

ARTICLE II. MOBILITY FEES ROAD IMPACT FEE SCHEDULE

Sec. 159.101. Short Title, Authority, and Applicability; Adoption of Technical Report.

- (A) This article shall be known and may be cited as the "Port St. Lucie ~~Road Impact~~ Mobility Fee Ordinance."
- (B) The City of Port St. Lucie has the authority to adopt this article pursuant to its home rule powers under its City Charter granted by Article VIII of the Constitution of the State of Florida and Chapter 166 Florida Statutes, and pursuant to Chapters 163 and 380 Florida Statutes and Florida case law.
- (C) The City of Port St. Lucie has the power and responsibility to provide a multimodal transportation system comprised of bicycle lanes, dedicated transit lanes, greenways, hardscape, high-visibility crosswalks, lighting, intersections, micromobility lanes, micromobility ways, mid-block crossings, roads, roundabouts, shared mobility services and programs, shared-use paths, sidewalks, stormwater facilities, streets, streetscape, traffic signals, trails, transit circulators and transit facilities, in the City. New ~~D~~-development and redevelopment, that generates an increase in Person Travel Demand over and above the existing use of land, within the City impacts the multimodal capital improvement ~~road~~ needs of the City.
- (D) Development of a Mobility Plan ~~Planning~~ for additional multimodal capital infrastructure needed to serve new development and redevelopment that generates additional person travel demand for multimodal facilities, services and programs ~~roads~~, and the subsequent implementation of a Mobility Plan ~~these plans~~, is a responsibility of the City. Moreover, development of a such Mobility Plan ~~planning~~ is in the best interests of the health, safety, and welfare of the citizens of the City.
- (E) The Technical Report, as defined herein, is hereby approved and adopted by the Council. The adoption by the Council specifically includes, but is not limited to, the following: the multimodal improvements included in the Phase One mobility plan; the basis of the assumptions, conclusions and findings in the Technical Report as to the basis of the mobility fee; the areawide level of service (LOS) and multimodal quality of service (QOS) standards; the methodology for calculating the mobility fee; the extraordinary increase in person miles of travel; the person miles of capacity assigned to multimodal capital improvements; and the Person Travel Demand assigned to various land use categories. The Technical Report presents the technical analysis and detailed methodology supporting the Mobility Fees adopted herein consistent with the multimodal improvements included in the Phase One Mobility Plan. The Phase One Mobility Plan consist of mobility and multimodal corridors and intersections identified to meet the extraordinary increase in Person Travel Demand by 2045. The Technical Report shall be maintained by the City and is available to the public upon request.
- (F) Notwithstanding any provision in this article to the contrary, the City will honor all credit agreements for City and County road impact fees against the obligation to pay the City mobility fee, in accordance with their terms. The City will enter into updated credit agreements with all applicants within the 18 months following October 1, 2021 to more specifically address the administration of these credits under the mobility fee.

Sec. 159.102. Purpose and Intent.

- (A) This article is intended to implement and be consistent with the goals, objectives and policies of the City of Port St. Lucie Comprehensive Plan.

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- (B) It is the purpose of this article to ensure that new development and redevelopment mitigates its impact to the City's multimodal transportation system through payment of the City's mobility fee ~~provision of an adequate level of service in transportation facilities throughout the City,~~ so that development may occur in a manner consistent with the comprehensive plan and state law ~~which requires the provision of public facilities concurrent with the impacts of development.~~
- (C) The purpose of this article is to regulate the use and development of land so as to assure that new development and redevelopment bears its proportionate share of the cost of multimodal capital improvements that will be necessary to provide multimodal improvements ~~roads~~ essential to adequately serve the future extraordinary increase in Person Travel Demand needs of the City and to implement the comprehensive plan.
- (D) The Florida Legislature, through the enactment of the Community Planning Act, Sections 163.3201 and 163.3202, Florida Statutes, and the Environmental Land and Water Management Act, Section 380.06(5), Florida Statutes and the entirety of Chapters 163 and 380, respectively, encourages local governments to enact impact mobility fee systems ~~programs~~ as a part of their land development regulations to implement their comprehensive plans.
- (E) The Council hereby finds and declares that the impact mobility fees imposed pursuant to this article comply with the requirements of F.S. § 163.3180 and F.S. § 163.31801. Specifically, the requirements of F.S. § 163.31801, are fulfilled by the findings set forth in Section 159.104. All expenditures of impact fee funds shall be consistent with the principles set forth in Florida case law on impact fees, including but not limited to Contractors and Builders Association v. City of Dunedin, 329 So. 2nd 606 (Fla. 1976), Hollywood, Inc., v. Broward County, 446 So. 2nd 606 (Fla. 4th DCA 1983), and Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County, 446 So. 2nd 140 (Fla. 4th DCA 1984), cert. denied, 451 So. 2nd 848 (Fla. 1984).

Sec. 159.103. Definitions.

The Technical Report shall be referenced for definitions related to the Mobility Plan and Mobility Fee not addressed below. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning, and shall control over any similar definition in the Technical Report:

APPLICANT. A person commencing a ~~traffic-generating~~ land development activity or a change of use or requesting approval of a ~~traffic-generating~~ land development activity or a change of use that results in an increase in Person Travel Demand above and beyond the current use of land. Applicant includes a person requesting approval of in lieu impact mobility fee credit payments independently of an application for development approval or change of use.

BUILDING PERMIT. Permits issued by the City, authorizing the construction or installation of buildings, structures, and other improvements including mobile homes and recreational vehicles.

CAPITAL COST. An expenditure which, under generally accepted accounting principles for local governments, would be considered a one-time multimodal capital expense or an expenditure that results in an increase multimodal person capacity or utilization.

CAPITAL IMPROVEMENT. Includes, but is not limited to, planning, engineering, design, surveys, inspection, drainage, traffic control devices, signalization, signage, testing, right-of-way acquisition, construction, landscaping, hardscape and streetscape, and other costs associated with the construction of bicycle lanes, dedicated transit lanes, greenways, hardscape, high-visibility crosswalks, lighting, intersections, micromobility lanes, micromobility ways, mid-block crossings, roads, roundabouts, shared mobility services and programs, shared-use paths, sidewalks, stormwater facilities, streets, streetscape, traffic signals, trails, transit circulators and transit facilities, bike paths, multipurpose trail systems, and other multimodal transportation facilities including transit that add or improve multimodal person travel transportation capacity. ~~Improvements~~ May may include payment of existing

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debt service used to advance multimodal improvements where future mobility fees were pledged as a funding source for the debt service and identified in either a Mobility Plan or Capital Improvements Plan, as identified in the technical report.

CITY MANAGER. The City Manager of the City of Port St. Lucie, as defined in its City Charter, or a person or persons designated by the City Manager to carry out a function described in this article.

COMPREHENSIVE PLAN. The Comprehensive Plan of the City of Port St. Lucie, Florida, adopted pursuant to F.S. ch. 163.3161 et. seq.

COUNCIL. The City Council of the City of Port St. Lucie, Florida.

DWELLING UNIT. Single-family, active adult, and multi-family residential dwellings, attached and detached dwellings, houses of conventional or manufactured construction, ~~mobile homes, recreational vehicles~~ and all other structures that may be used for permanent residence, regardless of whether occupied by a tenant or owner. ~~The term housing unit, as used in the technical report and in fee tables, is equivalent to a dwelling unit.~~ Pursuant to the technical report, updated impact mobility fees shall be imposed per square foot, up to the maximum square foot, per dwelling unit housing unit on single unit residential structures and per housing unit on structures with two (2) or more units per structure.

GROSS FLOOR AREA. Total area (in square feet) of all floors of a structure that are within the principal outside faces of exterior walls including for example halls, stairways, corridors, lobbies, and elevator shafts, but excluding architectural setbacks or projections. Also includes areas where business is conducted outside the walls of the structure. If a site contains multiple buildings, the gross floor area shall be computed separately for each building. The definition of gross floor area (GFA) in the ITE trip generation manual shall be used to resolve any questions regarding calculation of gross floor area.

LAND DEVELOPMENT ACTIVITY OR PROJECT. A land development activity including any change in land use, or any construction of buildings or structures, or any change of use of any building or structure.

PERSON. Any individual, company, corporation, association, or other legal entity.

