

ORDINANCE 25-42

AN ORDINANCE AMENDING AND RESTATING THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES CHAPTER 159, ARTICLE IV, ENTITLED “PUBLIC BUILDINGS IMPACT FEE SCHEDULE”; PROVIDING FOR THE ADOPTION OF THE CITY OF PORT ST. LUCIE IMPACT FEE STUDY; PROVIDING FINDINGS; RESTATING TITLE, AUTHORITY AND APPLICABILITY; PROVIDING AMENDED AND RESTATED IMPOSITION OF PUBLIC BUILDING IMPACT FEES, FEE SCHEDULES, TIME OF PAYMENT, REVISION; PROVIDING AMENDED AND RESTATED PRESUMPTIONS, ADMINISTRATIVE FEES, ACCOUNTING AND AUDITS, LIMITATION, AGREEMENTS, AND SECURITY FOR REVIEW; PROVIDING AMENDED AND RESTATED CREDITS; PROVIDING AMENDED AND RESTATED EXEMPTIONS; PROVIDING AMENDED AND RESTATED RETURN OF FUNDS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the authority to collect impact fees to offset the demands future development creates for new infrastructure is well established under Florida and federal caselaw and, in 2006, the Florida Legislature passed the “Florida Impact Fee Act”, which recognized impact fees as “an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction.” § 163.31801(2), Florida Statutes; and

WHEREAS, the City Council of Port St. Lucie, Florida (hereinafter “Council”), has determined that the City of Port St. Lucie (herein after “City”) has and will continue to experience development and redevelopment which generates a need for additional public facility capacity and capital equipment; and

WHEREAS, as vacant lands within the City develop, or as existing uses expand, the demand imposed upon the City for additional public buildings and related infrastructure and capital facilities increases proportionately; and

WHEREAS, the City is updating its impact fees related to public buildings to fund these capital facilities needed to meet the demand created by future development; and

WHEREAS, impact fees are one mechanism the City uses to help shift the cost of providing such public building capacity and capital facilities to such development, and the Council hereby finds and declares that the existing public building impact fees established pursuant to Ordinance 13-24, as amended by Ordinance 16-34, and further amended by Ordinance 23-23, should be updated to reflect current data, costs, and development impacts on the need for public buildings; 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 has considered and desires to adopt the information and recommendations presented in “Public Buildings Impact Fee Study – Prepared for: Port St. Lucie, Florida” by TischlerBise, dated July 29, 2025; and

WHEREAS, the impact fees imposed hereby (1) are in compliance with the “dual rational nexus test” developer under Florida case law, (2) meet the “essential nexus” and “rough proportionality” requirements established by the United States Supreme Court, in *Nolan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and (3) are consistent with and being imposed in accordance with Section 163.31801, Florida Statutes; and

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

WHEREAS, the Council has determined that it is advisable and in the public interest to adopt and implement the proposed Ordinance.

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

Section 1. Ratification of Recitals. That the foregoing recitals are hereby ratified and confirmed as true and correct and are hereby incorporated herein by this reference.

Section 2. Amendment and Restatement. Article IV of Chapter 159 of the City of Port St. Lucie Code of Ordinances is hereby presented in its entirety and restated and amended as specifically set forth as follows, with deleted text indicated by ~~striketrough~~ and inserted text indicated by underline:

ARTICLE IV. PUBLIC BUILDINGS IMPACT FEE SCHEDULE

Sec. 159.301. – Short Title, Authority, and Applicability.

- (A) This article shall be known and may be cited as the “Port St. Lucie Public Buildings Impact 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 other Florida laws, including sections 163.3201, 163.3202, and 163.31801 Florida Statutes.

- (C) The City of Port St. Lucie has the power and responsibility to provide public buildings in the City. New Development and redevelopment within the City impacts the public buildings capacity capital needs of the City, including the need for infrastructure to serve those public buildings.
- (D) ~~Planning for capital facilities to serve new development that generates additional demand for public buildings and the subsequent implementation of these plans is a responsibility of the City.~~ The City is responsible for planning, funding, and constructing capital facilities to meet the increased demand generated by new developments. This includes identifying the needed public building improvements and incorporating them into the City's capital improvement plans. ~~Moreover, s~~Such planning is deemed to be in the best interests of the health, safety, and welfare of the citizens of the City.

