General Government and Public Safety (includes both fire protection/emergency services and law enforcement) facilities related to New Development have been identified in the updated Capital Improvements Plan and Comprehensive Plan, an updated Public ~~Safety~~ Facilities Impact Fee will be imposed upon the effective date of this Ordinance. Previously collected impact fees for police, fire and general government facilities may be expended for appropriate facilities in accordance with this Code.

- (d) Impact fees are a reasonable method of regulating New Development to ensure that such New Development pays a proportionate share of the capital costs of public facilities needed to accommodate New Development. The impact fees set forth in this chapter establish a fair and reasonable method of regulating New Development in the City. It is the intent of this chapter that New Development in the City will pay a proportionate share of the average public facility costs related to the provision of facilities needed to accommodate the demand for public facilities generated by New Development.
- (e) Funds collected pursuant to this chapter shall be expended only on the type of public facility for which the fees are collected and only for public facilities which have a "rational nexus" to and provide benefit to New Development on which fees are imposed pursuant to this chapter. Funds collected pursuant to this chapter shall not be expended to maintain or repair existing facilities or to correct existing deficiencies in facility systems needed to serve existing development.
- (f) The Council has determined that it is in the public interest to phase in the updated impact and mobility fees in accordance with the provisions of F.S. 163.31801(6) ~~and has determined that the fees shall be imposed at 50% of the full calculated amount for the first effective year of the updated fees, that the fees shall be imposed at 75% of the full calculated amount for the second effective year of the updated fees, and that the fees shall be imposed at the full 100% calculated amount beginning with the third effective year of the updated fees.~~
- (g) At regularly scheduled and advertised meetings of the City Council on **July 2, 2025** and **July 9, 2025**, the Council discussed and considered projected New Development in the City, the projected need for additional public facilities and capital equipment due to projected New Development, the increased costs of providing public facilities and capital equipment needed to accommodate the projected New Development, the fact that the City's existing impact fees are outdated and inadequate to address public facility needs and costs, and the need to adopt updated impact fees to help provide additional public facility capacity and capital equipment needed due to New Development.
- (h) The Council hereby finds and declares that all New Development, as defined herein, within the City generates an increased demand for and has a rational nexus to the need for System Improvements for roads, police, fire, and general government facilities, and that all new Residential Development within the City also generates an increased demand for and has a rational nexus to the need for park facilities. The Council hereby finds and declares that the System Improvements to be funded by the Impact Fees imposed herein will provide benefit to all New Development in the City.
- (i) The Council hereby finds and declares that the Impact Fees imposed pursuant to this chapter comply with the requirements of Section 163.31801, F.S. Specifically, the requirements of Section 163.31801, F.S., are fulfilled as follows: the Impact Fees imposed herein are

calculated based on the most recent and localized data and are proportionate and reasonably connected to the impact generated by New Development, the established separate accounts and accounting procedures provide for appropriate accounting and reporting of Impact Fee collections and expenditures, any administrative or service charge that may be adopted by the Council will reflect actual costs to the City for the creation and maintenance of the Impact Fee system, notice was provided no less than 90 days before the effective date of this chapter, audits of the City performed pursuant to Section 218.39, F.S., will include an affidavit from the chief financial officer of the City stating that the City has complied with Section 163.31801, F.S., all impact fee expenditures will benefit New Development, and any expenditures on existing debt for System Improvements and on previously approved projects will have a rational nexus to New Development

- (j) The Council has considered the matter of funding additional public facilities, the need for which has a rational nexus to New Development and finds that the imposition of updated Impact Fees is critical to the City's ability to provide such facilities. The Council hereby finds and declares that the Impact Fees imposed herein are necessary to protect the public health, safety and welfare of residents and property owners in the City and are a reasonable exercise of the City's police power. Therefore, the Council deems it essential and necessary to adopt this chapter as hereinafter set forth.

