

**ORDINANCE 21-\_\_**

**AN ORDINANCE AMENDING TITLE XV – LAND USAGE, CHAPTER 159 – IMPACT FEES – ARTICLE V – ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY AMENDING SECTION 159.903 – DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City adopted an economic development impact fee mitigation program on November 27, 2017; and

**WHEREAS**, the economic development impact fee mitigation program was developed to place the City in a competitive position with other communities that have chosen not to require growth to pay its fair share of needed capital facilities; and

**WHEREAS**, the City Council of the City of Port St. Lucie implemented a mobility fee system on October 5, 2021; and

**WHEREAS**, the existing economic development impact fee mitigation program only applies to impact fees; and

**WHEREAS**, the City Council desires for mobility fees to be eligible for mitigation; and

**WHEREAS**, the proposed amendment is in the best interest of the health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the City Council adopts the amendment set forth below to ensure inclusion of mobility fees in its impact fee mitigation program.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

**Section 1.**     **Ratification of Recitals.** The City Council hereby adopts and ratifies those matters as set forth in the foregoing recitals.

**Section 2.**     **Section 159.903 of the City Code is amended as follows:**

Sec. 159.503. - Definitions.

- (A) Qualified Target Industry Business: A new or expanding business in the City that has a positive economic and fiscal impact on the City and meets the requirements of F.S. § 288.106, or its statutory successor in function, as a qualified target industry business.
- (B) Applicant: Any person, company, research institute or business park developer that will house qualified target industry businesses.

(C) Locally Owned and Operated Small Business: A Qualified Target Industry Business continually operated in the City for at least three years which is owned and operated by a St. Lucie, Martin, Indian River or Okeechobee County resident whose homestead is located in St. Lucie, Martin, Indian River or Okeechobee County, and which employs 50 or fewer employees.

(D) Impact fee: As used in Article V, an impact fee or mobility fee established by Chapter 159 of this Code.

**Section 3. Conflict.** If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

**Section 4. Severability.** The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section 5. Codification.** The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

**Section 6. Effective Date.** This Ordinance shall become effective immediately after final adoption on second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
James D. Stokes, City Attorney