Sec. 159.302. – Purpose and Intent.

- (A) This article is intended to implement and be consistent with the goals, objectives and policies of the Comprehensive Plan.
- (B) It is the purpose of this article to ensure the provision of an adequate level of service in public buildings, facilities and related infrastructure throughout the City, concurrent with the impacts of development, so that development may occur in a manner consistent with the Comprehensive Plan.
- (C) It is also the purpose of this article to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital improvements that will be necessary to provide public buildings and their related infrastructure to adequately serve the future needs of the City and at the same level of service provided to existing development.
- (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(4), (5), (8) and (12), Florida Statutes, and the entirety of Chapters 163 and 380, respectively, encourages local governments to

enact impact fee programs as a part of their land development regulations to implement their Comprehensive Plan.

(E) The Council hereby finds and declares that the impact fees imposed pursuant to this article comply with the requirements of ~~F.S.~~ § 163.31801, Fla. Stat. Specifically, the requirements of ~~F.S.~~ § 163.31801, Fla. Stat., are fulfilled as follows:

- a. The impact fees imposed herein are calculated based on the most recent and localized data_;
- b. The established separate accounts and accounting procedures provide for appropriate accounting and reporting of impact fee collections and expenditures_;
- c. The administrative charges that may be implemented will reflect actual costs to the City for the creation and maintenance of the impact fee system_;
- d. Impact fee collection is not earlier than building permit issuance_;
- e. Notice was provided at least ninety (90) days prior to the effective date of any increased impact fees in accordance with ~~F.S.~~ § 163.31801, Fla. Stat.;
- f. The impact fees are proportional and reasonably connected to, or ~~has~~ have a rational nexus with, the need for additional capital facilities related to public buildings and the increased impact generated by ~~the~~ new residential or commercial construction_;
- g. The impact fees are calculated to produce revenue adequate to provide the same level of service to new development as is provided to existing development_; and
- h. Audits of the City performed pursuant to ~~F.S.~~ § 218.39, Fla. Stat., will include an affidavit from the chief financial officer of the City stating that the City has complied with ~~F.S.~~ § 163.31801, Fla. Stat.

- (F) New impact fees may not apply to current or pending permit applications submitted before the effective date of a new impact fee.

Sec. 159.303. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

APPLICANT. A person commencing a land development activity or a change of use or requesting approval of a land development activity or a change of use covered by this article.

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 capital expense.

CAPITAL IMPROVEMENT. Includes, but is not limited to, construction costs, planning, engineering, design, surveys, inspection, testing, land acquisition, and other costs associated with the acquisition and construction of public buildings that add or improve public building capacity. May include payment of existing debt service 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 and multi-family residential units, attached and detached dwellings, houses of conventional or manufactured construction, mobile homes,

recreational vehicles and all other structures used for permanent residence, regardless of whether occupied by a tenant or owner. This term does not include hotels or motels. The term housing unit, as used in the ~~Technical~~ Report and as may be used in fee tables, is equivalent to a dwelling unit.

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, development type, 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.

PUBLIC BUILDINGS. Buildings and structures owned or leased by the City and used for municipal purposes, including, but not limited to, City services, job growth and economic development.

PUBLIC BUILDINGS PROGRAM. That portion of the "Five Year Capital Improvements Program" identifying public building improvements with funding programmed from public buildings impact fees, as that program may be amended from time to time.

TECHNICAL REPORT. Technical Report shall mean and refer to the "Public Buildings Impact Fee Study – Prepared for: Port St. Lucie, Florida" by TischlerBise, dated ~~April 12, 2023~~ July 29, 2025.

TRIP GENERATION MANUAL. The report entitled "Trip Generation" of the Institute of Transportation Engineers (11th edition). Official updates to the 11th edition may be accepted and used by the City as appropriate.