**Section 4.** Section 11-3. Intent of Chapter 11 of the City Code is hereby amended as specifically set forth as follows, with new text shown with underline and deleted text shown in ~~striketrough~~:

**Sec. 11-3. Intent.**

- (a) This chapter is intended to regulate New Development by imposing Impact Fees, payable at the time of Building Permit issuance, in an amount based upon the average amount of facility demand attributable to New Development and the average cost of providing the public facilities needed to accommodate New Development. This chapter is intended to allow New Development to help address the burdens of growth. New Development shares in this burden by paying a proportionate share of the reasonably anticipated average costs of public facilities needed to accommodate the demand for additional facilities created by New Development as well as by complying with other appropriate development regulations and approval conditions. This chapter shall not be construed to authorize imposition of Impact Fees for public facility needs attributable to existing development.
- (b) The Development Impact Fees imposed pursuant to this chapter are based upon the data and calculation methodology incorporated in the "Development Impact Fees, City of Punta Gorda, Florida" by Raftelis Financial Consultants, Inc., dated May 19, 2025 (hereinafter "Technical Report")

**Section 5.** Section 11-5. Definitions of Chapter 11 of the City Code is hereby amended as specifically set forth as follows, with new text shown with underline and deleted text shown in ~~striketrough~~:

**Sec. 11-5. Definitions.**

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

*Applicant* shall mean the property owner, or duly designated agent of the property owner, of land on which a Building Permit is requested and Impact Fees are due pursuant to this chapter, or shall mean the property owner, or duly designated agent of the property owner, of land identified in a credit agreement pursuant to Section 11-12(d) where such property owner or agent is responsible for the provision of System Improvement(s).

*Appropriation* shall mean funds identified in the CIP with the legal authority to expend such funds up to a certain dollar amount.

*Building Permit* shall mean the permit required for new construction, remodeling, redevelopment and additions pursuant to the Land Development Regulations of the City, as amended. If no Building Permit is required for the construction or occupation of a structure then Building Permit shall be deemed to include any permit or other form of final City approval for the construction, change of use or occupancy of a structure, including but not limited to the conversion of hotel, motel or other lodging, with or without cooking facilities, to condominium or other residential use. The term "Building Permit," as used in this chapter, shall be deemed to include a Mobile Home installation permit issued pursuant to the City building code or any equivalent permit or approval, and shall include occupational licenses.

*Capital Improvements Program (CIP)* shall mean the five-year schedule of capital improvements adopted by the City annually as part of the City budget process.

*Capital Improvement Projects* shall mean all projects for which funds are appropriated in the CIP. Capital improvement projects, including, but not limited to, capital equipment (~~including the standard issue police/fire equipment per officer or firefighter~~), land, facilities and site improvements, that are funded in whole or in part with Impact Fee funds must cost at least \$5,000.00 and have a useful life of at least ~~three (3)~~ five (5) years.

*City Council* or *Council* shall mean the City Council of Punta Gorda, Florida.

*Collecting Agency* shall mean the City department or official authorized to issue Building Permits.

*Development* shall have the meaning given it in section 380.04, F.S., as may be amended from time to time, subject to exclusions contained in this chapter.

*Demand Unit* shall mean the unit of public facility demand associated with various land uses and types of New Development as identified in the Technical Report and used to calculate the impact fees listed for each type of New Development in the Impact Fee schedules in Section 11-9 herein.

*Dwelling Unit* shall mean a room or interconnected rooms, containing sleeping and sanitary facilities and one kitchen provided for the exclusive use of a single household. The term "Dwelling Unit," as used in this chapter, shall be deemed to include mobile home and manufactured home dwellings.

*Fire System Improvement* means System Improvements that add capacity to the City's fire and

rescue system, including facilities, fire suppression vehicles and equipment, and emergency medical services vehicles and equipment. Public ~~Safety~~ Facility Impact Fees may be expended on Fire System Improvements and on Police System Improvements.

*General Government System Improvement* means System Improvements that add capacity to the City's administrative office space, capital equipment, vehicle fleets, and other capital expenditures for the general governmental functions of the City.

*Governmental Uses* shall mean buildings or facilities owned and operated by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district, a school district, a municipal corporation, or a charter school organized and approved as a public school under section 228.056, F.S.