MULTIMODAL IMPROVEMENT ROAD. Includes streets, sidewalks, alleys, highways, bike paths, multipurpose trail systems and other ways open to travel by the public including the roadbed, right-of-way, medians, traffic signalization, signage, landscape areas, culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, transit, and other related multimodal transportation facilities.

ROAD MULTIMODAL PROGRAM. That portion of the "Five Year Capital Improvement Program" identifying ~~road~~ multimodal improvements with funding programmed from ~~road impact~~ mobility fees, as that program may be amended from time to time.

TECHNICAL REPORT. ~~Technical report shall mean and refer to The "City of Port St. Lucie Phase One Mobility Plan and Mobility Fee Technical Report, dated September 2021 and prepared by NUE Urban Concepts, LLC. the "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, dated April 12, 2013.~~

PERSON TRAVEL DEMAND TRAFFIC GENERATION. Land development activity that can generate additional ~~person travel vehicular traffic~~ or a change of use of land that can generate more person travel more vehicular traffic than the preexisting use. Person Travel Demand Traffic generation includes person trips, person trip length, and both the production and attraction of traffic.

TRIP GENERATION MANUAL. The report entitled "Trip Generation Manual" of the Institute of Transportation Engineers, latest edition (9th edition). Official updates to the Trip Generation Manual 9th edition may be accepted and used by the City as appropriate.

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Sec. 159.104. Findings and Declarations.

- (A) It is the policy of the City to provide for multi-modal mobility on a City-wide basis. The Council hereby finds that new development in the City requires additional multimodal transportation governmental improvements services to address its mobility demands and facilities, specifically including roads.
- (B) The Council hereby finds that the use of impact fees to achieve and maintain state roadway levels of service for automobiles has resulted in multi-lane, congested roadways in urban areas to the exclusion of other modes of transportation.
- (C) The Council finds that it is in the best interests of the City to replace its transportation concurrency and road impact fee system for transportation facilities with a mobility fee system.
- (D) The Council finds that the Florida Department of Economic Opportunity's Community Planning, Development and Services Division encourages the adoption of mobility fees in lieu of traditional road impact fees.
- (E) The Council finds that the Technical Report is based upon the most recent and localized data and provides the technical analysis necessary for the Council to determine the mobility fee, based on the multimodal improvements identified in the mobility plan, constitutes a proper factual predicate for imposition and expenditure of the mobility fees.
- (F) The Council has determined herein to account for and provide for a separate accounting fund for the collection of mobility fees, and to separately account for expenditure of such mobility fees to address its mobility infrastructure needs.
- (G) The Council has determined herein to limit administrative charges for mobility fee collection to actual costs.
- (H) The Council has determined not to require the payment of the mobility fee earlier than the date of issuance of the building permit for the property subject to such mobility fee.
- (I) The Council finds that the Technical Report provides that the mobility fee is proportional and reasonably connected to or has a rational nexus with, the need for additional mobility infrastructure and the increased Person Travel Demand generated by the new residential or commercial construction.
- (J) The Council finds that the Technical Report provides that the mobility fee is proportional and reasonably connected to or has a rational nexus with, the expenditure of funds for such mobility infrastructure and the benefits accruing to the new residential or nonresidential construction.
- (K) The Council has determined to specifically earmark the mobility fees collected for use in acquiring, constructing, or improving capital mobility and multimodal facilities to benefit new users.
- (L) The Council has determined that the revenues generated by the mobility fee will not be used in whole or in part to pay existing debt service for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased Person Travel Demand generated by the new residential or non-residential construction.
- (M) For those mobility fees that may result in a fee increase, the Technical Report has been prepared within 12 months prior to the adoption of the mobility fee establishing that extraordinary circumstances exist, based on projected extraordinary increases in future Person Travel Demand, that will necessitate multimodal improvements to accommodate that demand, such that an increase in mobility fees for certain uses above current road impact fees is required, and notice was provided at least ninety (90) days prior to the effective date of any increased impact mobility fees, two publicly noticed workshops were held, and the ordinance adopting the mobility fee was adopted by a 2/3 vote of the Council.
- (N) Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased mobility fees will not apply to current or pending permit applications submitted before the effective date of the ordinance imposing a new or increased fee.

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- (O) Any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public facilities or infrastructure for mobility, including land dedication, site planning and design, or construction will be credited against the collection of the mobility fee, on a dollar-for-dollar basis at fair market value.
- (P) The holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before any increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established.
- (Q) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same mobility fee benefit district, or that is within an adjoining mobility fee benefit district of the City (except for the East benefit district because the improvements for which these credits were issued did not benefit the East benefit district), and which receives benefits from the improvement or contribution that generated the credits, regardless of when the credits were established.
- (R) Absent a mobility fee interlocal agreement between the City and County, the City will set aside a portion of the mobility fees collected, except where an applicant utilizes equivalent mobility fee credit to satisfy impacts to County facilities, to fund County road improvements identified in the phase one mobility plan. These funds will be maintained in a separate fund account for each of the five (5) City benefit districts and will be provided to the County, upon request, once the County has commenced design and or construction of an improvement identified in the phase one mobility plan. Mobility fee revenues collected from mobility fee benefit districts west of Interstate 95 and set aside for County roads shall only be expended on Midway Road, Glades Cut-Off, and Range Line Road. Mobility fee revenues collected from the East mobility fee benefit district and set aside for County roads shall only be expended on Midway Road east of Interstate 95, Prima Vista Blvd, and Walton Road. The portion shall be determined based on the data contained in the Technical Report.
- (S) Audits of the City performed pursuant to F.S. § 218.39, will include an affidavit from the chief financial officer of the City stating that the City has complied with F.S. § 163.31801.
- ~~(B) It is the policy of the City that an adequate level of service in roads will be provided throughout the City concurrent with the impacts of development, so that development will occur in a manner consistent with the Comprehensive Plan.~~
- ~~(C) It is the policy of the Council that new development should pay a pro rata share of capital costs related to the additional governmental facilities required to accommodate new development.~~
- ~~(D) The Council, after consideration of the "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, Fiscal, Economic & Planning Consultants dated April 12, 2013, the Port St. Lucie Impact Fee Study 2005, by reference incorporated herein, and the Road Program and the experience of the City and other similarly situated communities, hereby finds that impact fees provide a reasonable method of regulating development in the City so that new development pays a pro rata share of capital costs of governmental facilities necessary to accommodate new development.~~
- ~~(E) Providing an adequate level of service for capital facilities is essential to and in the best interests of the public health, safety, and welfare of the City of Port St. Lucie.~~
- ~~(F) Based on the "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, Fiscal, Economic & Planning Consultants dated April 12, 2013, the Port St. Lucie Impact Fee Study 2005 and the Road Program, the Council hereby finds that a rational nexus, relationship, and connection exists between the capital costs of road improvements made necessary by new development and the impact fees to be imposed on new development and collected pursuant to this article, and between the expenditure of these funds on capital improvements induced by new development and the benefit to the payers of fees.~~
- ~~(G) New development creates an impact on the capital cost of providing roads. The "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, Fiscal, Economic & Planning Consultants dated April 12, 2013, Port~~

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St. Lucie Impact Fee Study 2005 and the Road Program allocate the capital cost of providing roads among various types of land uses and between new development and existing development according to an analysis of road needs as described in the "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, Fiscal, Economic & Planning Consultants dated April 12, 2013, and the Port St. Lucie Impact Fee Study 2005.

- (H) ~~The provisions of this article relate to adequate roads in Port St. Lucie, the roads needed for new development in Port St. Lucie, and the impact fee for those capital costs are based on and supported by the "Impact Fee Update — City of Port St. Lucie, Florida" by TischlerBise, Fiscal, Economic & Planning Consultants dated April 12, 2013, the Port St. Lucie Impact Fee Study 2005 and the Road Program.~~
- (I) ~~Under the provisions of this article, new development shall be required to pay a reasonable pro-rata share of the capital costs related to the road improvements made necessary by such new development. New development is not responsible for the public facility needs for existing development and impact fees will not be used to cure existing deficiencies resulting from existing development.~~
- (J) ~~It is the policy of the City to provide roads on a City-wide basis. The City has an affirmative duty to ensure that capital improvements paid for with impact fees will be those designated in the Road Program, as may be amended from time to time, determined to be of benefit to the payers of those fees. Therefore impact fees imposed pursuant to this article will be used to pay for those capital costs related to the road improvements that will be required for and benefit new development in Port St. Lucie. The City assumes responsibility for, and will pay from revenues other than impact fees, the costs of the public facility needs of existing development.~~

Sec. 159.105. Imposition of Road Impact Mobility Fee.