Sec. 159.304. - Findings and Declarations.

- (A) The Council hereby finds that new development in the City requires additional governmental services and facilities, specifically including public buildings.
- (B) It is the policy of the City that an adequate level of service in public buildings 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 public buildings and supportive infrastructure required to accommodate new development.
- (D) The Council, after consideration of the Technical Report, incorporated herein by reference, and the Public Buildings 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 public buildings and supportive infrastructure necessary to accommodate new development.
- (E) Based on the Technical Report and the Public Buildings Program, the Council hereby finds that a rational nexus, relationship, and connection exists between the capital costs of public buildings made necessary by 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 growth and the benefit to the payers of fees.
- (F) New development creates an impact on the capital cost of providing public buildings. The ~~p~~Public ~~b~~Buildings ~~p~~Program allocates the capital cost of providing public buildings among various types of development and between new development and

existing development according to an analysis of public building needs as described in the Technical Report.

- (G) The provisions of this article relate to adequate public buildings in Port St. Lucie, the public buildings needed for new development in Port St. Lucie, and the impact fee for those capital costs are based on and supported by the Technical Report and the Public Buildings Program.
- (H) Under the provisions of this article, development shall be required to pay a reasonable pro rata share of the capital costs related to the public buildings made necessary by such new development. New development is not responsible for the public building needs for existing development and impact fees will not be used to cure existing deficiencies resulting from existing development.
- (I) It is the policy of the City to provide public buildings 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 Public Buildings 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 public buildings that will be required for and benefit new development in the City at the established level of service. The City assumes responsibility for, and will pay from revenues other than impact fees, the costs of the public building needs to provide the established level of service to existing development.
- (J) Providing an adequate level of service within the City is essential to and in the best interests of the public health, safety and welfare of the City of Port St. Lucie.

Sec. 159.305. – Imposition of Public Building Impact Fees.

- (A) Effective ~~June 30, 2023~~ November 1, 2025, any person who seeks to make improvements to land which can generate additional demand on public buildings and which requires the issuance of a building permit or certificate of occupancy or other permit, or who seeks to change the use of land to a use which can generate additional

need for public buildings shall be required to pay a public buildings impact fee in the manner and amount set forth in this article.

- (B) No building permit, certificate of occupancy, or other permit shall be issued or change of use allowed unless and until the public buildings impact fee hereby required has been paid.
- (C) The applicant shall pay the applicable impact fee to the City prior to the issuance of a building permit, a certificate of occupancy, or other permit, or to a change of use.
- (D) If public buildings impact 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 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. 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.
- (F) In the case of mobile homes and recreational vehicles, that are moved from one location to another, a public buildings ~~facility~~ impact fee will be collected for the new location if the mobile home or recreational vehicle constitutes one of the land development types listed in section 159.308, regardless of whether public buildings impact fees had been paid at the old location, unless the use at the new location is a replacement of an equivalent use. If the mobile home or recreational vehicle so moved is replaced by an equivalent use, no public buildings impact fee is owed for the replacement use. In every case, the burden of proving past payment of public buildings impact fee equivalency of use rests with the applicant.

Sec. 159.306. – Exemptions

The following shall be exempt from payment of the public buildings impact fee:

- (A) Alterations or expansion of an existing building or structure or a change of use where no additional dwelling units will be produced, where the use will not be changed, and where no additional need for public buildings will be generated over and above those generated by the existing building, structure, or use.
- (B) The construction of accessory buildings or structures or change of use which will not generate additional need for public buildings facilities over and above those generated by the principal building, structure 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 need for public buildings facilities 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 or certificate of occupancy.~~ County, federal, municipal, or state government buildings, structures, or facilities used for functions and operation of government entities.
- (E) Any claim of exemption must be made no later than the time of application for a building permit or certificate of occupancy.