*Impact Fee* shall mean a monetary exaction imposed and collected on the day of, but prior to, Building Permit issuance and calculated based upon a New Development's proportionate share of the average cost of capital improvements needed to address the additional capital facility capacity and equipment needed to accommodate the demand for public facilities created by New Development.

*ITE Trip Generation Manual* shall mean the report entitled "Trip Generation" of the Institute of Transportation Engineers, and any official updates thereto, as approved and accepted by the City.

*Mobility System Improvement* means land, capital improvements, capital facilities, and capital equipment that add to or improve capacity of the City's multimodal transportation system. Mobility System Improvements may include, by way of example, extensions, widening, intersection improvements, adding and upgrading signalization, improving pavement conditions, sidewalks and pedestrian improvements, and any other improvements that add capacity and improve the circulation of people via all modes of travel (i.e., pedestrian, bike, transit and vehicular facilities). Mobility System Improvements also include Road System Improvements as defined in this Chapter.

*New Development* shall mean the carrying out of any building activity or the making of any material change in the use of a structure or land that requires the issuance of a Building Permit, as defined in this chapter, and which generates demand for capital facilities over and above the previously existing documented use or development of the structure or land. New Development shall include changes in the use of a structure, for example the conversion of a structure from lodging (with or without cooking facilities) to residential use, whether or not physical changes are required to an existing structure. New Development excludes Governmental Uses as herein defined.

*Nonresidential Development* shall mean all New Development other than Residential Development and Governmental Uses as herein defined. Nonresidential Development includes, but is not limited to, industrial, manufacturing, warehousing, mini-warehousing, lodging (with or without cooking facilities), schools and daycare, hospital, nursing home, general office, medical-dental office, business park, and commercial uses, and includes those uses specified in the ITE Trip Generation Manual under Land Use Code Series 100, 300, 400, 500, 600, 700, 800, and 900. Nonresidential Development shall also include structures operated by a social service

organization to provide residential care to children, the aged, the destitute and the physically, mentally and/or emotionally challenged.

*Nonresidential Floor Area* shall mean the total square footage of a building measured in feet from the exterior faces of exterior walls or other exterior boundaries of the building, excluding parking areas within the interior of the building. If a site contains multiple buildings, the floor area shall be computed separately for each building. The definition of Floor Area in the ITE Trip Generation Manual shall be used to resolve any questions regarding calculation of floor area.

*Parks System Improvement* means land, capital improvements, capital facilities and capital equipment that add capacity to the City park system, including City-wide parks and associated improvements as well as open space and conservation land or easements and associated improvements.

*Police System Improvement* means land, capital improvements, capital facilities, and capital equipment that add capacity to the City's police system. Public Safety Facility Impact Fees may be expended on Fire System Improvements and on Police System Improvements.

*Project Costs* shall mean amounts spent or authorized to be spent in connection with the acquisition, planning, legal, fiscal, economic, engineering, administrative services, financing, construction, equipping, development, and other costs associated with a public facility project.

*Public Facilities Improvement* means and includes Public Safety Improvements and General Government System Improvements.

*Public Safety Improvement* means and includes Fire System Improvements and Police System Improvements. The calculation and imposition of a Public Safety Impact Fee covering both Fire and Police System Improvements will provide additional flexibility for the City in scheduling and funding needed capital improvements for these important Public Safety Improvements.

*Residential Development* shall mean all New Development that is not considered to be Nonresidential Development or Governmental Uses as defined herein, excluding those uses specified in the ITE Trip General Manual under Land Use Code Series 000.

*Residential Living Space* means the finished square feet of living space per residential dwelling unit, excluding garages, patios and porches that are not climate-controlled.