- (A) Effective October 1, ~~2021~~ ~~2005~~ or, in order to provide sufficient notice as required by Florida Statutes for any mobility fee that may result in an increase, effective January 1st, 2022, any person that seeks to make improvements to land which can generate additional Person Travel Demand ~~traffic~~ and which requires the issuance of a building permit or certificate of occupancy or other development permit, or who seeks to change the use of land to a use which can produce or attract additional Person Travel Demand ~~traffic~~, shall be required to pay a ~~road impact~~ mobility fee in the manner and amount set forth in this article.
- (B) No building permit, certificate of occupancy or other development permit shall be issued or change of use allowed unless and until the ~~road impact~~ mobility fee hereby required has been paid.
- (C) The applicant shall pay the applicable ~~impact~~ mobility fee to the City ~~no earlier than prior to~~ the issuance of a building permit. The applicant shall pay the mobility fee to the City prior to the issuance of a building permit, a certificate of occupancy, or other development permit, or to a change of use. The City Manager, in limited instances, such as request for credit, dispute, or a unique land use, may permit payment of the mobility fee prior to issuance of a certificate of occupancy, or other development permit established in writing that specifies the type of permit and timing. A letter shall be issued by the City, upon satisfaction of the assessed mobility fee, that states payment of the mobility fee to the City, and or use of credit, addresses the full impact of the proposed land development activity.
- (D) If ~~road impact~~ mobility fees are owed, no development permits of any type or certificates of occupancy may be issued for the building or structure in question and no construction or change of use allowed while the mobility fee remains unpaid. The City Manager may authorize the initiation of any action as permitted by law or equity to collect the unpaid fees.
- (E) A violation of this article is punishable as an ordinance violation as provided in the City Charter and City Code. In addition to or in lieu of any criminal prosecution, the City has the power to sue for relief in civil court to enforce the provisions of this article. Knowingly furnishing false information to the City Manager or any municipal official who is charged with the administration of this article on any matter relating to the administration of this article constitutes a violation hereof.

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- (F) The City shall no longer collect a road impact fee for new development, redevelopment or change of use that results in an increase in Person Travel Demand over the existing use of land on behalf of St. Lucie County effective October 1st, 2021. The mobility fee has been developed to fully mitigate the Person Travel Demand impact of new development, redevelopment or change of use on the City, County, and State road systems within and around the City per the methodology pursuant to the adopted Technical Report.
- (G) The assessment of City road impact fees on building permits or change of use applications shall end for any application made on or after October 1st, 2021. Any road impact fees previously collected shall be expended on capital road improvements listed in the Multimodal Program. Any City road impact fee assessments on a building permit or change of use made before October 1st, 2021 shall apply, unless the building permit or change of use request expires or an applicant voluntarily elects to be reassessed a mobility fee instead of a City road impact fee. For any mobility fee which is less than the City road impact fee, an applicant shall have the right to request assessment of the lower mobility fee, in lieu of the higher road impact fee. All legal and statutory requirements related to the collection, expenditure, tracking, and use of City road impact fees shall apply until all road impact fee funds are expended or returned to the applicant.
- ~~(F) The City and St. Lucie County were parties to a road impact fee agreement that provides for the City to collect road impact fees within the City pursuant to a County ordinance. The funds collected by the City were shared with the County in accordance with a formula set out in the road impact fee agreement. The road impact fee agreement expired on September 30, 2005. Article VIII of the Florida Constitution provides that a non-charter county ordinance shall not be effective within a municipality that has adopted a municipal ordinance in conflict with the county ordinance. The ordinance adopting this article empowers the City to collect road impact fees and is in conflict with the County ordinance and therefore preempts the County ordinance. Therefore the County road impact fee ordinance is not effective within the City of Port St. Lucie. The City continued to implement the road impact fee agreement between the City and St. Lucie County for so long as it remained in effect until the expiration of the road impact fee agreement on September 30, 2005.~~

Sec. 159.106. Exemptions.

The following shall be exempt from payment of the ~~road impact~~ mobility fee:

- (A) Alterations or expansion of an existing building or structure or a change of use where no additional livable square footage, excluding bathrooms, kitchens or accessibility improvements for mobility impaired persons, dwelling units will be produced, where the use will not be changed, and where no additional Person Travel Demand ~~vehicular trips~~ will be generated over and above those generated by the existing building, structure, or use.
- (B) The construction of accessory buildings or structures or a change of use which will not produce additional Person Travel Demand ~~vehicular trips~~ over and above those produced by the principal building or use of the land.
- (C) The replacement of a demolished or partially demolished building or structure with a new building or structure which will not generate additional Person Travel Demand ~~trips~~ over and above those generated by the original building or structure, provided that there is no change of use of the land and that the new building or structure is permitted.
- (D) Any claim of exemption must be made no later than the time of application for a building permit for construction or a certificate of occupancy for a change of use.

Sec. 159.107. Accounting and Use of Funds, and Benefit Districts.

- (A) All funds collected from ~~road impact~~ mobility fees shall be used solely for capital improvements listed in the ~~Road~~ Multimodal Program, as may be amended. The ~~road impact~~ mobility fee amounts collected may

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include an additional charge not to exceed three (3) percent to offset the costs of administering, updating, maintaining and enforcing this article. Additional fees may also be established associated with a specific application request such as conducting an independent mobility fee study. The service charge and fees shall be based on actual costs. The service charge and fees may be established by resolution of the City Council as necessary to conform to this paragraph based on a technical study establishing actual cost. Alternatively, any application fees may also be included in the City's resolution for application fees related to City functions. Any such administrative service charge and application fee imposed by the City is in addition to the ~~impact~~ mobility fees due, is nonrefundable, is payable at the time of payment of ~~impact~~ mobility fees, and may include, but is not limited to, costs associated with consultants, administrative staff, equipment, software, and other associated expenses.

- (B) The City shall ensure that payers of the ~~road~~ impact mobility fee receive benefit of funds collected, consistent with the requirements of F.S. § 163.3180 and F.S. § 163.31801. Florida case law on impact fees. All expenditures of impact fee funds shall be consistent with the principles set forth in Contractors and Builders Association v. City of Dunedin, 329 So. 2nd 606 (Fla. 1976), Hollywood, Inc., v. Broward County, 446 So. 2nd 606 (Fla. 4th DCA 1983), and Home Builders and Contractors Association of Palm Beach County, Inc. v. Board of County Commissioners of Palm Beach County, 446 So. 2nd 140 (Fla. 4th DCA 1984), cert. denied, 451 So. 2nd 848 (Fla. 1984).
- (C) A total of five (5) mobility fee benefit districts are hereby established, consistent with the benefits requirement of the dual rational nexus test, to ensure that development which pays a mobility fee receives a mobility benefit from payment of the mobility fee. The following are the five (5) mobility fee districts, as illustrated on the Mobility Fee Benefits District Map in the Technical Report:
- (1) East Benefit District (predominately east of Interstate 95);
 - (2) Glades Benefit District (predominately along Glades Cut-off from Midway to the C 24 Canal);
 - (3) Tradition Benefit District (between I-95 and Village Parkway, south of Crosstown Pkwy);
 - (4) Northwest Benefit District (south of Midway and predominately west of Glades Cut-off); and
 - (5) Southwest Benefit District (south of C 24 Canal, east of Glades Cut-off, west of Village Pkwy).
- (D) In recognition that person travel demand along certain corridors provides a mobility benefit beyond the limits of a single mobility fee benefit district, the following are limited instances in which mobility fees may be expended on corridors from multiple benefit districts:
- (1) The City may spend mobility fees on corridors from adjacent benefit districts, if the corridors form a boundary between benefit districts.
 - (2) The City may spend mobility fees from adjacent benefit districts where a corridor traverses or is planned to traverse the boundary of one or more benefit districts. For purposes of traversing corridors, Gatlin Blvd, Port St. Lucie Blvd, Tradition Parkway, and the extension of Tradition Parkway shall be considered a unified corridor.
 - (3) In recognition of the citywide mobility benefit provided by the Crosstown Parkway and the fact that it traverses or forms a boundary with four (4) benefit districts and is less than one (1) mile south of the Northwest Benefit District, mobility fees may be expended from all benefit districts for improvements within the existing or future Crosstown Parkway.
 - (4) Any use of mobility fee revenues from an adjacent benefit district as permitted in this section 159.107 (D) shall require a written finding that the use of mobility fee funds in the adjacent benefit district provides a direct benefit to development within the benefit district that is the source of the revenues. Given the extent of the multimodal infrastructure need within the East benefit district, additional documentation shall demonstrate that other funds are not reasonably available before funds from the

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East benefit district can be expended in an adjacent benefit district. City Council approval shall also be required for the expenditure of mobility fee funds from the East benefit district within an adjacent benefit district.

