

ORDINANCE NO. 15-002

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; CREATING SECTION 22-420 **ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM** WITHIN CHAPTER 22 – ZONING, ARTICLE XVI – IMPACT FEES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commissioners of the City of Fort Pierce, Florida, have determined there is a need to establish an economic development impact fee mitigation program in the City because the imposition of the impact fees herein may place the City in a non-competitive position with other communities that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the City and the community to encourage economic development opportunities within the City and to create permanent employment expansion opportunities for the City's citizens; and

**WHEREAS**, Section 166.021, Florida Statutes, provides the City with the power to enhance and expand economic activity in the City including the authority to expend and use public funds toward achievement of the City's economic development goals.

**NOW, THEREFORE, BE IT ORDAINED** BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

**SECTION 1.** Chapter 22 – ZONING, Article XVI – IMPACT FEES, is hereby amended by creating Sec. 22-240 "ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM"

Sec. 22-420. Economic Development Impact Fee Mitigation Program

(a) For the purpose of this section, the term "Qualified Target Industry Business" shall mean a new or expanding business in the City that has a positive economic and fiscal impact on the City and meets the requirements of Section 288.106 Florida Statutes, or its statutory successor in function, as a Qualified Target Industry Business. For the purpose of this section, the term "Applicant" shall include any person, company, research institute or business park developer that will house Qualified Target Industry Businesses.

(b) Because the imposition of the Impact Fees herein may place the City of

Fort Pierce in a non-competitive position with other local governments that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the City and the community to encourage economic development opportunities within the City and to create permanent employment expansion opportunities for the City's citizens, there is hereby created an Economic Development Impact Fee Mitigation Program for certain Qualified Target Industry Businesses to mitigate any real or perceived disadvantage occurring from the imposition of the Impact Fees.

(c) This program is not intended as an entitlement program. The program is intended to provide the Fort Pierce City Commission the opportunity in its sole discretion to grant impact fee mitigation to Qualified Target Industry Businesses.

(d) To be eligible for an Economic Development Impact Fee waiver, an Applicant must meet the following requirements:

(1) Qualify as a Qualified Target Industry Business and create a minimum of ten (10) new jobs or a ten (10) percent increase in existing employment (whichever is greater) with an average private sector wage (excluding benefits) of one hundred (100) percent of St. Lucie County's average private sector wage (excluding the top two executive salaries) and make a capital investment in the City of \$5 million or greater in construction, renovations, equipment purchases, or other major capital investment items and remain in the City for a minimum of ten (10) years; and

(2) Enter into an agreement with the City wherein the Applicant agrees to locate or expand its business operations to/within the City of Fort Pierce for a period of at least ten (10) years. The Agreement will also require the Applicant to provide the City with the Applicant's Quarterly Report (UCT-6) and all other documentation to demonstrate that the job creation and salary level commitments were achieved.

(e) Any Applicant seeking an Economic Development Impact Fee waiver shall file an application for waiver with the City Manager prior to the issuance of the Building Permit for the subject Capital Facilities Impact Construction. The application shall contain:

(1) A designation of the Capital Facilities Impact Construction for which the application is being submitted, including a current and complete legal description of the property upon which the Qualified Target Industry Business is proposed to be located;

(2) The name and address of the owner of the property upon which the Qualified Target Industry Business is proposed to be located;

(3) Proof that the Capital Facilities Impact Construction will be a Qualified Target Industry Business;

(4) A notarized affidavit and all necessary supporting evidence affirming that the requirements of subsection (d)(1) or subsection (d)(2) above will be met within one (1) year of the date the Certificate of Occupancy is issued which term may be extended by the City Commissioner upon good cause shown; and

(5) Other necessary information as determined by the City Manager.

(f) Any Applicant who submits an application for Economic Development Impact Fee Mitigation pursuant to this Section and desires the immediate issuance of a Building Permit prior to approval of the application shall pay the Impact Fees imposed herein. Should the City Commission approve and accept the mitigation application, the mitigation amount shall be refunded to the Applicant or Owner.

(g) If the Applicant meets the requirements provided above for mitigation, the applicant shall be eligible for the following:

(1) If the Applicant qualifies under subsection (d)(1) above, it shall be eligible to receive an Economic Development Impact Fee Mitigation in the following amounts, provided, however that the City Commission may increase these mitigation amounts in the event the Applicant exceeds these requirements:

<u>Number of Jobs Created</u>	<u>Total Capital Investment</u>	<u>Waiver Amount</u>
<u>Minimum of 10</u>	<u>\$5,000,000 to \$9,999,999.99</u>	<u>40% of total City Impact Fees</u>
<u>Minimum of 10</u>	<u>\$10,000,000 to \$14,999,999.99</u>	<u>50% of total City Impact Fees</u>
<u>Minimum of 10</u>	<u>\$15,000,000 or more</u>	<u>60% of total City Impact Fees</u>

(h) If the City Manager finds that the Applicant meets the requirements provided herein for mitigation, the City Manager shall agenda an Impact Fee Mitigation Agreement before the City Commission which shall contain, but not be limited to, the City of Fort Pierce Impact Fee Mitigation Application for Qualified Target Industries and any other documents as requested by the City Manager. Because this program is not an entitlement program, the City Commission may reject the request for mitigation without cause.

(i) Any incentive approved pursuant to the Economic Development Impact Fee Mitigation Program shall be paid from other legally available funds (other than impact fees).

(j) Any request for Economic Development Impact Fee Mitigation must be

submitted to the City by the Applicant prior to the Applicant deciding whether or not they will expand or locate in the City of Fort Pierce.

**SECTION 2.** Provisions of this Ordinance are severable; and if any section, subsection, sentence or clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 4.** This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM  
AND CORRECTNESS:

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ROBERT V. SCHWERER, ESQ.  
CITY ATTORNEY

STATE OF FLORIDA  
ST. LUCIE COUNTY

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 14-\_\_\_\_ was duly advertised by title only in the St. Lucie News Tribune on \_\_\_\_\_, 2014; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on \_\_\_\_\_, 2014; and was duly introduced, read by title only, and passed on second and final reading on \_\_\_\_\_, 2014 by the City Commission of the City of Fort Pierce, Florida.

In witness herewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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LINDA HUDSON, MAYOR COMMISSIONER

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LINDA W. COX, CITY CLERK

(CITY SEAL)