Sec. 159.307. – Accounting and Use of Funds

- (A) All funds collected from public buildings impact fees shall be used solely for the purpose of public building capital improvements identified in the Public Buildings Program, as may be amended. The public buildings impact fee amounts collected may include an additional charge not to exceed three (3) percent to offset the costs of administering, updating, maintaining and enforcing this article. The charge shall be based on actual costs. The charge may be established by resolution of the ~~City~~ Council as necessary to conform to this paragraph. Any such administrative charge imposed by the City is in addition to the impact fees due, is nonrefundable, is

payable at the time of payment of impact 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 public buildings impact fee receive the benefit of funds collected, consistent with the requirements of Florida case law on impact fees. All expenditures of impact fee funds shall be consistent with ~~F.S.~~ § 163.31801, Fla. Stat., and with the principles set forth in Volusia County v. Aberdeen at Ormond Beach, 760 So. 2d 126 (Fla. 2000), and St. Johns County v. NE Fla. Builders Ass'n, Inc., 583 So. 2d 635 (Fla. 1991).
- (C) All public buildings impact 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 public buildings impact fee separate accounting fund. Public buildings impact fee funds shall be used only for those capital improvements specified in the Public Buildings Program.
- (D) Audits of the City performed pursuant to ~~F.S.~~ § 218.39, Fla. Stat., shall include an affidavit from the chief financial officer of the City stating that the City has complied with ~~F.S.~~ § 163.31801, Fla. Stat.
- (E) Impact fees shall be encumbered and expended in the order in which they are collected.

Sec. 159.308. – Public Buildings Impact Fee Schedule.

- (A) The amount of the fee shall be determined by the applicable public building impact fee schedule adopted as an exhibit to this article. The 2025 ~~2023~~ updated fee schedule is subject to revision based on the provisions of section 159.309.
- (1) The Florida Impact Fee Act, ~~updated in 2021~~, places limitations on how much local governments, school districts, or special districts may increase an impact fee. ~~An impact fee increase may not exceed 50 percent of the current impact fee rate.~~

~~Subsection (G) contains the maximum allowable impact fees for the first four years of the 2023 fee schedule, measured from its effective date.~~

- a. An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- b. An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.
- c. An impact fee increase may not exceed 50 percent of the current impact fee rate.
- d. An impact fee may not be increased more than once every 4 years.

(B) The City Manager shall make a determination in the following circumstances:

- (1) If a building or structure is requested for mixed uses, then the impact fee shall be determined through using the applicable fee schedule by apportioning the space committed to development types specified on the fee schedule.
- (2) If the type of development for which a building permit is applied, or change of use is not specified on the applicable fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of development on the fee schedule.

(C) In the case of a change of use, redevelopment, or modification of an existing use, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use in accordance with the fee schedule. No impact fee refund will be granted if a net decrease results.

(D) If the public buildings impact fee has been calculated and paid based on error or misrepresentation, it will be recalculated and the difference refunded to or requested from the original applicant or any successor in interest. If public buildings impact 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 public buildings impact fees are paid.

- (E) The applicant may submit evidence to the City Manager demonstrating that the public buildings impact fees set out in ~~subsection (a)~~ the Fee Schedule are not reasonable when applied to the particular development. Based upon convincing and competent evidence and in accordance with the governing caselaw and statute, the City Manager may adjust the public buildings impact fee to be reasonable for the particular development.

~~(F) Reserved.~~

~~(G)~~ F The ~~2025~~ 2023 Updated Public Buildings Impact Fee Schedule. ~~The fee schedule is phased over a period of four (4) years. The applicable fees per year are as follows:~~ The Public Buildings Impact Fee Schedule was updated in 2023 and is being phased in over a four-year period, beginning in 2024 and continuing through 2027. The applicable fees are outlined below by development type.