*Road System Improvement* means land, capital improvements, capital facilities, and capital equipment that add capacity to the City's collector road system or improve the functionality and safety of the road system. Road System Improvements may include, by way of example, extensions, widening, intersection improvements, adding and upgrading signalization, improving pavement conditions, removing pedestrians/bicyclists from automobile travel lanes by providing alternate travel modes, and any other improvements that add capacity or improve the traffic flow, safety and circulation. Given the unique character and design of the grid street pattern and pedestrian/bicycle activity within the Community Redevelopment Area (hereinafter "CRA"), which encompasses the City's historic urban core, improvements related to non-collector roads that otherwise fulfill the requirements of a Road System Improvement qualify for impact fee expenditures under this definition.

*Service Charge* shall mean a charge that, if established at the option of the Council, shall be collected in addition to the applicable Impact Fee amount for expenses associated with the establishment, amendment, periodic update and administration of the Impact Fee system and ordinance. If adopted and imposed by resolution of the Council, the Service Charge shall not exceed actual costs and shall be reviewed as part of the annual review provided for in Section 11-10 or at such other times as deemed necessary based upon information submitted by the City Manager. The Service Charge, if adopted, is in addition to and shall be paid separately from the Impact Fee, but shall be payable at the time of Building Permit issuance and shall be for the purpose of defraying expenses of creating and maintaining the Impact Fee system, including but not limited to costs associated with consultants, administrative staff, equipment, software, and other expenses incurred in managing and maintaining the Impact Fee system.

*System Improvements* shall mean Capital Improvements Projects, as defined in this chapter, that provide additional capacity needed to accommodate New Development and that serve multiple development projects, multiple neighborhoods or the entire City. System Improvements may include, but are not limited to, land, facilities, site improvements, furnishings, capital equipment, and vehicles. System Improvements shall not include property, capital facilities or capital equipment needed solely to serve a specific development. System Improvements shall not include replacement, rehabilitation, operations or maintenance of land, facilities or equipment.

*System Improvement Cost* shall mean amounts spent or appropriated in connection with the planning, financing, acquisition, construction and/or development of a System Improvement, including, without limitation, the costs of land acquisition and development, surveying, site testing, construction, design, engineering, construction management and inspection, permitting, legal services, financial services and administrative costs. Ancillary improvements directly related to a System Improvement, including but not limited to, parking, drainage improvements, landscaping, and capital equipment and furnishings shall be considered part of the cost of the System Improvement. System Improvement Costs shall not include costs related to operations, maintenance, rehabilitation or replacement of capital facilities or equipment.

*Technical Report* shall mean the report titled "Development Impact Fees, City of Punta Gorda, Florida" by Raftelis Financial Consultants, Inc., dated May 19, 2025. The Technical Report is adopted by reference and is incorporated herein as if set forth in its entirety. The Technical Report shall be available from the City Clerk.

**Section 6.** Section 11-6. Applicability of Chapter 11 of the City Code is hereby amended by deleting existing subsections (c) and (d) of Section 11-6 in their entirety and adopting a new subsection (c) as specifically set forth below:

- (c) Notwithstanding subsections (a) or (b) above, the application of this chapter to Building Permits issued by the City for New Development that qualifies as affordable housing under F.S. Section 420.9071 is waived so long as the owner-occupied or rental housing continues to qualify as affordable housing under F.S. Section 420.9071 for a period of ten (10) years after the date of building permit issuance. Should the housing no longer qualify as affordable housing under F.S. Section 420.9071 within that ten (10) year period, the impact fees otherwise due at building permit issuance shall become due and payable. A document signed by

the owner evidencing this requirement shall be recorded in the Official Records of Charlotte County, Florida by the City prior to issuance of a Building Permit. The City may adopt additional provisions implementing this waiver program as part of Chapter 11A, Punta Gorda Affordable Housing Impact Fee Incentives.