(5) The City shall be permitted to make a finding that an improvement identified in the Multimodal Program provides a mobility benefit to development within multiple benefit districts and that, due to circumstances documented in the finding, there is a need to utilize mobility fees from multiple benefit districts to fund the improvement. The finding shall be required to demonstrate how the use of funds from one benefit district on an improvement in another benefit district meets the benefits requirement of the dual rational nexus test. City Council approval shall also be required for the expenditure of mobility fee funds from the East benefit district within another benefit district.

~~(E)(C)~~ All road impact mobility fee funds collected by the City shall be placed in an interest-bearing separate accounting fund until such time as the expenditures authorized by this article will take place. Interest proceeds from these funds will accrue to the separate accounting fund. Road impact Mobility fee funds shall be used only for those capital improvements specified in the Road Multimodal Program and within the benefit district in which they are collected, except as provided for in Section 159.107(D). Road impact Mobility fees shall not be used for periodic or routine maintenance as defined in F.S. § 334.03(1918) and (2423).

(F) Absent a mobility fee interlocal agreement between the City and County, the City shall:

(1) Reserve a portion of the mobility fees collected, to be determined based on the data contained in the Technical Report, except where an applicant utilizes equivalent mobility fee credit to satisfy impacts to County facilities, to fund County road improvements identified in the phase one mobility plan;

(2) Place these funds in an interest-bearing separate accounting fund designated for County roads, with one account for each of the five (5) benefit districts;

(3) Provide these funds to the County, upon request, once the County has commenced design or construction of an improvement identified in the phase one mobility plan. as follows:

(i) Mobility fee revenues collected from the East mobility fee benefit district and set aside for County roads shall only be expended on Midway Road east of Interstate 95, Prima Vista Blvd, and Walton Road;

(ii) Mobility fee revenues collected from the Glades, Tradition, Northwest, and Southwest mobility fee benefit districts and set aside for County roads shall only be expended on Midway Road, Glades Cut-Off, and Range Line Road;

(4) Should the County not commence design or construction of an improvement to County roads within (5) years from the date a mobility fee is collected, then the mobility fee shall be returned to the benefit district from which it was collected and be programmed for expenditure within a two (2) year period within that benefit district to ensure the City is consistent with the provisions of section 159.112; and

(5) Should the City and County enter into an adopted mobility fee interlocal agreement, then that agreement shall control over this section 159.107 (F).

~~(GE)~~ Audits of the City performed pursuant to F.S. § 218.39, shall include an affidavit from the chief financial officer of the City stating that the City has complied with F.S. § 163.31801.

Sec. 159.108. ~~Road Impact~~ Mobility Fee Schedule.

(A) The amount of the road impact mobility fee shall be determined by the applicable road impact adopted mobility fee schedule adopted as an exhibit to the ordinance. The 2021 ~~2013~~ updated ~~mobility fee schedule~~

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in Table 159.108.1 is effective October 1st, 2021. The mobility fee schedule in subject to revision based on the provisions of section 158.109 in Table 159.108.2 is an addendum to the 2021 schedule to be effective January 1, 2022. The two schedules will be combined into a uniform schedule as of October 1st, 2022 when mobility fees are adjusted for inflation.

- (B) The City Manager or designee shall determine the applicable land use type.
- (1) If a building or structure is requested for mixed uses, then the ~~impact~~ mobility fee shall be determined ~~for each use through~~ using the applicable mobility fee schedule and the appropriate unit of measure by apportioning the space committed to uses specified on the mobility fee schedule.
 - (2) If the type of development activity for which a building permit is applied or change of use is not specified on the applicable mobility fee schedule, the City Manager shall use the mobility fee applicable to the most nearly comparable type of land development on the mobility fee schedule per the definition of each use. The City Manager shall be guided in the selection of a comparable type of land use development by the Trip Generation Manual Institute of Transportation Engineers (ITE) traffic generation studies.
- (C) In the case of a change of use, redevelopment, or modification of an existing use the ~~impact~~ mobility fee shall be based upon the net increase in the ~~impact~~ mobility fee for the new use as compared to the previous use in accordance with the mobility fee schedule. No ~~impact~~ mobility fee refund will be granted if a net decrease results.
- (D) If the ~~road impact~~ mobility fee has been calculated and paid based on error or misrepresentation, it will be recalculated and the difference refunded to the original applicant. If ~~road impact~~ mobility fees are owed, no permits of any type may be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until ~~road impact~~ mobility fees are paid.
- (E) The applicant may submit evidence to the City Manager demonstrating that the ~~road impact~~ mobility fees set out in subsection (A) are not reasonable when applied to the particular project. Based upon convincing and competent evidence the City Manager may adjust the ~~road impact~~ mobility fee to be reasonable for the particular project.
- (F) The applicant may provide a schedule and method for payment of the mobility fees in a manner appropriate to the particular circumstances of the proposed development in lieu of the requirements for payment of the mobility fees as set forth in section 159.105, hereof; provided that the City receives acceptable security ensuring payment of the mobility fees prior to the issuance of a building permit, certificate of occupancy, or other permit. Such security may take the form of a cash bond, surety bond, irrevocable letter of credit, or a negotiable certificate of deposit. Liens or mortgages on lands to be covered by the building permit are not acceptable. Any agreement proposed by an applicant pursuant to this subsection must be approved by the City Council prior to the issuance of the building permit, certificate of occupancy, or other permit. The City Council may approve such agreements only if it finds that the agreement will apportion the burden of new mobility and multimodal capital facilities in a just and equitable fashion, consistent with the Florida statutory and case law.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words.

EXHIBIT TO SECTION 159.108-TABLE 159.108.1

The following mobility fee schedule shall be effective October 1st, 2021.

City of Port St. Lucie Mobility Fee Schedule		
<u>Use Categories, Use Classifications, and Representative Uses</u>	East Of	West Of
	St. Lucie River	
<u>Residential & Lodging Uses per sq. ft. or applicable unit of measure</u>		
<u>Single-Family Residential <i>per sq. ft. (Maximum 3,500 sq. ft.)</i>¹</u>	<u>\$1.456</u>	<u>\$1.775</u>
<u>Active Adult (55+) Residential <i>per sq. ft. (Maximum 3,500 sq. ft.)</i>¹</u>	<u>\$1.278</u>	<u>\$1.558</u>
<u>Multi-Family Residential <i>per sq. ft. (Maximum 2,500 sq. ft. for 2 floors or less, Maximum 1,000 sq. ft. for 3 or more floors)</i>¹</u>	<u>\$2.321</u>	<u>\$2.830</u>
<u>Overnight Lodging (Hotel, Inn, Motel, Resort) <i>per room</i>²</u>	<u>\$1,797</u>	<u>\$2,192</u>
<u>Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer) <i>per space or lot</i>²</u>	<u>\$1,477</u>	<u>\$1,801</u>
<u>Institutional Uses per sq. ft.</u>		
<u>Community Serving (Civic, Place of Assembly, Museum, Gallery)</u>	<u>\$1.670</u>	<u>\$2.083</u>
<u>Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)</u>	<u>\$1.336</u>	<u>\$1.560</u>
<u>Private Education (Child Care, Day Care, Private School K-12, Pre-K)</u>	<u>\$1.920</u>	<u>\$2.241</u>
<u>Industrial Uses per sq. ft.</u>		
<u>Industrial (Assembly, Fabrication, Manufacturing, R&D, Trades, Utilities)</u>	<u>\$0.782</u>	<u>\$1.083</u>
<u>Commercial Storage (Mini-Warehouse, Boats, RVs & Outdoor Storage, Warehouse)³</u>	<u>\$0.703</u>	<u>\$0.836</u>
<u>Distribution Center (Cold Storage, Fulfillment Centers, High-Cube)</u>	<u>\$0.574</u>	<u>\$0.682</u>
<u>Recreational Uses per sq. ft., unless otherwise indicated</u>		
<u>Marina (Including dry storage) <i>per berth</i>²</u>	<u>\$570</u>	<u>\$741</u>
<u>Outdoor Commercial Recreation (Golf, Multi-purpose, Sports, Tennis) <i>per acre</i></u>	<u>\$2.076</u>	<u>\$2.510</u>
<u>Indoor Commercial Recreation (Fitness, Gym, Health, Indoor Sports, Recreation)</u>	<u>\$2.979</u>	<u>\$3.602</u>
<u>Office Uses per sq. ft.</u>		
<u>Office (Bank, Dental, General, Higher Education, Hospital, Medical, Professional)</u>	<u>\$2.590</u>	<u>\$3.585</u>
<u>Free-Standing Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary)</u>	<u>\$4.47</u>	<u>\$5.759</u>
<u>Commercial Services & Retail Uses per sq. ft.</u>		
<u>Local Retail [Non-Chain or Franchisee] (Entertainment, Restaurant, Retail, Services)⁴</u>	<u>\$2.708</u>	<u>\$3.154</u>
<u>Multi-Tenant Retail (Entertainment, Restaurant, Retail, Services)⁵</u>	<u>\$5.414</u>	<u>\$6.306</u>
<u>Free-Standing Retail (Entertainment, Restaurant, Retail, Services)⁶</u>	<u>\$6.482</u>	<u>\$7.551</u>