- ~~(1) Public Buildings Impact Fees: Year 1~~ Nonresidential Development:
The nonresidential public buildings impact fees shall be implemented in annual phases. The applicable nonresidential fee schedule per year is as follows:

Public Buildings Impact Fee Schedule—Effective June 30, 2023 Year 1: June 30, 2023 to June 29, 2024		
Development Type	Unit of Measure (sf = gross sq. ft.)	Municipal Service Buildings
Single Family	Dwelling Unit	\$516.00
Multi Family	Dwelling Unit	\$337.00
Mobile Residence	Dwelling Unit	\$417.00
Commercial	sf	\$131.00
Research & Development Center	sf	\$190.00
Office	sf	\$216.00
Light Industrial	sf	\$151.00
Manufacturing	sf	\$116.00
Warehousing	sf	\$60.00
Mini Warehouse	sf	\$2.00
Hospital	sf	\$191.00
Nursing Home	sf	\$152.00
Assisted Living	bed	\$44.00
Day Care	student	\$10.00
University/College	student	\$12.00
Secondary School	sf	\$42.00
Elementary School	sf	\$63.00
Lodging	room	\$28.00

(2) Public Buildings Impact Fees: Year 2

Public Buildings Impact Fee Schedule—Effective June 30, 2023 Year 2: June 30, 2024 to June 29, 2025		
Development Type	Unit of Measure (sf = gross sq. ft.)	Municipal Service Buildings
Single Family	Dwelling Unit	\$516.00
Multi Family	Dwelling Unit	\$337.00
Mobile Residence	Dwelling Unit	\$417.00
Commercial	sf	\$145.00
Research & Development Center	sf	\$211.00
Office	sf	\$240.00
Light Industrial	sf	\$168.00
Manufacturing	sf	\$129.00
Warehousing	sf	\$66.00
Mini Warehouse	sf	\$3.00
Hospital	sf	\$213.00
Nursing Home	sf	\$169.00
Assisted Living	bed	\$49.00
Day Care	student	\$11.00
University/College	student	\$14.00
Secondary School	sf	\$46.00
Elementary School	sf	\$70.00
Lodging	room	\$30.00

(3) (i) Public Buildings Impact Fees: ~~Year 3~~ (Nonresidential): Effective June 30, 2025

Public Buildings Impact Fee Schedule (Nonresidential) - Effective June 30, 20253 Year 3: June 30, 2025 to June 29, 2026		
Development Type	Unit of Measure (sf = gross sq. ft.)	Municipal Service Buildings Fee
Single Family	Dwelling Unit	\$516.00
Multi Family	Dwelling Unit	\$337.00
Mobile Residence	Dwelling Unit	\$417.00
Commercial	<u>1,000</u> sf	\$160.00
Research & Development Center	<u>1,000</u> sf	\$232.00
Office	<u>1,000</u> sf	\$264.00
Light Industrial	<u>1,000</u> sf	\$184.00
Manufacturing	<u>1,000</u> sf	\$142.00
Warehousing	<u>1,000</u> sf	\$73.00
Mini-Warehouse	<u>1,000</u> sf	\$3.00
Hospital	<u>1,000</u> sf	\$234.00
Nursing Home	<u>1,000</u> sf	\$186.00
Assisted Living	bed	\$54.00
Day Care	student	\$12.00
University/College	student	\$15.00
Secondary School	<u>1,000</u> sf	\$51.00
Elementary School	<u>1,000</u> sf	\$77.00
Lodging	room	\$33.00

(4) (ii) Public Buildings Impact Fees: ~~Year 4~~ (Nonresidential): Effective June 30, 2026

Public Buildings Impact Fee Schedule (<u>Nonresidential</u>) - Effective June 30, 20263 Year 4: June 30, 2026 to June 29, 2027*		
Development Type	Unit of Measure (sf = gross sq. ft.)	Municipal Service Buildings <u>Fee</u>
Single Family	Dwelling Unit	\$516.00
Multi Family	Dwelling Unit	\$337.00
Mobile Residence	Dwelling Unit	\$417.00
Commercial	<u>1,000</u> sf	\$174.00
Research & Development Center	<u>1,000</u> sf	\$254.00
Office	<u>1,000</u> sf	\$288.00
Light Industrial	<u>1,000</u> sf	\$201.00
Manufacturing	<u>1,000</u> sf	\$155.00
Warehousing	<u>1,000</u> sf	\$80.00
Mini-Warehouse	<u>1,000</u> sf	\$3.00
Hospital	<u>1,000</u> sf	\$255.00
Nursing Home	<u>1,000</u> sf	\$203.00
Assisted Living	bed	\$59.00
Day Care	student	\$14.00
University/College	student	\$17.00
Secondary School	<u>1,000</u> sf	\$56.00
Elementary School	<u>1,000</u> sf	\$84.00
Lodging	room	\$35.00

*In the event the fee schedules are not updated by June 29, 2027, the ~~Year 4~~ fee schedule effective June 30, 2026, shall apply.