**Section 7.** Section 11-7. Establishment of Impact Fee Districts of Chapter 11 of the City Code is hereby amended as specifically set forth as follows, with new text shown with underline and deleted text shown in ~~strikethrough~~:

**Sec. 11-7. Establishment of Impact Fee Districts.**

In furtherance of the implementation of this chapter, the Council hereby establishes the following benefit districts for the identified Impact Fees:

- (a) Park Impact Fee Benefit District which boundary is identical with the boundary of the City, as may be adjusted from time to time;
- (b) Mobility Impact Fee Benefit District which boundary is identical with the boundary of the City, as may be adjusted from time to time;
- (c) Public Safety Impact Fee Benefit District which boundary is identical with the boundary of the City, as may be adjusted from time to time; ~~and~~
- (d) Public Facilities Impact Fee Benefit District which boundary is identical with the boundary of the City, as may be adjusted from time to time; and
- (e) General Government Impact Fee Benefit District which boundary is identical with the boundary of the City, as may be adjusted from time to time.

**Section 8.** Section 11-8. Imposition of Impact Fees of Chapter 11 of the City Code is hereby amended as specifically set forth as follows, with new text shown with underline and deleted text shown in ~~strikethrough~~:

**Sec. 11-8. Imposition of Impact Fees.**

No Building Permit shall be issued for New Development in the City unless the Applicant therefore has paid the applicable Impact Fees, and applicable Service Charge if established by resolution of the Council, imposed by this chapter or imposed by Ordinance 916-89, as applicable. Any Building permit issued for New Development without payment by the Applicant and collection by the City of the applicable Impact Fees, and Service Charge if applicable, shall be null and void.

However, Impact Fees for General Governmental as provided for in Section 11-9(b)(4)-continue to be suspended indefinitely until the demand for additional capacity in such facilities related to New Development has increased and the Council determines that such Impact Fees should be updated and imposed on New Development.

**Section 9.** Section 11-9. Calculation of Impact Fee and Impact Fee Schedules of Chapter 11 of the City Code is hereby amended by replacing the existing Section 11-9 in its entirety with a new Section 11-9 as specifically set forth below:

**Sec. 11-9. Calculation of Impact Fee and Impact Fee Schedules.**

(a) The City shall calculate the Impact Fees due under this chapter by:

- (1) Verifying the number and type of Demand Units which are proposed to be constructed as shown on the Building Permit application by land use type, using dwelling units and square feet of living space for Residential Uses, square footage of floor area for Nonresidential Uses, and specified Demand Units for certain types of Nonresidential Uses; and
- (2) Multiplying the number of Demand Units for each land use type represented by the proposed development by each applicable Impact Fee pursuant to subsection (b) of this section. The total Impact Fees due shall be the sum of the amounts calculated for each applicable Impact Fee in subsection (b) of this section.
- (3) If the land use applicable to a development is not listed in the fee schedules in subsection (b) below, the fees for the most appropriate land use in the fee schedules, based on the characteristics of the proposed development as determined by the City Manager, shall be imposed. If the Applicant believes that none of the land uses in the fee schedules are appropriate, the Applicant shall be responsible for timely filing a petition under Section 11-12 of this chapter. The land use characteristics and descriptions in the ITE Trip Generation Manual shall be used to determine the most appropriate land use. When multiple types of development are included in a building, the Impact Fees due shall be calculated for each type of development and included in the total Impact Fees due. When multiple buildings are included in a Building Permit application, the Impact Fees shall be calculated individually for each building and included in the total Impact Fees due.
- (4) Where a final petition determination has been made by the City Manager or a final decision issued by the Council after a timely appeal, the Impact Fees due shall be calculated based on the petition determination or Council decision.

(b) Applicable Impact Fee schedules as of 8:00 am, October 1, 2025:

- (1) Park Impact Fee Schedule:

ITE Code/Land Use	Impact Fee per Dwelling Unit
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living</i></b>	
1,000 sf or less	\$564
1,001 – 1,500	\$867
1,501 – 2,000	\$1,085
2,001 – 2,500	\$1,252
2,501 or more	\$1,466

(2) Mobility Impact Fee Schedule:

<b>Land Use</b>	<b>Impact Fee per Development Unit</b>
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living space)</i></b>	
1,000 sf or less	\$495
1,001 – 1,500	\$762
1,501 – 2,000	\$953
2,001 – 2,500	\$1,101
2,501 or more	\$1,288
<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$0.25
Office & Other Services	\$0.37
Retail & Restaurant	\$0.38

(3) Public Facilities Impact Fee Schedule.