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<u>Furniture / Mattress Store</u>	<u>\$2.040</u>	<u>\$2.387</u>
<u>Quick Service Restaurant (Container, Fast Casual, Fast Food, Ghost Kitchen) ⁷</u>	<u>\$3.485</u>	<u>\$3.485</u>
Additive Fees for Commercial Services & Retail Uses <i>per applicable unit of measure</i> ⁸		
<u>Bank Drive-Thru Lane or Free-Standing ATM ⁹ <i>per lane or per ATM</i></u>	<u>\$0,00</u>	<u>\$0,00</u>
<u>Motor Vehicle Quick Lube ¹⁰ <i>per service-bay</i></u>	<u>\$0,00</u>	<u>\$0,00</u>
<u>Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax) ¹¹ <i>per lane or stall</i></u>	<u>\$0,00</u>	<u>\$0,00</u>
<u>Motor Vehicle Charging or Fueling ¹² <i>per charging or fueling position</i></u>	<u>\$7,520</u>	<u>\$7,520</u>
<u>Pharmacy drive-thru ¹³ <i>per lane</i></u>	<u>\$0,00</u>	<u>\$0,00</u>
<u>Quick Service Restaurant Drive-Thru Lane ¹⁴ <i>per lane</i></u>	<u>\$0,00</u>	<u>\$0,00</u>
Footnotes provided in Table 159.108.3		

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TABLE 159.108.2

The following mobility fee schedule is an addendum to the mobility fee schedule in Table 159.108.2. The following mobility fee schedule addendum shall be effective as of January 1st, 2022 and shall replace the maximum thresholds for multi-family residential established in Table 159.108.1 and the rates for quick service restaurants and all non-residential uses under additive fees in Table 159.108.1.

City of Port St. Lucie Mobility Fee Schedule		
<u>Use Categories, Use Classifications, and Representative Uses</u>	East Of	West Of
	St. Lucie River	
<u>Residential & Lodging Uses per sq. ft. or applicable unit of measure</u>		
<u>Multi-Family Residential <i>per sq. ft. (Maximum 2,500 sq. ft.)</i></u> ¹	<u>\$2.321</u>	<u>\$2.830</u>
<u>Commercial Services & Retail Uses per sq. ft.</u>		
<u>Quick Service Restaurant (Container, Fast Casual, Fast Food, Ghost Kitchen)</u> ⁷	<u>\$44.591</u>	<u>\$49.117</u>
<u>Additive Fees for Commercial Services & Retail Uses <i>per applicable unit of measure</i></u> ⁸		
<u>Bank Drive-Thru Lane or Free-Standing ATM</u> ⁹ <i>per lane or per ATM</i>	<u>\$18,535</u>	<u>\$22,048</u>
<u>Motor Vehicle Quick Lube</u> ¹⁰ <i>per service-bay</i>	<u>\$8,594</u>	<u>\$10,223</u>
<u>Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax)</u> ¹¹ <i>per lane or stall</i>	<u>\$17,739</u>	<u>\$21,102</u>
<u>Motor Vehicle Charging or Fueling</u> ¹² <i>per charging or fueling position</i>	<u>\$16,524</u>	<u>\$18,687</u>
<u>Pharmacy drive-thru</u> ¹³ <i>per lane</i>	<u>\$10,892</u>	<u>\$12,808</u>
<u>Quick Service Restaurant Drive-Thru Lane</u> ¹⁴ <i>per lane</i>	<u>\$34,089</u>	<u>\$37,548</u>
Footnotes provided in Table 159.108.3		

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TABLE 159.108.3

The following are the footnotes associated with Tables 159.108.1 and 159.108.2

City of Port St. Lucie Mobility Fee Schedule Footnotes

¹ The square footage for residential uses includes all habitable space per the Florida Building Code and all temperature controlled enclosed spaces (enclosed by doors, windows, or walls). The maximum square footage for each residential use denotes the maximum square footage per dwelling unit that a mobility fee will be assessed at. Common enclosed areas for active adult and multi-family uses are not assessed mobility fees, unless that space is leased to a third-party use and provides drinks, food, goods, or services to the public or paid memberships available to individuals that do not reside in a dwelling unit. Residential additions, except for expansion of bathrooms, kitchens or non-temperature-controlled spaces, shall be required to pay a mobility fee up to the maximum square footage threshold for the entire dwelling unit. Any addition or expansion of a residential use for purposes of providing access to accommodate a mobility impaired person shall not be assessed a mobility fee. Accessory dwelling units shall also be required to pay a mobility fee per square foot.

² Any space that is leased to a third-party use or provides drinks, food, goods, or services to the public shall be required to pay the applicable mobility fee per the individual uses identified in the mobility fee schedule.

³ Acreage for any unenclosed material and vehicle storage, sales and display shall be converted to square footage.

⁴ Local Retail shall mean entertainment, restaurant, retail, or personal service uses under Institute of Transportation Engineers (ITE) Land Use Codes 800 and 900 that are locally owned and are not national chains or national franchisee. Local shall be defined as five or fewer locations in Florida and no locations outside Florida.

⁵ Multi-tenant Retail means a single building, with two or more separate uses under lease or ownership where no single use exceeds 75% of the total square footage of the building. Institute of Transportation Engineers (ITE) Land Use Codes under the 800 and 900 series and ITE Land Use Codes 444 and 445 (Movie Theater & Multi-Plex).

⁶ Free-standing Retail means a single building where any single use under a common lease or ownership exceeds 75% of the total square footage of the building. ITE Land Use Codes under the 800 and 900 series and ITE Land Use Codes 444 and 445 (Movie Theater & Multi-Plex). This category does not apply to uses specifically listed under the commercial / entertainment / retail use category with its own mobility fee rate per applicable unit of measure.

⁷ Quick Service Restaurants (QSR) within multi-tenant buildings shall be assessed the quick service restaurant mobility fee rate. Any QSR with a drive-thru shall also be required to pay the applicable mobility fee per drive-thru lane.

⁸ Additive mobility fees are in addition to mobility fees assessed for the square footage of the building based on the applicable use beyond the area subject to the additive fee.

⁹ Each bank building shall pay the office rate for the square footage of the building. Drive-thru lanes, Free Standing ATM's and Drive-thru lanes with ATM's are assessed a separate fee per lane or per ATM and are added to any office rate mobility fee associated with a bank building. The free-standing ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.

¹⁰ Motor Vehicle Quick Lube shall mean routine maintenance such as changing fluids, filters, and wipers. Motor Vehicle Quick Lube would pay per bay plus a retail rate associated with any additional building square footage, including any show rooms or additional repair or tire service separate from the quick lube service bay.

¹¹ Motor Vehicle or Boat cleaning shall mean any car wash, wax, or detail where a third party or automatic system performs the cleaning service. Mobility Fee are assessed per lane or stall, plus a retail rate associated with any additional building square footage. Motor Vehicle Quick Lube would pay per bay plus a retail rate associated with any additional building square footage.