(2) Residential Development: The residential public buildings impact fees shall also be implemented in annual phases. The applicable residential fee schedule per year is as follows:

(i) Public Buildings Impact Fees (Residential): Effective November 1, 2025

<u>Public Buildings Impact Fee Schedule (Residential) - Effective November 1, 2025 to October 31, 2026</u>		
<u>Development Type</u>	<u>Unit of Measure</u>	<u>Fee</u>
<u>Single-Family</u>	<u>Dwelling Unit</u>	<u>\$565.50</u>
<u>Multi-Family</u>	<u>Dwelling Unit</u>	<u>\$362.75</u>
<u>Mobile Residence</u>	<u>Dwelling Unit</u>	<u>\$446.00</u>

(ii) Public Buildings Impact Fees (Residential): Effective November 1, 2026

<u>Public Buildings Impact Fee Schedule (Residential) - Effective November 1, 2026 to October 31, 2027</u>		
<u>Development Type</u>	<u>Unit of Measure</u>	<u>Fee</u>
<u>Single-Family</u>	<u>Dwelling Unit</u>	<u>\$615.00</u>
<u>Multi-Family</u>	<u>Dwelling Unit</u>	<u>\$388.50</u>
<u>Mobile Residence</u>	<u>Dwelling Unit</u>	<u>\$475.00</u>

(iii) Public Buildings Impact Fees (Residential): Effective November 1, 2027

Public Buildings Impact Fee Schedule (Residential) - Effective November 1, 2027 to October 31, 2028

<u>Development Type</u>	<u>Unit of Measure</u>	<u>Fee</u>
<u>Single-Family</u>	<u>Dwelling Unit</u>	<u>\$615.00</u>
<u>Multi-Family</u>	<u>Dwelling Unit</u>	<u>\$414.25</u>
<u>Mobile Residence</u>	<u>Dwelling Unit</u>	<u>\$504.00</u>

(iv) Public Buildings Impact Fees (Residential): Effective November 1, 2028

Public Buildings Impact Fee Schedule (Residential) - Effective November 1, 2028 to October 31, 2029*

<u>Development Type</u>	<u>Unit of Measure</u>	<u>Fee</u>
<u>Single-Family</u>	<u>Dwelling Unit</u>	<u>\$615.00</u>
<u>Multi-Family</u>	<u>Dwelling Unit</u>	<u>\$440.00</u>
<u>Mobile Residence</u>	<u>Dwelling Unit</u>	<u>\$533.00</u>

*In the event the fee schedules are not updated by October 31, 2029, the fee schedule effective November 1, 2028, shall apply.

Sec. 159.309. - Adoption, Review ~~a~~And Revision.

- (A) The Council shall adopt all revisions and updates to the Public Buildings Program by ordinance.
- (B) The City Manager shall direct staff or consultants to annually review the impact fee ordinance, procedures, assumptions, and fee calculations and to issue, on or before July 1, an annual report summarizing information on the impact fees. Information on all impact fees imposed by the City may be included in ~~one~~ the 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 fees, administrative costs and administrative fees charged, if any,

and may include any other issues of concern related to the City's impact fee system and ordinance. Information from the Annual Comprehensive Financial Report (ACFR), 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 fee report. 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, review and, if needed, update the Technical Report and ordinance at least once every four (4) years. Fee studies should specifically address new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, and account for any changes in the governing law. The report issued based on this review shall be distributed to the Council by the City Manager. Changes to the impact fee system, including updated 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.