<b>Land Use</b>	<b>Impact Fee per Development Unit</b>
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living space)</i></b>	
1,000 sf or less	\$1,328
1,001 – 1,500	\$2,213
1,501 – 2,000	\$2,826
2,001 – 2,500	\$3,303
2,501 or more	\$3,695
<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$1.30
Office & Other Services	\$1.59
Retail & Restaurant	\$2.19

(4) General Governmental Impact Fee Schedule. (Suspended Indefinitely)

(5) Public Safety Impact Fee Schedule. (Suspended Indefinitely)

(c) Applicable Impact Fee schedules as of 8:00 am, October 1, 2026:

(1) Park Impact Fee Schedule:

<b>ITE Code/Land Use</b>	<b>Impact Fee per Dwelling Unit</b>
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living</i></b>	
1,000 sf or less	\$598
1,001 – 1,500	\$948
1,501 – 2,000	\$1,196
2,001 – 2,500	\$1,387
2,501 or more	\$1,595

(2) Mobility Impact Fee Schedule:

Land Use	Impact Fee per Development Unit
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living space)</i></b>	
1,000 sf or less	\$527
1,001 – 1,500	\$836
1,501 – 2,000	\$1,054
2,001 – 2,500	\$1,223
2,501 or more	\$1,406
<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$0.27
Office & Other Services	\$0.37
Retail & Restaurant	\$0.42

(3) Public Facilities Impact Fee Schedule.

Land Use	Impact Fee per Development Unit
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living space)</i></b>	
1,000 sf or less	\$1,328
1,001 – 1,500	\$2,213
1,501 – 2,000	\$2,826
2,001 – 2,500	\$3,303
2,501 or more	\$3,695
<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$1.30
Office & Other Services	\$1.59
Retail & Restaurant	\$2.19

(4) General Governmental Impact Fee Schedule. (Suspended Indefinitely)

(5) Public Safety Impact Fee Schedule. (Suspended Indefinitely)

(d) Applicable Impact Fee schedules as of 8:00 am, October 1, 2027:

(1) Park Impact Fee Schedule:

ITE Code/Land Use	Impact Fee per Dwelling Unit
<b><i>Residential Development</i></b>	

<i>(per dwelling unit by square feet of living</i>	
1,000 sf or less	\$632
1,001 – 1,500	\$1,029
1,501 – 2,000	\$1,306
2,001 – 2,500	\$1,521
2,501 or more	\$1,724

(2) Mobility Impact Fee Schedule:

<b>Land Use</b>	<b>Impact Fee per Development Unit</b>
<b><i>Residential Development</i></b>	
<i>(per dwelling unit by square feet of living space)</i>	
1,000 sf or less	\$558
1,001 – 1,500	\$909
1,501 – 2,000	\$1,155
2,001 – 2,500	\$1,345
2,501 or more	\$1,524
<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$0.28
Office & Other Services	\$0.37
Retail & Restaurant	\$0.46

(3) Public Facilities Impact Fee Schedule.

Land Use	Impact Fee per Development Unit
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living space)</i></b>	
1,000 sf or less	\$1,328
1,001 – 1,500	\$2,213
1,501 – 2,000	\$2,826
2,001 – 2,500	\$3,303
2,501 or more	\$3,695
<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$1.30
Office & Other Services	\$1.59
Retail & Restaurant	\$2.19

(4) General Governmental Impact Fee Schedule. (Suspended Indefinitely)

(5) Public Safety Impact Fee Schedule. (Suspended Indefinitely)

(e) Applicable Impact Fee schedules as of 8:00 am, October 1, 2028:

(1) Park Impact Fee Schedule:

ITE Code/Land Use	Impact Fee per Dwelling Unit
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living</i></b>	
1,000 sf or less	\$666
1,001 – 1,500	\$1,110
1,501 – 2,000	\$1,417
2,001 – 2,500	\$1,656
2,501 or more	\$1,853

(2) Mobility Impact Fee Schedule:

Land Use	Impact Fee per Development Unit
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living space)</i></b>	
1,000 sf or less	\$590
1,001 – 1,500	\$983
1,501 – 2,000	\$1,256
2,001 – 2,500	\$1,468
2,501 or more	\$1,642

<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$0.30
Office & Other Services	\$0.37
Retail & Restaurant	\$0.51

(3) Public Facilities Impact Fee Schedule.

Land Use	Impact Fee per Development Unit
<b><i>Residential Development</i></b>	
<b><i>(per dwelling unit by square feet of living space)</i></b>	
1,000 sf or less	\$1,328
1,001 – 1,500	\$2,213
1,501 – 2,000	\$2,826
2,001 – 2,500	\$3,303
2,501 or more	\$3,695
<b><i>Nonresidential Development (per square foot)</i></b>	
Industrial	\$1.30
Office & Other Services	\$1.59
Retail & Restaurant	\$2.19

(4) General Governmental Impact Fee Schedule. (Suspended Indefinitely)

(5) Public Safety Impact Fee Schedule. (Suspended Indefinitely)

**Section 10.** Subsections (b), Accounting and Reporting of Impact Fee Collections and Expenditures, and (c), Trust Funds Established, in Section 11-10. Administration of Impact Fees of Chapter 11 of the City Code is hereby amended as specifically set forth as follows, with new text shown with underline and deleted text shown in ~~strikethrough~~:

**Sec. 11-10. Administration of Impact Fees.**

\* \* \*

- (b) *Accounting and Reporting of Impact Fee Collections and Expenditures.* Impact Fees shall be transferred from the Collecting Agency to the City Finance Department which shall be responsible for placement of such funds into the appropriate separate accounts by type of Impact Fee and applicable benefit district. The Service Charge, if adopted by resolution of the Council, shall be placed in a separate account identified for management of the Impact Fee system and disbursed as set forth in this chapter. The City Finance Department shall maintain and keep adequate financial records for each such account which shall show the source and disbursement of all revenues, which shall account for all moneys received, including revenue by Building Permit, and which shall document and ensure that the disbursement of funds from each account shall be used solely and exclusively in accordance with provisions of this chapter. For purposes of petitions for refunds under Sec. 11-12 of this chapter, the expenditure and appropriation of Impact Fees shall be deemed to occur in the same sequential order as the collection of Impact Fees, in other words, the first fee in shall be the first fee out. Audits of financial statements of the City which are performed by a certified public accountant pursuant to F.S. Section 218.39 and submitted to the Attorney General must include an affidavit signed by the chief financial officer of the City stating that the City has complied with F.S. Section 163.31801.

(c) *Trust funds established.*

- (1) There is hereby established a separate Impact Fee trust fund account for each of the following Impact Fees: parks, mobility, public facilities, public safety and general government. ~~Any funds within the existing road impact fee trust fund may be transferred into the Mobility Impact Fee trust fund and used for purposes of Mobility System Improvements.~~ Any funds within the existing ~~Police Impact~~ Public Safety Impact Fee trust fund ~~and the Fire Impact Fee trust fund~~ may be transferred into the ~~Public Safety~~ Public Safety Facilities Impact Fee trust fund; however, any such transferred funds from the ~~Police and Fire~~ Public Safety trust funds ~~fund~~ shall be accounted for separately and the City shall use best efforts, but is not required, to expend such funds for Police or Fire System Improvements as appropriate.
- (2) Funds withdrawn from these accounts must be used solely in accordance with the provisions of this Section 11-10. The disbursement of such funds shall be in accordance with the Capital Improvement Program of the City.
- (3) Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account. The funds of these accounts shall not be commingled with other funds or revenues of the City.

\* \* \*

**Section 11.** Subsection (d), Petition for credits against impact fees, in Section 11-12. Administrative Petitions for Impact Fee determinations, refunds and credits of Chapter 11 of the City Code is hereby amended as specifically set forth as follows, with new text shown with underline and deleted text shown in ~~strikethrough~~:

**Sec. 11-12. Administrative Petitions for Impact Fee determinations, refunds and credits.**

\* \* \*

(d) *Petition for credits against Impact Fees.*

- (1) Any Applicant, as defined in this chapter, who elects to construct or dedicate all or a portion of a System Improvement, as defined in this chapter, or, who escrows money with the City for the construction of a System Improvement, may, if all criteria in this chapter and this subsection (d) are fulfilled, be granted a credit for such contribution against the Impact Fees otherwise due for the same type of System Improvement. The Applicant must, prior to the Applicant's construction, dedication or escrow of the System Improvement, submit a petition on a form provided by the City, obtain a determination of credit eligibility and the amount of any credit, and enter into a credit agreement with the City. The petition for credit shall contain, at a minimum, the following: a certified copy of the most recently recorded deed for the subject property, preliminary engineering plans and certified costs estimates by an architect, engineer or other appropriate professional for the proposed improvement, legal description of any land proposed to be contributed, proposed schedule for completion of any construction/dedications, identification of the proposed improvement in the current adopted City CIP and the amount of Impact Fee funding for the improvement, and identification in detail of the

development against which the credits are to apply or which will pay the Impact Fees to be used for the credit, including the land use type(s), number of units/gross floor area, anticipated development schedule, and legal descriptions of the subject property. Any appeal of petition determinations on credits must be filed, heard, and determined prior to the Applicant's construction, dedication or escrow for which the credit is requested. Failure to timely file a petition for Impact Fee credits shall waive any right to Impact Fee credits.

(2) If it is determined that the System Improvement is in the adopted, current City Capital Improvements Plan and is funded in whole or in part with City Impact Fee revenue, the City Manager shall determine the appropriate amount of the credit. The amount of the credit shall be based on actual costs certified by a professional engineer or architect submitted by the Applicant and reviewed and approved by the appropriate City department. In no event shall the credit exceed the amount of Impact Fees budgeted for that System Improvement or the amount of the Impact Fees for the same type of System Improvements that are due from the development requesting the credit, whichever amount is smaller. If the Impact Fees due exceed the amount of credit, the Applicant shall pay the Impact Fees due less the credit at the time of issuance of the Building Permit.

(3) If a credit petition is approved, the Applicant and the City shall enter into a credit agreement which shall provide for, but is not limited to, the following: the process to be used to verify actual costs, the value of any dedicated land or methodology to determine the value of any dedicated land, the obligations and responsibilities of the Applicant, including but not limited to i) public bidding requirements, ii) engineering, design and construction standards and requirements to be complied with, iii) insurance and indemnification requirements, and iv) project inspection standards and responsibilities, v) timing of the actions to be taken by the Applicant, vi) transfer of title to land and improvements, vii) process for submittal of credit payment requests, and viii) timing of payments by the City. No Impact Fee credits shall be paid or provided until any land has been dedicated and conveyed to the City and/or the facilities have been constructed and accepted, or alternatively, until a bond has been posted to ensure the conveyance and/or construction. The City's obligation to pay Impact Fee credits shall be limited to the Impact Fees collected from the development for a period not to exceed ten (10) years from the date of approval of the agreement. The credit agreement shall provide for forfeiture of any Impact Fee credit remaining at the end of such ten (10) year period. The credit Applicant shall agree to provide recorded notice to subsequent purchasers/owners of the property regarding the credit, if any, that may be available to such purchasers and shall agree to indemnify the City for any and all costs and liabilities arising from any claims by others related to the Impact Fee credit. Notwithstanding other terms in this subsection, the holder of any impact fee credits granted by the City on or after July 1, 2019 is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established in the event of impact fee increases after that date and is not subject to the forfeiture of credits at the end of ten (10) years.

**Section 12.** Should any sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part declared to be invalid.

**Section 13.** This Ordinance shall be effective at 8:00 a.m. on \_\_\_\_\_, 2025, which date is at least 90 days after the date of approval by the City Council.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Deborah Lux, Mayor

ATTEST:

\_\_\_\_\_  
Sara Welch, City Clerk

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Stephen Leskovich, Interim City Attorney