¹² Rates per vehicle fueling position apply to a convenience store, gas station, general store, grocery store, supermarket, superstore, variety store, wholesale club or service stations with fuel pumps. In addition, there shall be a separate mobility fee for the square footage of any multi-tenant or free-standing retail building per the applicable mobility fee rate. The number of fueling positions is based on the maximum number of vehicles that could be fueled at one time.

¹³ Any drive-thru associated with a pharmacy will be an additive fee in addition to either the multi-tenant or free-standing retail mobility fee per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places or pick-up a prescription or item.

¹⁴ Any drive-thru associated with a quick-service restaurant will be an additive fee in addition to either the multi-tenant or free-standing retail mobility fee per square foot of the building. The number of drive-thru lanes will be based on the number of lanes present when an individual places or pick-up an order, whichever is greater.

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TABLE 159.108.4

For any development seeking to use an equivalent road impact fee credit based on credits provided by St. Lucie County or a mobility fee credit established per an agreement between the developer and the City that utilizes a portion of a road impact fee credit issued by St. Lucie County, the credit shall not be applied to the following amounts that a developer would have paid to the City prior to enactment of the mobility fee unless otherwise provided for in an agreement. The developer shall be permitted to utilize an equivalent road impact fee credit or mobility fee credit to satisfy any mobility fee due above the amounts established below. The amounts shall be annually increased by the inflation index established pursuant to section 159.109 (E). The table includes equivalent uses from Tables 159.108.1 and 159.108.2. The unit of measure and the amounts have been converted to provide for equivalent use metrics for the mobility fees established in Tables 159.108.1 and 159.108.2. If the conversion from a unit-based fee to a square footage-based fee results in a higher amount due, the residential development shall only be responsible for the amount due prior to adoption of the mobility fee. If the conversion from a unit-based fee to a square footage-based fee results in a higher amount, the residential development shall only be responsible for the amount due prior to adoption of the mobility fee.

Use	Unit of Measure	Amount	Equivalent use
Single Residential	Per Dwelling	\$1,169	Single-Family, Active Adult, Mobile Residence
2+ Units per Structure	Per Dwelling	\$919	Multi-Family
Commercial	Per Sq. Ft.	\$1.945	Retail: Local, Multi-Tenant, Free-Standing, Furniture / Mattress, Quick Service Restaurant
Research & Dev Ctr	Per Sq. Ft.	\$0.619	None
Office	Per Sq. Ft.	\$0.842	Office, Free-Standing Medical Office
Nursing Home	Per Sq. Ft.	\$0.580	Long Term Care
Hospital	Per Sq. Ft.	\$1.009	Office, Free-Standing Medical Office
Day Care	Per Sq. Ft.	\$0.640	Private Education
University/College	Per Sq. Ft.	\$0.520	Office
Secondary School	Per Sq. Ft.	\$0.708	Private Education
Elementary School	Per Sq. Ft.	\$0.777	Private Education
Lodging	Per Room	\$429.00	Overnight Lodging
Assisted Living	Per Sq. Ft.	\$0.406	Long Term Care
Mini-Warehouse	Per Sq. Ft.	\$0.190	Commercial Storage
Warehousing	Per Sq. Ft.	\$0.271	Commercial Storage
Manufacturing	Per Sq. Ft.	\$0.291	Industrial
Light Industrial	Per Sq. Ft.	\$0.532	Industrial

(A) ~~Fee Schedule Applicable to Building Permits Issued Prior to Midnight on September 5, 2013. The following fee schedule shall be applicable to all building permits issued prior to midnight on September 5, 2013 and prior to the effective date of Ord. No. 13-24. If the building permit is issued prior to midnight on September 5, 2013 but after the effective date of Ord. No. 13-24, this subsection (A) fee schedule shall apply unless the impact fees due under the 2013 updated fee schedule are less, in which case, the 2013 updated fee schedule shall apply.~~

Road Impact Fee Schedule — 2005, Revised 10-1-2012 pursuant to Section 9 of Ord. 05-87		
Land Use Type (Range)	Unit of Measure	Port St. Lucie City wide Fee**
RESIDENTIAL		
Single-Family	per unit	\$2,050.50
Mobile Home	per unit	\$493.68
Multi-Family (1-2 stories)	per unit	\$2,033.18

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Multi-Family (3 or more stories)	per unit	\$1,293.75
Hotel	per room	\$1,575.23
Adult Living Facility (ALF)	per bed	\$252.25
OFFICE, INSTITUTIONAL, AND RECREATIONAL		
Office	Gross Square Feet	
Less than or equal to 20,000 SF		\$3.29
Between 20,001 to 50,000 SF		\$2.70
Between 50,001 to 100,000 SF		\$2.27
Between 100,001 to 200,000 SF		\$1.93
Between 200,001 to 400,000 SF		\$1.65
Between 400,001 to 600,000 SF		\$1.47
Greater than 600,001 SF		\$1.31
Medical, Dental Office	Gross Square Feet	
Less than or equal to 20,000 SF		\$ 4.47
Between 20,001 to 35,000 SF		\$ 5.45
Between 35,001 to 75,000 SF		\$ 6.09
Greater than 75,001 SF		\$ 6.61
Hospital	Gross Square Feet	
Less than or equal to 75,000 SF		\$9.12
Between 75,001 to 150,000 SF		\$5.06
Between 150,001 to 300,000 SF		\$3.55
Between 300,001 to 600,000 SF		\$2.62
Greater than 600,001 SF		\$2.18
Bank	Gross Square Feet	\$11.77
Church/Synagogue	Gross Square Feet	\$1.75
Library	Gross Square Feet	\$10.42
Nursing Home	Beds	\$188.38
Day Care	Gross Square Feet	\$3.78
Elementary School	Gross Square Feet	\$0.45
Middle School	Gross Square Feet	\$0.85
High School	Gross Square Feet	\$1.18
Park	Acre	\$210.03
Marina	Boat Berth	\$570.55
Golf Course	Acre	\$972.20
INDUSTRIAL		
Light Industrial	Gross Square Feet	\$1.92
Warehouse	Gross Square Feet	\$1.37
Mini-warehouse (Self Storage)	Gross Square Feet	\$0.69
Manufacturing	Gross Square Feet	\$1.05
General Industrial (Office/Warehouse)		\$1.37
COMMERCIAL/RETAIL		
Restaurant	Gross Square Feet	\$6.55
Fast Food Restaurant	Gross Square Feet	\$20.25
Convenience Store	Gross Square Feet	\$14.69
Convenience Store w/Gas Pumps	Fuel Positions	\$9,727.42

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Service Station	Fuel Positions	\$6,318.21
Pharmacy	Gross Square Feet	\$3.22
Car Sales	Gross Square Feet	\$4.79
Shopping Center (Retail)	Gross Square Feet	
Less than or equal to 25,000 SF		\$7.61
Between 25,001 to 50,000 SF		\$6.31
Between 50,001 to 100,000 SF		\$5.01
Between 100,001 to 200,000 SF		\$3.96
Between 200,001 to 500,000 SF		\$3.29
Greater than 500,001 SF		\$2.74

**Includes 3% Administrative Fee

(B) — 2013 Updated Fee Schedule. The following fee schedule shall be applicable to:

- (1) — All building permits issued on or after midnight on September 5, 2013, and
- (2) — Building permits issued prior to midnight on September 5, 2013 but after the effective date of the ordinance from which this section is derived when the impact fees due under the 2013 updated fee schedule are less than the impact fees due under the revised 2005 fee schedule in subsection (A).

2013 Updated Road Impact Fee Schedule	
Residential (per dwelling unit)	Roads
Single Unit	\$1,169.00
2+ Units per Structure	\$919.00

2013 Updated Road Impact Fee Schedule		
Nonresidential (per indicated demand unit)	Demand Indicator	Roads
Commercial	1000 GSF	\$1,945.00
Research & Dev Ctr	1000 GSF	\$619.00
Office	1000 GSF	\$842.00
Nursing Home	1000 GSF	\$580.00
Hospital	1000 GSF	\$1,009.00
Day Care	student	\$160.00
University/College	student	\$130.00
Secondary School	1000 GSF	\$708.00
Elementary School	1000 GSF	\$777.00
Lodging	room	\$429.00
Assisted Living	bed	\$203.00
Mini-Warehouse	1000 GSF	\$190.00
Warehousing	1000 GSF	\$271.00
Manufacturing	1000 GSF	\$291.00
Light Industrial	1000 GSF	\$532.00

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Sec. 159.109. Adoption, Review and Revision.