Sec. 159.310. - Construction or Donation of Property in Lieu of Impact Fee Payments.

- (A) In lieu of all or part of the public buildings impact fee, the applicant may offer to construct capital improvement(s), or dedicate or donate property for a public building described in the Public Buildings Program. The applicant shall submit an estimate of the cost of a proposed capital improvement certified by a registered Florida professional engineer, architect or landscape architect acceptable to the Council or~~and~~ an appraisal of the fair market value of the proposed 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 authorize the City to enter into an agreement with the applicant to apply the cost of the construction of the public buildings capital improvement(s) or~~and~~ the fair market value of the property

dedication or donation to the public buildings impact fee otherwise due. The portion of the fee represented by the cost of construction of the capital improvement(s) ~~public buildings~~ or property 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 public buildings impact fees are owed, no development permits of any type may be issued for the building or structure in question while the fee remains unpaid. The City Manager may authorize the initiation of any action as permitted by law or equity to collect the unpaid fees.

- (C) The City shall not give impact fee credits for impact fees paid, or capital improvements constructed, or dedications or donations of property, except to the extent that such credit was specifically granted by the City to an applicant in a binding written agreement with the City. If an applicant or successor in interest or predecessor in title has agreed in a binding written agreement with the City or other governmental agency not to seek or accept any impact fee credits, then it shall not be given impact fee credits for the construction of capital improvements or the dedication or donation of property required by the agreement.
- (1) The holder of any impact fee credits granted by the City, shall be entitled to redeem such credits for the full benefit of the density or intensity represented by such credits as of the date of issuance, notwithstanding any subsequent increase in impact fee rates. The transferability of any impact fee credits granted by the City shall be in accordance with state law.
 - (2) Credit for contributions, payments, construction or dedications of the public buildings impact fee shall not be transferrable as a credit against other impact fees imposed for purposes other than public buildings.
 - (3) Unless otherwise agreed to in writing in relation to an excess of public buildings impact fee credits, no credit shall exceed the amount due for the public buildings impact fee.

- (D) The City may adopt policies and procedures related to construction or donation of property in lieu of impact fee payments by resolution.

Sec. 159.311. - Refund of Fees Paid.

- (A) If a building permit or a permit for a mobile home or recreational vehicle expires or is canceled, and no construction has been commenced, then the applicant or its successors may request, within three (3) months of permit expiration or cancellation, a refund of the impact fee paid without payment of interest. The refund request should substantially follow the submittal requirements of a refund petition as described in subsection (B)(2). The City shall retain any administrative charges as reimbursement for the City's cost of processing the refund.
- (B) (1) Any impact fee funds not expended or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the public buildings impact fee was paid shall, upon application of the current owner of the property within one hundred eighty (180) days of the expiration of the 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 Council for a refund within one hundred eighty (180) days of the expiration 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 public buildings impact 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, shall advise the petitioner and the Council of the status of the fee requested for a refund. For purposes of determining whether the public buildings impact fees have been expended ~~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 expended ~~spent~~ or encumbered by the end of the calendar quarter immediately following seven (7) years from the date the public buildings impact fees were paid, the funds shall be returned with interest at the rate of three (3) percent per annum. The City shall retain any administrative charges as reimbursement for the City's cost of processing the refund.

Sec. 159.312. - Appeals.

- (A) Any decision made by the City Manager in the course of administering the provisions of this article may be appealed to the Council by filing a petition of appeal within thirty (30) calendar days of the date of the rendition of the decision.
- (B) The Council shall review the petition at a public meeting 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 supporting the decision of the City Manager or that there is no adequate legal basis for the decision of the City Manager or there was a failure to substantially comply with this article. A determination shall be made in writing and issued within thirty (30) days of the public meeting ~~hearing~~.

Section 3. Conflict. If any ordinances, or parts of ordinances, resolutions, or parts of resolution, 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 6. 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 7. Effective Date. This Ordinance shall become effective on November 1, 2025.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, on this ____ day of _____, 2025.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney