City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION
NOVEMBER 28, 2022
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald
Commissioner Becky Bruner
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Campbell Rich

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

Agenda items are available on our website at http://www.cityofstuart.us
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party reg3rding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

1. AWARD OF ITB# 2022-113 ZONE 5 MILL/OVERLAY AND POINT REPAIRS PROJECT (RC):

RESOLUTION No. 114-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-113, ZONE 5 MILL/OVERLAY AND POINT REPAIRS PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF $230,000.00 TO MUNICIPAL CONTRACTORS OF BOYNTON BEACH, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

2. BA #4 - TRANSFER DONATION FROM WALMART TO POLICE BUDGET FOR SHOP WITH A COP EVENT (RC):

RESOLUTION No. 117-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NUMBER #4 TO THE 2023 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF A DONATION FROM WALMART CORPORATION

AUTHORIZING THE EXPENDITURE OF FUNDS FOR POLICE COMMUNITY EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. IMPACT FEE REPORT (UPDATED) (RC):

RESOLUTION No. 118-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ACCEPTING THE NEWLY UPDATED IMPACT FEE STUDY REPORT WITH CORRECTIONS AS CONTRACTED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

4. AGREEMENT WITH FLORIDA POWER AND LIGHT FOR EV CHARGING STATIONS AT SAILFISH PARKING LOT (RC):

RESOLUTION No. 104-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLE CHARGING EQUIPMENT AND RELATED INFRASTRUCTURE AT THE SAILFISH PARKING LOT LOCATED IN DOWNTOWN STUART; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. ADOPTING LEGISLATIVE PRIORITIES FOR THE 2023 FLORIDA LEGISLATIVE SESSION (RC):

RESOLUTION No. 113-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2023 LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

6. IMPACT FEE UPDATES (RC):

ORDINANCE No. 2508-2022; AN ORDINANCE OF THE CITY OF STUART, AMENDING CHAPTER 32 ARTICLE III IMPACE FEES, ADJUSTING FEES AND LANGUAGE FOR COLLECTION AND NOTIFICATION PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

7. ADDING INVOCATIONS TO THE AGENDA (RC):

ORDINANCE No. 2509-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE, CHAPTER 2, ADMINISTRATION AMENDING ARTICLE II DIVISION 2; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

DISCUSSION AND DELIBERATION

ADJOURNMENT

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 11/28/2022 **Prepared by:**

Title of Item:
AWARD OF ITB# 2022-113 ZONE 5 MILL/OVERLAY AND POINT REPAIRS PROJECT (RC):

RESOLUTION No. 114-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-113, ZONE 5 MILL/OVERLAY AND POINT REPAIRS PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF $230,000.00 TO MUNICIPAL CONTRACTORS OF BOYNTON BEACH, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
This solicitation was advertised in the Palm Beach Post on September 9, 2022. OpenGov Procurement notified three hundred and nineteen (319) potential bidders, there were seventeen (17) plan holders, and issued six (6) bid packages for this project. One (1) bid was received by the bid opening date and time of 2:30 pm. October 6, 2022.

Utilities and Engineering recommends award to the lowest responsive, responsible bidder, for the total of $230,000.00.

Funding Source:
230/546

Recommended Action:
Adopt Resolution No. 114-2022

ATTACHMENTS:
1. R114-2022 Award of ITB #2022-113

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 114-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-113, ZONE 5 MILL/OVERLAY AND POINT REPAIRS PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF $230,000.00 TO MUNICIPAL CONTRACTORS OF BOYNTON BEACH, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

WHEREAS, the City entered into the competitive bid process in order to solicit qualified licensed general contractors to submit for construction of the Zone 5 Mill/Overlay Point Repairs Project.

WHEREAS, the project consists of asphalt milling, asphalt overlaying, and required striping of SE Monterey Road (from SE Monterey Road to SE Federal Hwy) and SE California Ave. (from SW Winnachee Drive to SW Indian Groves Drive) as well as, constructing seventeen-point repairs within the Zone 5 Neighborhood.

SECTION 1: The City Commission of the City of Stuart hereby approves the award of ITB #2022-113: Zone 5 Mill/Overlay and Point Project to the lowest, responsive, and responsible bidder, Underground Construction Management, of Stuart, Florida at the unit price total of $230,000.00; subsequent to review and approval by City Attorney.

SECTION 2: This resolution shall take effect upon adoption.

Resolution No. 114-2022
Approve Award of ITB #2022-113, Zone 5 Mill/Overlay and Point Repairs Project

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED this 28th day of November 2022.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 11/28/2022 **Prepared by:** Joseph Tumminelli

Title of Item:
BA #4 - TRANSFER DONATION FROM WALMART TO POLICE BUDGET FOR SHOP WITH A COP EVENT (RC):

RESOLUTION No. 117-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NUMBER #4 TO THE 2023 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF A DONATION FROM WALMART CORPORATION AUTHORIZING THE EXPENDITURE OF FUNDS FOR POLICE COMMUNITY EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
Community event involving Shopping with Stuart Police Officers.

Funding Source:
Donation from Walmart

Recommended Action:
Motion to Approve R117-2022

ATTACHMENTS:
1. R117-2022_BA_No._4-2023_Police Walmart Donation

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 117-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NUMBER 4 TO THE 2023 OPERATING BUDGET; AUTHORIZING RECEIPT AND APPROPRIATION OF A DONATION FROM WALMART CORPORATION AUTHORIZING THE EXPENDITURE OF FUNDS FOR POLICE COMMUNITY EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart, Florida is to accept, appropriate and expend a donation from Walmart Corporation in the amount of $3,000.00; and

WHEREAS, the City of Stuart, Florida Police Department is a full-service police agency and is to accept the donations for Community Programs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITYOF STUART, FLORIDA, AS FOLLOWS:

SECTION 1: The foregoing precatory language is incorporated herein, as if set forth below.

SECTION 2: The City of Stuart, Florida has derived funds from the Walmart Corporation.