- (A) The Council shall adopt all revisions and updates to the ~~Road Multimodal~~ Program by ordinance.
- (B) The City Manager shall direct staff or consultants to annually review the ~~impact mobility~~ fee ordinance, procedures, assumptions, and fee calculations and to issue, on or before July 1, an annual report summarizing information on the ~~impact mobility~~ fees. Information on all ~~impact and mobility~~ fees imposed by the City may be included in one annual report. The annual report shall be distributed to the Council by the City Manager. The annual report should include, for example, information on account balances, annual collections, annual expenditures, capital improvement projects funded in whole or in part with ~~impact mobility~~ fees, administrative costs and administrative fees charged, if any, and may include any other issues of concern related to the City's ~~impact mobility~~ fee system and ordinance. Information from the comprehensive annual financial report (CAFR), the capital improvements program (CIP) and any other reports or plans adopted by the City may be included by reference or duplicated in part for the annual ~~impact mobility~~ fee report. The annual report should include recommendations related to the ~~impact mobility~~ fee system, including but not limited to, whether there is a need to update the fees based on the ~~FDOT ENR~~ construction cost Index pursuant to subsection ~~(E)(D)~~ below, the need for any updates to the ~~impact mobility~~ fee calculations, and the need for any modifications to the ordinance. When increased ~~mobility~~ fees are recommended, the report should include a discussion of affordable housing and how the increase might affect housing affordability. Based upon the annual report, the Council may, but is not required to, direct further action on the ~~impact mobility~~ fee system. Nothing in this article shall be construed to limit the Council's authority to amend this article at any time.
- (C) The Council shall, through staff or consultants, conduct a complete review and, if needed, update the ~~road impact mobility fee Technical Report study~~ and the ~~road impact mobility~~ fee ordinance at least once every four (4) years. The mobility fee Technical Report may require update earlier than every four (4) years if there is an update of any of the following: Trip Generation Manual, the FDOT Generalized Maximum Service Volume Tables, the Treasure Coast Regional Planning Model as part of a Long Range Plan update, or the National Household Travel Survey. The new mobility fee technical report ~~Fee studies~~ should specifically address affordable housing methodologies or alternative methods of setting ~~mobility~~ fees, such as ~~tiered impact mobility~~ fees based on square footage ~~for residential fees or reduction of impact fees for in-fill housing~~ or housing in different ~~assessment~~ areas of the City, such as CRA, or both. The ~~new mobility fee technical~~ report issued based on this review shall be distributed to the Council by the City Manager. Changes to the ~~impact mobility~~ fee system, including updated ~~mobility~~ fee calculations, should be adopted within a year of completion of the quadrennial report. This quadrennial report shall be issued on or before July 1 in the applicable years and may substitute for the annual report in that year. In the event that a full reevaluation and updates are not complete within the required four (4) year period, the last adopted mobility fee shall remain in effect until the reevaluation is complete.
- (D) The Multimodal Program shall be updated at least once every four (4) years and reviewed annually during either the capital improvements budget process or the preparation of the mobility fee annual report. The review shall include a recommendation regarding the need to update the Multimodal Program earlier than the four (4) year schedule due to factors such as increased cost, amendments to the Future Land Use Element and Map that result in the need for additional multimodal infrastructure, or the addition or subtraction of multimodal improvements or funding to the Multimodal Program and Capital Improvement program with a cumulative cost of more than \$100 million.
- (E) To ensure that mobility fees keep pace with inflation, on either October 1st of each calendar year, starting October 1, 2022, or January 1st, of each calendar year, starting January 1, 2023, the mobility fees in Section 159.108 shall be adjusted by the projected rate of inflation for the upcoming calendar year as determined by the most recent FDOT Transportation Cost Report Construction Cost Inflation Factors released on or about July of each calendar year. Should FDOT cease to prepare the report, then annual inflation factor

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adjustments shall be based on either the national Producers Price Index for transportation projects, the engineering news record (ENR) construction cost index, or such other indexes or computations determined by the City Manager to be suitable for use.

(F) The City shall adopt, by ordinance, any update of the mobility fees in Section 159.108. Any increase in mobility fees due to updates of the Multimodal Program and mobility fee or adjustments due to inflation shall not go into effect until at least 90 days after public notice has been provided. Notice of the increase in mobility fees shall be provided in a publication of general circulation available to City residents and businesses or as permitted by State Statute, on the City's website. The advertisement shall be published and posted 90 days prior to the increase of the mobility fees is effective.

~~(D) In conjunction with the annual report, the City Manager shall review the road impact fee schedule each calendar year to account for changes in the costs of road construction and right-of-way acquisition. The adjusted fee schedule shall be adopted by ordinance and any increases in the fee schedule shall not be effective prior to ninety (90) days after adoption of such ordinance. Unless otherwise directed by the Council, such annual adjustments to the road impact fee schedule shall be based on the engineering news record (ENR) construction cost index or such other indexes or computations determined by the City Manager to be suitable for use, in the City of Port St. Lucie, Florida to reflect the cost of capital improvements for roads.~~

Sec. 159.110. Construction or Donation of Property in Lieu of ~~Impact~~ Mobility Fee Payments.

(A) In lieu of cash payment of all or part of the ~~road impact~~ mobility fee, the applicant may offer to construct multimodal capital improvements, or dedicate right-of-way, or donate property for a capital improvement listed in the ~~Road Multimodal~~ Program. Such capital improvement or right-of-way or property must be in addition to any multimodal capital improvements or right-of-way required pursuant to other regulations, ordinances, laws, or agreements and must only be for a multimodal capital improvement or right-of-way that is listed in the ~~Road Multimodal~~ Program and that meets the requirements set out in section 159.107 hereof. The applicant shall submit an estimate of the costs of the proposed capital improvement certified by a registered Florida professional engineer acceptable to the Council and an appraisal of the fair market value of a proposed dedication of right-of-way or donation of property prepared by a state certified general appraiser who is a member of the Appraisal Institute (MAI), acceptable to the Council.

(B) If it finds the offer acceptable the Council may enter into an agreement with the applicant to apply the cost of the construction of ~~road multimodal~~ improvements and fair market value of the right-of-way dedication or property donation to the ~~road impact~~ mobility fee otherwise due. The portion of the mobility fee represented by the construction of ~~road multimodal~~ improvements or right-of-way dedication or donation shall be considered paid when the construction, dedication, or donation is completed and accepted by the City (or other governmental entity as may be approved by the City) for maintenance or when adequate security for the completion of the construction has been provided. If ~~road impact~~ mobility fees are owed, no development permits of any type may be issued for the building or structure in question while the mobility fee remains unpaid. The City Manager may authorize the initiation of any action as permitted by law or equity to collect the unpaid mobility fees.

(C) No payment in lieu shall be given for any site-related transportation improvements or site-related right-of-way dedications. Site-related transportation and right-of-way improvements, include, but are not limited to:

- (1) All driveway connection turn lanes, and other site specific access improvements connecting property owned by the applicant to any ~~impact~~ mobility fee eligible roadway.
- (2) All driveways, multimodal facilities, ~~roads~~ and attendant support systems, including but not limited to drainage facilities and mitigation areas, within, or immediately adjacent to, the defined limits of the approved final development order.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words.

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- (D) No payment in lieu shall be given for safety-related improvements which do not increase ~~road~~ person travel capacity.
 - (E) No payment in lieu shall be given for improvements necessary to provide safe and adequate access to the project site.
 - (F) Non-site-related person travel capacity improvements may receive payment in lieu only to the extent that they are identified in the ~~Road Multimodal~~ Program and that they provide increased person travel capacity.
 - (G) In the event a property owner offers to donate right-of-way for a multimodal capital improvement designated in the ~~Road Multimodal~~ Program in advance of an application for development order approval, the City Council may consider the offer and proceed to establish the fair market value of the right-of-way. No right-of-way value determination may include the consideration of any enhancement to the value of property dedicated as a result of the new or expanded ~~roadway~~ right-of-way. The City may accept or reject the offer. The City may accept a property owner's offer only through a written agreement with the property owner consistent with this subsection.
 - (H) Any request for donation of right-of-way or construction of multimodal capital improvements in lieu of mobility fee payments must be made no later than the time of application for a building permit, certificate of occupancy, or other permit. Any request not so made shall be deemed waived.
 - (I) The City shall not give ~~impact~~ mobility fee credits for road impact fees or mobility fees paid, or capital improvements constructed, or dedications of right-of-way or donations of property, except to the extent that such credit was specifically granted by the City to an applicant in a written agreement with the City. If an applicant or successor in interest or predecessor in title has agreed in a written agreement with the City or other governmental agency not to seek or accept any road impact fee or mobility fee credits then it shall not be given any ~~impact~~ mobility fee credits, and shall not be eligible for payments in lieu for the construction of multimodal capital improvements or the dedication of right-of-way or donation of property required by the agreement.
 - (J) The City may adopt policies and procedures related to the construction or donation of property in lieu of ~~impact~~ mobility fee payment by resolution.