SECTION 3: The 2023 Fiscal Year Budget of the Police Department is hereby furtheramended as follows:

FROM:	GENERAL FUND DONATION REVENUES:	$3,000.00
TO:	POLICE DEPARTMENT (190) OPERATION Acct. 548	$3,000.00

This authorization is to accept, appropriate, and expend funds in the amount of $3,000.00 from Walmart Corporation for the Police Department Community Relations Unit.

SECTION 4: Conflicts. All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 5: Severability. If any section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

SECTION 6: Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

Passed on first reading the ____ day of _____, 2022

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2022.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 11/28/2022 **Prepared by:** Michelle Berger

Title of Item:
IMPACT FEE REPORT (UPDATED) (RC):

RESOLUTION No. 118-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ACCEPTING THE NEWLY UPDATED IMPACT FEE STUDY REPORT WITH CORRECTIONS AS CONTRACTED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
This Resolution 118-2022 serves to correctly identify the Impact Fee Study Report dated November 28th, 2022 as the final and corrected study. The previously accepted study had an incorrect calculation. The consultant's presentation at the November 14th Regular Commission meeting offered the correct information. However, the consultant wrongly assumed a corrected study was made available as backup content, and failed to note the discrepancy in the impact fee calculations during the November 14 Regular Commission meeting. This resolution will satisfy all content corrections needed.

Funding Source:
N/A

Recommended Action:
Motion to Accept the Final Report.

ATTACHMENTS:
1. R118-2022 Impact Fee Study Report Resolution
2. Stuart Impact Fee Report 11.28.22

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 118-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ACCEPTING THE NEWLY UPDATED IMPACT FEE STUDY REPORT WITH CORRECTIONS AS CONTRACTED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart, Florida, contracted with consultant TischlerBise (Consultant) to update its impact fees pursuant to Florida Statues 163.31801; and

WHEREAS, Resolution 105-2022 was adopted and accepted by the Commission during the November 14, 2022 Regular Commission meeting, with the correct impact fee amounts included in the consultant's presentation but an incorrect calculation contained in the study included in the Commission agenda packet; and

WHEREAS, this Resolution 118-2022 serves to correctly identify the Impact Fee Study Report dated November 28th, 2022 as the final and corrected study; and

WHEREAS, the consultant wrongly assumed a corrected study was made available, and failed to note the discrepancy in the impact fee calculations during the November 14th Regular Commission meeting; and

WHEREAS, local governments in Florida may assess impact fees to offset infrastructure costs; and

WHEREAS, impact fees are one-time payments used to construct system improvements needed to accommodate future development, with each fee representing future development's proportionate share of infrastructure costs; and

WHEREAS, impact fees may be used for infrastructure improvements or debt service for growth-related infrastructure, but in contrast to general taxes, impact fees may not be used for operations, maintenance, replacement, or correcting existing deficiencies; and

WHEREAS, the City of Stuart is hereby recognizing that conducting a new study is in compliance with the 5 year cadence for reviews as identified in Florida Statues and the City of Stuart Comprehensive Plan; and

WHEREAS, the City of Stuart will hereby ensure that the calculation of the impact fee is based on the most recent and localized data prior to future final adoption by ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The City of Stuart hereby accepts the November 28th, 2022 Impact Fee Study Report towards the goal of complying with Florida State Statues 163.31801.

SECTION 2: The City of Stuart recognizes the performance of the consultant, TischlerBise, and that TischlerBise has fulfilled its contractual obligations, offering a comprehensive approach of creating the proper nexus to future development's proportionate share of infrastructure costs.

SECTION 3: Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED this 28TH day of November, 2022.
ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

Impact Fee Study

Prepared for:
Stuart, Florida

November 28, 2022

4701 Sangamore Road
Suite S240
Bethesda, MD 20816
301.320.6900
www.TischlerBise.com

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EXECUTIVE SUMMARY

Stuart, Florida, contracted with TischlerBise to update its impact fees pursuant to Florida Statutes § 163.31801. Local governments in Florida may assess impact fees to offset infrastructure costs necessitated by future growth. Impact fees are one-time payments used to construct system improvements needed to accommodate future development. The fee represents future development's proportionate share of infrastructure costs. Impact fees may be used for infrastructure improvements or debt service for growth-related infrastructure. In contrast to general taxes, impact fees may not be used for operations, maintenance, replacement, or correcting existing deficiencies.

FLORIDA IMPACT FEE ENABLING LEGISLATION

The authority for Florida counties to adopt and collect impact fees to offset the demands future development creates for new infrastructure is well established. St. Johns County v. Northeast Florida Builders Association (583 So. 2d 635, 638 Fla. 1991) states, "The use of impact fees has become an accepted method of paying for public improvements that must be constructed to serve new growth."[1] State statutes specifically "encourage the use of innovative land development regulations which include provisions such as […] impact fees," and Florida courts have upheld local government's authority to adopt fees under general home rule and police power theories.[2]

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), Fla. Stat. The statute – concerned mostly with procedural and methodological limitations – did not expressly allow or disallow any particular public facility type from being funded with impact fees. The Act did specify procedural and methodological prerequisites, most of which were common to the practice already. Subsequent amendments to the Act, in 2009, removed prior notice requirements for impact fee reductions (but not increases) and purported to elevate the standard of judicial review. Under Florida law, impact fees must comply with the "dual rational nexus" test, which requires "a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in service units generated by new development. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision," St. Johns County, 583 So.2d at 637 (quoting Hollywood, Inc. 431 So. 2d at 611-12). Impact fee calculation studies, generally speaking, establish the pro rata, or proportionate, "need" for new infrastructure and implementing ordinances to ensure that new growth paying the fees receive a pro rata "benefit" from their expenditure.

Stuart is updating its multi-modal, parks and recreation, and public safety impact fees to fund capital facilities needed to meet the demand created by future development. The need for these services, and the infrastructure necessary to provide them, is driven by development; therefore, as vacant lands within Stuart develop, or as existing uses expand, the demand imposed upon Stuart for additional capital facilities increases proportionately.

[1] Citing Home Builders & Contractors Association v. Palm Beach City., 446 So.2d 140 (Fla. 4th DCA 1984); Hollywood, Inc. v. Broward County, 431 So.2d 606 (Fla. 4th DCA 1983).
[2] See §163.3202(3), Fla. Stat.; see also Home Builders & Contractors Association, 446 So.2d 140.

The need for additional capacity for future development is further shown through an established level-of-service standard and Stuart's existing capital improvement plan. Hollywood, Inc., 431 So.2d at 611 (holding that a plan for providing facilities at a reasonable level of service demonstrates "a reasonable connection between the need for additional park facilities and the growth in population"). Capital facilities necessary to provide this infrastructure have been provided by Stuart to date; however, Stuart will need to provide new residents and visitors with the same levels of service. The expenditures required to maintain existing levels of service are not necessitated by existing development, but rather by future development.

Furthermore, through the implementation of Stuart's capital improvement plans, future development paying impact fees will receive a pro rata benefit from new facilities built with those fees. In addition, Stuart's impact fee ordinance, including any amendments necessary to implement the fees recommended in this study, earmarks impact fees solely for capital facilities necessary to accommodate future development.

Finally, there are several steps Stuart will take to ensure ongoing compliance with applicable Florida laws related to impact fees. First, it will continue to update and implement plans for expending impact fee revenues on the types of facilities TischlerBise has used to develop the fees in this study. In Florida, this is typically satisfied through the Capital Improvement Plan (CIP) and Capital Improvements Element (CIE) framework. Also, Stuart will update its existing impact fee ordinance to ensure compliance with the approach used here and any developments in statutory and case law since Stuart's fees were last updated. This update will address, among other things, earmarking of impact fee revenues, limitations on the use of revenues, revisions related to developer credits, and ongoing compliance with other city and state law requirements.

CONCEPTUAL DEVELOPMENT FEE CALCULATION

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire service area (usually referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of service units for each unit of development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the impact fee formula is to determine infrastructure improvement units per service unit, typically called level-of-service (LOS) standards. In keeping with the park example, a common LOS standard is improved park acres per person. The third step in the impact fee formula is the cost of various infrastructure units. To complete the park example, this part of the formula would establish a cost per acre for land acquisition and/or park improvements.

GENERAL METHODOLOGIES

Impact fees for the capital improvements made necessary by new development must be based on the same level of service provided to existing development in the service area. There are three basic methodologies used to calculate impact fees that examine the past, present, and future status of infrastructure. The objective of evaluating these different methodologies is to determine the best measure of the demand created by new development for additional infrastructure capacity. Each methodology has advantages and disadvantages in a particular situation and can be used simultaneously for different capital improvements.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss basic methodologies for calculating impact fees and how those methodologies can be applied.

- **Cost Recovery** (past improvements) - The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new development will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.
- **Incremental Expansion** (concurrent improvements) - The incremental expansion methodology documents current LOS standards for each type of public facility, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion methodology is best suited for public facilities that will be expanded in regular increments to keep pace with development.
- **Plan-Based** (future improvements) - The plan-based methodology allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: (1) total cost of a public facility can be divided by total demand units (average cost), or (2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

Evaluation of Credits

Regardless of the methodology, a consideration of credits is integral to the development of a legally defensible impact fee. There are two types of credits that should be addressed in impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for dedication of land or construction of system improvements. This type of credit is addressed in the administration and implementation of the impact fee program. For ease of administration, TischlerBise normally recommends developer reimbursements for system improvements.

Impact Fee Components

Figure 1 summarizes service areas, methodologies, and infrastructure components for each fee category. There is a single, citywide service area for all impact fees.

Figure 1: Proposed Impact Fee Service Areas, Methodologies, and Cost Components

Fee Category	Service Area	Cost Recovery	Incremental Expansion	Plan-Based	Cost Allocation
Multi-Modal	Citywide	N/A	N/A	Multi-Modal Improvements	Person Trips
Parks and Recreation	Citywide	N/A	Park Amenities	N/A	Peak Population
Public Safety	Citywide	N/A	Fire Apparatus, Fire Equipment, Police Facilities	Fire Facilities, Police Vehicles, Police Equipment	Peak Population, Vehicle Trips

Rounding

Calculations throughout this report are based on an analysis conducted using Excel software. Most results are discussed in the report using two, three, and four decimal places, which represent rounded figures. However, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).

Inflation

All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments can be made as part of the recommended annual evaluation and update of impact fees. One approach is to adjust for inflation in construction costs by means of an index like the Consumer Price Index (CPI) or the Construction Cost Index published by Engineering News Record (ENR). These indexes can be applied against the calculated impact fees. If cost estimates change significantly, the fees should be recalculated.

CURRENT IMPACT FEES

Current impact fees for residential development are assessed per dwelling unit, based on the type of unit, and nonresidential fees are assessed per 1,000 square feet of floor area, based on the land use.

Figure 2: Current Impact Fees

Residential Fees per Unit					
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Subtotal	Total (w/ 3% Admin)
Single Family	$1,202	$121	$758	$2,081	**$2,143**
Multi-Family	$840	$65	$409	$1,314	**$1,353**

Nonresidential Fees per 1,000 Square Feet					
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Subtotal	Total (w/ 3% Admin)
Industrial	$242	$0	$327	$569	**$586**
Commercial	$1,618	$0	$509	$2,127	**$2,191**
Office & Other Services	$700	$0	$631	$1,331	**$1,371**
Institutional	$646	$0	$227	$873	**$899**

MAXIMUM JUSTIFIABLE IMPACT FEES

Impact fees for residential development will be assessed per dwelling unit, based on the type of unit, and nonresidential fees will be assessed per 1,000 square feet of floor area, based on the land use. Stuart may adopt fees that are less than the maximum justifiable fees shown below; however, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital improvements, and/or a decrease in Stuart's LOS standards. All costs in the Impact Fee Study represent current dollars with no assumed inflation rate over time.

Figure 3: Maximum Justifiable Impact Fees

Residential Fees per Unit					
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Subtotal	Total (w/ 3% Admin)
Single Family	$732	$1,086	$1,263	$3,081	**$3,173**
Multi-Family	$439	$804	$935	$2,178	**$2,243**

Nonresidential Fees per 1,000 Square Feet					
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Subtotal	Total (w/ 3% Admin)
Industrial	$291	$0	$186	$477	**$491**
Commercial	$2,109	$0	$1,346	$3,455	**$3,559**
Office & Other Services	$936	$0	$597	$1,533	**$1,579**
Institutional	$614	$0	$392	$1,006	**$1,036**

MAXIMUM ALLOWABLE IMPACT FEES

The Florida Impact Fee Act, updated in 2021, placed limitations on how much local governments, school districts, or special districts may increase an impact fee. 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. 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. An impact fee increase may not exceed 50 percent of the current impact fee rate. The following figures represent the maximum allowable impact fees for the first four years from the date the increased fees are adopted.

Figure 4: Year 1 Maximum Allowable Impact Fees

Residential Fees per Unit						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 1 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Single Family	$732	$136	$853	$1,773	$2,143	($371)
Multi-Family	$439	$73	$460	$1,001	$1,353	($352)

Nonresidential Fees per 1,000 Square Feet						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 1 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Industrial	$267	$0	$186	$466	$586	($120)
Commercial	$1,741	$0	$573	$2,383	$2,191	$192
Office & Other Services	$759	$0	$597	$1,397	$1,371	$26
Institutional	$614	$0	$255	$895	$899	($4)

1. Includes 3% Admin Fee

Figure 5: Year 2 Maximum Allowable Impact Fees

Residential Fees per Unit						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 2 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Single Family	$732	$151	$948	$1,886	$2,143	($258)
Multi-Family	$439	$81	$511	$1,062	$1,353	($291)

Nonresidential Fees per 1,000 Square Feet						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 2 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Industrial	$291	$0	$186	$491	$586	($95)
Commercial	$1,864	$0	$636	$2,575	$2,191	$384
Office & Other Services	$818	$0	$597	$1,458	$1,371	$87
Institutional	$614	$0	$284	$925	$899	$25

1. Includes 3% Admin Fee

Figure 6: Year 3 Maximum Allowable Impact Fees

Residential Fees per Unit						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 3 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Single Family	$732	$166	$1,042	$1,999	$2,143	($145)
Multi-Family	$439	$89	$562	$1,123	$1,353	($230)

Nonresidential Fees per 1,000 Square Feet						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 3 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Industrial	$291	$0	$186	$491	$586	($95)
Commercial	$1,986	$0	$700	$2,767	$2,191	$576
Office & Other Services	$877	$0	$597	$1,518	$1,371	$148
Institutional	$614	$0	$312	$954	$899	$55

1. Includes 3% Admin Fee

Figure 7: Year 4 Maximum Allowable Impact Fees

Residential Fees per Unit						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 4 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Single Family	$732	$182	$1,137	$2,112	$2,143	($31)
Multi-Family	$439	$98	$614	$1,185	$1,353	($169)

Nonresidential Fees per 1,000 Square Feet						
Development Type	Multi-Modal	Parks and Recreation	Public Safety	Year 4 Max Allowable[1]	Current Fees[1]	Increase / (Decrease)
Industrial	$291	$0	$186	$491	$586	($95)
Commercial	$2,109	$0	$764	$2,959	$2,191	$768
Office & Other Services	$936	$0	$597	$1,579	$1,371	$208
Institutional	$614	$0	$341	$983	$899	$84

1. Includes 3% Admin Fee

MULTI-MODAL IMPACT FEES

METHODOLOGY

The multi-modal impact fees include components for multi-modal improvements. The plan-based methodology is used for multi-modal improvements.

SERVICE AREA

Stuart plans to provide a uniform level of service and equal access to its transportation network within the city limits; therefore, the multi-modal impact fees will be assessed in a citywide service area.

PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The multi-modal impact fees will proportionately allocate the cost of capital facilities to residential and nonresidential development. The proportionate share of costs attributable to development will be allocated to average weekday person trips and then converted to an appropriate amount by land use.

Shown below are the demand units for residential and nonresidential land uses. For residential development, the table displays average weekday person trips (AWPT) per housing unit. For nonresidential development, the table displays AWPT generated per 1,000 square feet of floor area. Appendix B includes a detailed calculation of person trips.

Figure M1: Demand Units by Development Type

Residential Development			
Development Type	AWPTE per unit[1]	Trip Adjustment[1]	AWPT per Unit
Single Family	13.71	61%	8.36
Multi-Family	8.21	61%	5.01

Nonresidential Development			
Development Type	AWPTE per 1,000 Sq Ft[1]	Trip Adjustment[1]	AWPT per 1,000 Sq Ft
Industrial	6.64	50%	3.32
Commercial	72.97	33%	24.08
Office & Other Services	21.37	50%	10.69
Institutional	21.23	33%	7.01

1. See Land Use Assumptions

LEVEL-OF-SERVICE ANALYSIS

Multi-Modal Improvements – Plan-Based

Stuart staff recommends the growth-related improvements listed in Figure M2 to serve development over the next 10 years. The total cost of planned multi-modal improvements is $5,625,000, and the growth-related cost is $5,062,500. Existing development's share of 10 percent of the total cost of planned multi-modal improvements is excluded from the impact fee calculation and must be funded with non-impact fee revenues.

Figure M2: Planned Multi-Modal Improvements

Project Description	Total Cost	Growth Share	Growth Cost
Stypmann Neighborhood Sidewalk Improvements	$200,000	90%	$180,000
Hainey Creek Path & Trailway	$250,000	90%	$225,000
Riverside Park Neighborhood Sidewalk / Streetscape Improvements	$1,500,000	90%	$1,350,000
SE Dixie Hwy Sidewalk / Streetscape Improvements	$550,000	90%	$495,000
MLK Blvd Streetscape Improvements	$575,000	90%	$517,500
Downtown Courtesy Dock	$2,000,000	90%	$1,800,000
Dixie Highway Sidewalk Extension (SE 14th St to SE Florida St)	$550,000	90%	$495,000
Total	$5,625,000		$5,062,500

Source: City of Stuart, Florida

The analysis allocates the growth cost of planned multi-modal improvements to the 10-year increase in person trips. This results in a cost of $87.58 per person trip (5,062,500 growth cost / 57,802 person trips from future development).

Figure M3: Cost Allocation

Cost Factors	
Total Cost	$5,062,500
÷ 10-Year Person Trip Increase	57,802
Cost per Person Trip	$87.58

PROJECTED DEMAND FOR SERVICES AND COSTS

Multi-Modal Improvements – Plan-Based

To accommodate development over the next 10 years, Stuart plans to construct multi-modal improvements. Shown below in Figure M4, multiplying average weekday person trip ends and trip adjustment factors (discussed further in Appendix B) by Stuart's existing development units provides the average weekday person trips generated by existing development. An example calculation for single-family units is 13.71 average weekday person trip ends per housing unit X 61 percent trip adjustment factor X 3,750 single-family units equals 31,362 single-family trips on an average weekday. As shown below, existing development in Stuart generates 219,474 person trips on an average weekday. Based on projected development over the next 10 years, Stuart will generate 277,277 person trips on an average weekday in 2032 – an increase of 57,802 trips.

Figure M4: Average Weekday Person Trips

Development Type	Dev Unit	ITE Code	AWPTE per Unit	Trip Adjustment	2022 Dev Units	2022 Person Trips
Single Family	HU	210	13.71	61%	3,750	31,362
Multi-Family	HU	221	8.21	61%	6,343	31,766
Industrial	KSF	130	6.64	50%	1,911	6,345
Commercial	KSF	820	72.97	33%	3,296	79,365
Office & Other Services	KSF	710	21.37	50%	5,722	61,140
Institutional	KSF	610	21.23	33%	1,356	9,497
Total						219,474

Stuart, Florida		Base	1	2	3	4	5	10	10-Year
		2022	2023	2024	2025	2026	2027	2032	Increase
Development	Single Family Units	3,750	3,836	3,922	4,008	4,033	4,058	4,177	427
	Multi-Family Units	6,343	6,637	6,931	7,225	7,260	7,296	7,463	1,120
	Industrial KSF	1,911	1,940	1,969	1,998	2,038	2,089	2,505	594
	Commercial KSF	3,296	3,345	3,395	3,446	3,515	3,603	4,321	1,025
	Office & Other Services KSF	5,722	5,808	5,895	5,983	6,103	6,256	7,502	1,780
	Institutional KSF	1,356	1,376	1,396	1,417	1,446	1,482	1,777	422
Avg Weekday Person Trips	Single-Family Trips	31,362	32,081	32,800	33,519	33,728	33,937	34,933	3,571
	Multi-Family Trips	31,766	33,239	34,711	36,184	36,359	36,539	37,375	5,609
	Residential Trips	63,128	65,320	67,511	69,703	70,087	70,477	72,308	9,180
	Industrial Trips	6,345	6,440	6,537	6,635	6,767	6,937	8,318	1,973
	Commercial Trips	79,365	80,555	81,764	82,990	84,650	86,766	104,047	24,682
	Office & Other Services Trips	61,140	62,057	62,988	63,933	65,212	66,842	80,154	19,014
	Institutional Trips	9,497	9,639	9,784	9,930	10,129	10,382	12,450	2,953
	Nonresidential Trips	156,346	158,692	161,072	163,488	166,758	170,927	204,969	48,622
	Total Person Trips	**219,474**	**224,011**	**228,583**	**233,191**	**236,845**	**241,403**	**277,277**	**57,802**

CREDITS

A credit is not necessary for multi-modal impact fees.

MAXIMUM JUSTIFIABLE MULTI-MODAL IMPACT FEES

Infrastructure components and cost factors for multi-modal impact fees are summarized in the upper portion of Figure M5. The cost for multi-modal impact fees is $87.58 per person trip.

Multi-modal impact fees for residential development are assessed according to the number of person trips generated per household. The single-family fee of $732 is calculated using a cost of $87.58 per trip multiplied by 8.36 person trips per single-family unit.

Multi-modal impact fees for nonresidential development are assessed according to the number of person trips generated per 1,000 square feet of floor area. The industrial fee of $291 per 1,000 square feet is calculated using a cost of $87.58 per trip multiplied by 3.32 person trips per 1,000 square feet of industrial development.

Figure M5: Schedule of Maximum Justifiable Multi-Modal Impact Fees

Fee Component	Cost per Trip
Multi-Modal Improvements	$87.58

Residential Fees per Unit				
Development Type	Person Trips per Household[1]	Proposed Fees	Current Fees	Increase / (Decrease)
Single Family	8.36	$732	$1,202	($470)
Multi-Family	5.01	$439	$840	($401)

Nonresidential Fees per 1,000 Square Feet				
Development Type	Person Trips per 1,000 Sq Ft[1]	Proposed Fees	Current Fees	Increase / (Decrease)
Industrial	3.32	$291	$242	$49
Commercial	24.08	$2,109	$1,618	$491
Office & Other Services	10.69	$936	$700	$236
Institutional	7.01	$614	$646	($32)

1. See Land Use Assumptions

MAXIMUM JUSTIFIABLE MULTI-MODAL IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections in Appendix B and the maximum justifiable multi-modal impact fees shown on the previous page. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease along with impact fee revenue. Over the next 10 years, projected impact fee revenue equals $5,063,344 and projected expenditures equal $5,625,000. Existing development's share of multi-modal infrastructure costs must be funded with non-impact fee revenues.

Figure M6: Projected Maximum Justifiable Multi-Modal Impact Fee Revenue

Fee Component	Growth Share	Existing Share	Total
Multi-Modal Improvements	$5,062,500	$562,500	$5,625,000
Total	$5,062,500	$562,500	$5,625,000

		Single Family $732 per unit	Multi-Family $439 per unit	Industrial $291 per sq ft	Commercial $2,109 per sq ft	Office & Other $936 per sq ft	Institutional $614 per sq ft
Year		Hsg Unit	Hsg Unit	KSF	KSF	KSF	KSF
Base	2022	3,750	6,343	1,911	3,296	5,722	1,356
Year 1	2023	3,836	6,637	1,940	3,345	5,808	1,376
Year 2	2024	3,922	6,931	1,969	3,395	5,895	1,396
Year 3	2025	4,008	7,225	1,998	3,446	5,983	1,417
Year 4	2026	4,033	7,260	2,038	3,515	6,103	1,446
Year 5	2027	4,058	7,296	2,089	3,603	6,256	1,482
Year 6	2028	4,083	7,332	2,152	3,711	6,443	1,526
Year 7	2029	4,109	7,368	2,227	3,841	6,669	1,580
Year 8	2030	4,135	7,404	2,316	3,995	6,936	1,643
Year 9	2031	4,156	7,433	2,409	4,155	7,213	1,709
Year 10	2032	4,177	7,463	2,505	4,321	7,502	1,777
10-Year Increase		427	1,120	594	1,025	1,780	422
Projected Revenue		$312,564	$491,680	$172,951	$2,161,699	$1,665,619	$258,832

Projected Fee Revenue	$5,063,344
Existing Development Share	$561,656
Total Expenditures	$5,625,000

PARKS AND RECREATION IMPACT FEES

METHODOLOGY

The parks and recreation impact fees includes a component for park amenities. The incremental expansion methodology is used for park amenities.

SERVICE AREA

Stuart plans to provide a uniform level of service and equal access to parks within the city limits; therefore, the parks and recreation impact fees will be assessed in a citywide service area.

PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The parks and recreation impact fees allocate 100 percent of the cost of capital facilities to residential development. The proportionate share of costs attributable to residential development will be allocated to population and then converted to an appropriate amount by type of housing unit, based on housing unit type.

LEVEL-OF-SERVICE ANALYSIS

Park Amenities – Incremental Expansion

Stuart currently provides 249 park amenities in its existing active, neighborhood, and passive parks, and the City plans to construct additional park amenities to serve future development. Based on recent costs to construct park amenities, the total cost of Stuart's existing park amenities is $8,513,145. The weighted average cost is $34,189 per park amenity ($8,513,145 total cost / 249 park amenities).

This analysis allocates 100 percent of demand to residential development. Stuart's existing level of service for residential development is 0.0123 amenities per person (249 amenities X 100 percent residential share / 20,226 persons). Based on the weighted average cost of $34,189 per amenity, the cost for park amenities is $420.91 per person (0.0123 amenities per person X $34,189 per amenity).

Figure PR1: Existing Level of Service and Cost Allocation

Description	Units	Unit Cost	Total Cost
Baseball Field	5	$500,000	$2,500,000
Basketball Court	3	$30,000	$90,000
Bench	107	$1,000	$107,000
Concession Stand	2	$300,000	$600,000
Pavillion - Large	5	$100,000	$500,000
Pavillion - Small	11	$20,000	$220,000
Picnic Table	67	$700	$46,900
Playground	7	$260,000	$1,820,000
Racquetball Court	4	$120,000	$480,000
Restroom	7	$150,000	$1,050,000
Shuffleboard Court	15	$10,000	$150,000
Soccer Field	3	$80,000	$240,000
Tennis Court	7	$100,000	$700,000
Water Fountain - Human and Pet	1	$3,500	$3,500
Water Fountain - Water Bottle	5	$1,149	$5,745
Total	249	$34,189	$8,513,145

Cost Factors	
Weighted Average per Amenity	$34,189

Level-of-Service (LOS) Standards	
Existing Amenities	249
Residential	
Residential Share	100%
2022 Peak Population	20,226
Amenities per Person	0.0123
Cost per Person	$420.91

Source: Stuart Parks & Recreation Department

PROJECTED DEMAND FOR SERVICES AND COSTS

Park Amenities – Incremental Expansion

Stuart plans to maintain its existing level of service for park amenities over the next 10 years. Based on a projected population increase of 3,241 persons, future residential development demands 39.9 park amenities (3,241 additional persons X 0.0123 amenities per person) at a cost of $1,364,141 (39.9 park amenities X $34,189 per amenity).

Figure PR2: Projected Demand for Park Amenities

Park Amenities		
Level of Service	0.0123	units per person
Capital Cost	$34,189	per unit

Demand for Park Amenities		
Year	Peak Population	Amenities
2022	20,226	249.0
2023	21,009	258.6
2024	21,792	268.3
2025	22,576	277.9
2026	22,708	279.6
2027	22,841	281.2
2028	22,975	282.8
2029	23,109	284.5
2030	23,245	286.2
2031	23,355	287.5
2032	23,466	288.9
10-Yr Increase	3,241	39.9

Growth-Related Expenditures	$1,364,141

CREDITS

A credit is not necessary for parks and recreation impact fees.

MAXIMUM JUSTIFIABLE PARKS AND RECREATION IMPACT FEES

Infrastructure components and cost factors for parks and recreation impact fees are summarized in the upper portion of Figure PR3. The cost for parks and recreation impact fees is $420.91 per person, and Stuart will not assess parks and recreation impact fees to nonresidential development.

Parks and recreation impact fees for residential development are assessed according to the number of persons per household. The single-family fee of $1,086 is calculated using a cost of $420.91 per person multiplied by 2.58 persons per single-family unit.

Figure PR3: Schedule of Maximum Justifiable Parks and Recreation Impact Fees

Fee Component	Cost per Person
Park Amenities	$420.91

Residential Fees per Unit				
Development Type	Persons per Household[1]	Proposed Fees	Current Fees	Increase / (Decrease)
Single Family	2.58	$1,086	$121	$965
Multi-Family	1.91	$804	$65	$739

1. See Land Use Assumptions

MAXIMUM JUSTIFIABLE PARKS AND RECREATION IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections in Appendix B and the maximum justifiable parks and recreation impact fees shown on the previous page. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with impact fee revenue. Over the next 10 years, projected impact fee revenue equals $1,364,110 and projected expenditures equal $1,364,141.