Sec. 159.111. Developer Agreements and Credit.

- (A) An applicant may enter into a developer or development agreement with the City to establish development specific mobility fees in lieu of the mobility fees set forth herein, based on an independent study subject to review and approval by the City, or to construct multimodal improvements necessary to mitigate the Person Travel Demand impact of the development.
- (B) Any agreement proposed by an applicant pursuant to this Section shall be presented to and approved by the Council prior to the issuance of a building permit or change of use permit. Any such agreement shall provide for execution by any mortgagees, lienholders, or contract purchasers in addition to the landowner, and shall require the applicant to record such agreement in the public records of St. Lucie County. The Council shall approve such an agreement only if it finds that the new agreement will apportion the burden of expenditure for new facilities in a just and equitable manner, consistent with applicable Florida Statutes, case law and this Article.
- (C) Until such time as a development entity and the City enter into a new agreement to provide for mobility fee credit, the City will honor road impact fee credits for development entities that have entered into a legally binding and valid developer or development agreement with St. Lucie County for road impact fee credit for the dedication of right-of-way or the construction of road improvements, or both. Existing road impact fee credits will be recognized as equivalent to mobility fee credits, on a dollar-for-dollar basis, to reduce any

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mobility fee collected for the general category or class of public facilities or infrastructure for which the dedication or construction was made.

- (D) The amount of equivalent road impact fee credit that may be applied to an assessed mobility fee shall be the difference between the calculated mobility fee and the amounts established in Table 159.108.4. The amounts established in Table 159.108.4 shall be paid to the City to mitigate impact within the benefit district in which the mobility fee is collected. Prior to adoption of a mobility fee, the amount of the County road impact fee assessed to a building permit was reduced by up to 50% to account for payment of the City road impact fee to ensure new development did not pay twice for the same impact. A similar process is being applied to the mobility fee, except the 50% threshold no longer applies. The amounts in Table 159.108.4 are calculated per sq. ft., unless otherwise indicated on Table 159.108.4. Single-family, active adult, and multi-family amounts are per sq. ft. per dwelling unit, up to the maximum thresholds in Tables 159.108.1 and 159.108.2. This process is established to ensure new development continues to mitigate its impact beyond the internal improvements for which the County provided a road impact fee credit.
- (E) Development entities shall have 18 months from October 1, 2021, to enter into a new agreement with the City to convert equivalent road impact fee credit to mobility fee credits. The agreements shall specify, but are not limited to, the following:
- (1) The right-of-way, construction or capital improvements (or any combination thereof) for which the credit was granted;
 - (2) The amount of the credit;
 - (3) The remaining balance of the credit as of the date specified in the agreement;
 - (4) The amount of mobility fee credit that may be applied to a building permit or change of use, adjusted for equivalent amounts to be applied towards system wide multimodal improvements at rates consistent with current City and County road impact fee adjustments;
 - (5) The mobility fee credits to be provided for right-of-way or multimodal improvements or both that have not yet been dedicated or commenced construction but have been identified as eligible for road impact fee credit in existing agreements with the County; and
 - (6) Any road impact fee credit amount to be reserved should the County elect to enforce or adopt a road impact fee or equivalent that would apply to development within the City that meets the dual rational nexus test, the rough proportionality test, that does not charge new development twice for the same impact, does not hold development in the City to a higher standard than in the County, does not charge for deficiencies, and demonstrates the basis for the fee is attributable to the impact of new development, in conformance with F.S. § 163.31801.
- (F) Developments may transfer equivalent road impact fee credit or mobility fee credits to developments within benefit districts wholly or partially located west of Interstate 95 to satisfy the mobility fee payment, less the amounts established in Table 159.108.4. Credits issued by the County were largely related to on-site improvements or improvements to facilitate access to new development, not off-site improvements that provided a citywide mobility benefit. Equivalent road impact fee credit or mobility fee credits may not be transferred to any development within the East benefit district to satisfy mobility fee payments. Developments shall be permitted to transfer credit, per statutory rules or as stipulated in contractual agreements, anywhere in the City to pay any assessed County road impact fees or functional equivalent adopted by the County.

Sec. 159.112. ~~159.111.~~ Refund of Fees Paid.

- (A) If a building permit or other permit for a mobile home or recreational vehicle expires and no construction has commenced, then the applicant, or its successors may request, within three (3) months of permit

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expiration, a refund of the ~~impact~~ mobility fee paid as a condition for its issuance without payment of interest. The refund request should substantially follow the submittal requirements of a refund petition described in subsection (B). If administrative service charges are adopted by resolution under section 159.107, the City of ~~Port St. Lucie~~ shall retain the appropriate service charge fee amount as reimbursement for the City's costs of processing the refund.

(B) The following establishes the process for refunds:

- (1) Any ~~impact~~ mobility fee funds not expended or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the ~~road~~ impact mobility fee was paid shall, upon application of the current owner of the property within one hundred eighty (180) days of the expiration of the ~~five (5)~~ seven (7) year period, be returned to the current owner of the property with interest at the rate of three (3) percent per annum.
- (2) If such funds have not been spent during this time period, the then-present owner of the property may obtain a refund according to the following procedure:
 - (i) The then-present owner must petition the ~~City~~ Council for a refund within one hundred eighty (180) days of the seven (7) year period.
 - (ii) The petition must be submitted to the City Manager and must include the following:
 - (a) A notarized, sworn statement that the petitioner is the current owner of the property;
 - (b) A copy of the dated receipt issued for payment of the mobility fee;
 - (c) A certified copy of the latest recorded deed; and
 - (d) A copy of the most recent ad valorem tax bill.
- (3) Within sixty (60) days from the date of receipt of the petition for refund, the City Manager, or his designee, shall advise the petitioner and the ~~City~~ Council of the status of the fee requested for refund. For purposes of determining whether mobility fees have been spent or encumbered, the first money placed into the special revenue account shall be deemed to be the first money taken out of that account.
- (4) When the money requested is still in the special revenue account and has not been spent or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the mobility fees were paid, the funds shall be returned with interest at the rate of three (3) percent per annum.

Sec. 159.113. Effect on Land Use and Development Code.

- (A) The listing of a use of land in the mobility fee schedule is solely for purposes of establishing the applicable mobility fee schedule for such use, and such listing does not mean that the use of land is permitted or available under applicable zoning and Comprehensive Plan requirements. In addition, the listing of the use of land in the mobility fee schedule shall not be considered evidence that the use is appropriate or approved in any land use classification or zoning district.
- (B) The payment of mobility fees does not ensure nor grant compliance with the City's land development code, including regulations relating to transportation corridor management, access management, substandard roads, secondary access, timing and phasing, and, where applicable, development of regional impact review. However, if such regulations require Person Travel Demand mitigation for the same impacts addressed through the payment of mobility fees, such regulations shall be deemed to provide for mobility fee credit against imposed mobility fees consistent with state and federal law and this Article.

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Sec. ~~159.112~~159.114. Appeals.

- (A) Any decision made by the City Manager in the course of administering the provisions of this Aarticle may be appealed to the Council by filing a petition of appeal with the City Clerk within thirty (30) calendar days of the date of the rendition of the decision.
- (B) The Council shall review the petition within thirty (30) calendar days from the date of filing the appeal. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. The Council's decision shall be final for the purpose of administrative appeals. The Council shall revoke the decision of the City Manager only if there is no competent and substantial evidence in the record that supports the decision of the City Manager or if there is no adequate legal basis for the decision of the City Manager or there was a failure to substantially comply with this article.

Secs. ~~159.113~~115. City road impact fee credits and agreements.

[To be added]

Secs. 159.116—159.200. Reserved.