Figure PR4: Projected Maximum Justifiable Parks and Recreation Impact Fee Revenue

Fee Component	Growth Share	Existing Share	Total
Park Amenities	$1,364,141	$0	$1,364,141
Total	$1,364,141	$0	$1,364,141

		Single Family $1,086 per unit	Multi-Family $804 per unit
Year		Hsg Unit	Hsg Unit
Base	2022	3,750	6,343
Year 1	2023	3,836	6,637
Year 2	2024	3,922	6,931
Year 3	2025	4,008	7,225
Year 4	2026	4,033	7,260
Year 5	2027	4,058	7,296
Year 6	2028	4,083	7,332
Year 7	2029	4,109	7,368
Year 8	2030	4,135	7,404
Year 9	2031	4,156	7,433
Year 10	2032	4,177	7,463
10-Year Increase		427	1,120
Projected Revenue		$463,700	$900,411

Projected Fee Revenue	$1,364,110
Total Expenditures	$1,364,141

PUBLIC SAFETY IMPACT FEES

METHODOLOGY

The public safety impact fees include components for public safety facilities, apparatus, vehicles, and equipment. The plan-based methodology is used for fire facilities, police vehicles, and police equipment, and the incremental expansion methodology is used for all other components.

SERVICE AREA

Stuart provides a uniform level of service citywide; therefore, the public safety impact fees will be assessed in a citywide service area.

PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The public safety impact fees allocate the cost of capital facilities between residential and nonresidential development using 2019-2021 calls for service data. Residential development generates 48 percent of demand for fire services and nonresidential development generates the remaining 52 percent of demand. For police services, residential development generates 32 percent of demand and nonresidential development generates the remaining 68 percent of demand.

Figure PS1: Calls for Service

Fire Calls for Service		
Call Type	2019-2021	Share
Residential	6,659	48%
Nonresidential	7,075	52%
Total	13,734	100%

Source: City of Stuart Fire Rescue Department

Police Calls for Service		
Call Type	2019-2021	Share
Residential	11,503	32%
Nonresidential	24,405	68%
Total	35,908	100%

Source: City of Police Department

The proportionate share of costs attributable to residential development will be allocated to population and then converted to an appropriate amount by type of housing unit. Since nonresidential calls for service were unavailable by specific nonresidential use (i.e., retail, office, industrial, etc.), TischlerBise recommends using average weekday nonresidential vehicle trips as the best demand indicator for public safety impact fees. Trip generation rates are highest for commercial development, such as a shopping center, and lowest for industrial development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for public safety services from nonresidential development. If the analysis used employees per 1,000 square feet of floor area as the demand indicator, public safety impact fees would be too high for office and institutional development.

LEVEL-OF-SERVICE ANALYSIS

Fire Facilities – Plan-Based

Stuart plans to construct 2,500 square feet of fire facilities to serve future development over the next 10 years. Existing development in Stuart is currently served by 22,500 square feet of fire facilities. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses fire calls for service outlined in Figure PS1. Stuart's existing level of service for residential development is 0.5340 square feet per person (22,500 square feet X 48 percent residential share / 20,226 persons). For nonresidential development, the existing LOS is 0.1475 square feet per vehicle trip (22,500 square feet X 52 percent nonresidential share / 79,305 vehicle trips). If Stuart were to maintain the existing level of service, it would need to construct approximately 5,400 square feet of fire facilities. Since this exceeds the 2,500 square feet of planned facilities, the analysis allocates 100 percent of the planned 2,500 square feet to future development over the next 10 years.

Figure PS2: Existing Level of Service

Description	Square Feet
Fire Station 1 / PSC	20,000
Fire Station 2	2,500
Total	22,500

Level-of-Service (LOS) Standards	
Existing Square Feet	22,500
Residential	
Residential Share	48%
2022 Peak Population	20,226
Square Feet per Person	0.5340
Nonresidential	
Nonresidential Share	52%
2022 Vehicle Trips	79,305
Square Feet per Vehicle Trip	0.1475

Source: City of Stuart Fire Rescue Department

Within the next 10 years, Stuart plans to construct an additional fire station consisting of 2,500 square feet at a cost of $2,000,000. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses fire calls for service outlined in Figure PS1. Stuart's planned level of service for future residential development is 0.3703 square feet per person (2,500 square feet X 48 percent residential share / 3,241 additional persons). For future nonresidential development, the planned LOS is 0.0527 square feet per vehicle trip (2,500 square feet X 52 percent nonresidential share / 24,663 additional vehicle trips). The existing levels of service exceed the planned levels of service so future development will not pay more than its proportionate share of planned fire facility costs.

Based on construction estimates provided by the Stuart Fire Rescue Department, this analysis uses a construction cost of $800 per square foot. For fire facilities, the cost is $296.22 per person (0.3703 square feet per person X $800 per square foot) and $42.17 per vehicle trip (0.0527 square feet per vehicle trip X $800 per square foot).

Figure PS3: Planned Level of Service and Cost Allocation

Cost Factors	
Future Fire Station Cost	$2,000,000
Future Fire Station Square Feet	2,500
Cost per Square Foot	$800

Level-of-Service (LOS) Standards	
Additional Square Feet	2,500
Residential	
Residential Share	48%
10-Year Peak Population Increase	3,241
Square Feet per Person	0.3703
Cost per Person	$296.22
Nonresidential	
Nonresidential Share	52%
10-Year Vehicle Trip Increase	24,663
Square Feet per Vehicle Trip	0.0527
Cost per Vehicle Trip	$42.17

Source: City of Stuart Fire Rescue Department

Fire Apparatus – Incremental Expansion

Future development in Stuart will maintain current levels of service by incrementally expanding its existing fleet of five fire apparatus. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses fire calls for service outlined in Figure PS1. Stuart's existing level of service for residential development is 0.00012 units per person (five units X 48 percent residential share / 20,226 persons). For nonresidential development, the existing LOS is 0.00003 units per vehicle trip (five units X 52 percent nonresidential share / 79,305 vehicle trips).

Based on recent acquisition costs provided by the Stuart Fire Rescue Department, the weighted average cost of the existing fleet is $580,000 per unit. For fire apparatus, the cost is $68.82 per person (0.00012 units per person X $580,000 per unit) and $19.02 per vehicle trip (0.00003 units per vehicle trip X $580,000 per unit).

Figure PS4: Existing Level of Service and Cost Allocation

Description	Units	Unit Cost	Total Cost
Fire Engine / Pumper	3	$600,000	$1,800,000
Fire Mini-Pumper	1	$200,000	$200,000
Qunit Ladder Truck	1	$900,000	$900,000
Total	5	$580,000	$2,900,000

Cost Factors	
Weighted Average per Unit	$580,000

Level-of-Service (LOS) Standards	
Existing Units	5
Residential	
Residential Share	48%
2022 Peak Population	20,226
Units per Person	0.00012
Cost per Person	$68.82
Nonresidential	
Nonresidential Share	52%
2022 Vehicle Trips	79,305
Units per Vehicle Trip	0.00003
Cost per Vehicle Trip	$19.02

Source: City of Stuart Fire Rescue Department

Fire Equipment – Incremental Expansion

Future development in Stuart will maintain current levels of service by incrementally expanding its existing inventory of fire equipment. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses fire calls for service outlined in Figure PS1. Stuart's existing level of service for residential development is 0.0018 units per person (74 units X 48 percent residential share / 20,226 persons). For nonresidential development, the existing LOS is 0.0005 units per vehicle trip (74 units X 52 percent nonresidential share / 79,305 vehicle trips).

Based on recent acquisition costs provided by the Stuart Fire Rescue Department, the weighted average cost of the existing inventory is $2,469 per unit. For fire equipment, the cost is $4.34 per person (0.0018 units per person X $2,469 per unit) and $1.20 per vehicle trip (0.0005 units per vehicle trip X $2,469 per unit).

Figure PS5: Existing Level of Service and Cost Allocation

Description	Units	Unit Cost	Total Cost
Ground Ladders	3	$2,000	$6,000
Fire Hose	50	$1,000	$50,000
Pike Poles	3	$500	$1,500
SCBA	4	$8,000	$32,000
Radio	1	$5,000	$5,000
TIC	1	$15,000	$15,000
Nozzles	6	$1,200	$7,200
Extrication Equipment	1	$40,000	$40,000
Misc. equipment	1	$20,000	$20,000
Saws/Fans	4	$1,500	$6,000
Total	74	$2,469	$182,700

Cost Factors	
Cost per Unit	$2,469

Level-of-Service (LOS) Standards	
Existing Units	74
Residential	
Residential Share	48%
2022 Peak Population	20,226
Units per Person	0.0018
Cost per Person	$4.34
Nonresidential	
Nonresidential Share	52%
2022 Vehicle Trips	79,305
Units per Vehicle Trip	0.0005
Cost per Vehicle Trip	$1.20

Source: City of Stuart Fire Rescue Department

Police Facilities – Incremental Expansion

Future development in Stuart will maintain current levels of service by incrementally expanding police facilities. Stuart's existing inventory includes 4,300 square feet of police facilities. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses police calls for service outlined in Figure PS1. Stuart's existing level of service for residential development is 0.0680 square feet per person (4,300 square feet X 32 percent residential share / 20,226 persons). For nonresidential development, the existing LOS is 0.0369 square feet per vehicle trip (4,300 square feet X 68 percent nonresidential share / 79,305 vehicle trips).

Based on construction estimates provided by the Stuart Police Department, this analysis uses a construction cost of $800 per square foot. For police facilities, the cost is $54.43 per person (0.0680 square feet per person X $800 per square foot) and $29.50 per vehicle trip (0.0369 square feet per vehicle trip X $800 per square foot).

Figure PS6: Existing Level of Service and Cost Allocation

Description	Square Feet
Police Headquarters	4,300

Cost Factors	
Cost per Square Foot	$800

Level-of-Service (LOS) Standards	
Existing Square Feet	4,300
Residential	
Residential Share	32%
2022 Peak Population	20,226
Square Feet per Person	0.0680
Cost per Person	$54.43
Nonresidential	
Nonresidential Share	68%
2022 Vehicle Trips	79,305
Square Feet per Vehicle Trip	0.0369
Cost per Vehicle Trip	$29.50

Source: City of Stuart Police Department

Police Vehicles – Plan-Based

Stuart plans to expand its fleet of police vehicles by eight patrol vehicles to serve future development over the next 10 years. Existing development in Stuart is currently served by 67 police vehicles. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses police calls for service outlined in Figure PS1. Stuart's existing level of service for residential development is 0.00106 units per person (67 units X 32 percent residential share / 20,226 persons). For nonresidential development, the existing LOS is 0.00057 units per vehicle trip (67 units X 68 percent nonresidential share / 79,305 vehicle trips). If Stuart were to maintain the existing level of service, it would need to expand its fleet by approximately 18 police vehicles. Since this exceeds the planned expansion of eight vehicles, the analysis allocates 100 percent of the eight planned vehicles to future development over the next 10 years.

Figure PS7: Existing Level of Service

Description	Units	Unit Cost	Total Cost
Patrol Vehicles	33	$60,000	$1,980,000
Unmarked Vehicles	13	$50,000	$650,000
Back up Vehicles	14	$40,000	$560,000
Marine Patrol 1 (Boat)	1	$110,000	$110,000
Marine Patrol 2 (Boat)	1	$75,000	$75,000
SWAT & Command Van	2	$20,000	$40,000
Segway Pedestrian Patrol	3	$10,000	$30,000
Total	67	$51,418	$3,445,000

Level-of-Service (LOS) Standards	
Existing Units	67
Residential	
Residential Share	32%
2022 Peak Population	20,226
Units per Person	0.00106
Nonresidential	
Nonresidential Share	68%
2022 Vehicle Trips	79,305
Units per Vehicle Trip	0.00057

Source: City of Stuart Police Department

Within the next 10 years, Stuart plans to expand its fleet by eight patrol vehicles at a cost of $480,000. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses police calls for service outlined in Figure PS1. Stuart's planned level of service for future residential development is 0.0008 units per person (eight units X 32 percent residential share / 3,241 additional persons). For future nonresidential development, the planned LOS is 0.0002 units per vehicle trip (eight units X 68 percent nonresidential share / 24,663 additional vehicle trips). The existing levels of service exceed the planned levels of service so future development will not pay more than its proportionate share of planned police vehicle costs.

Based on recent patrol vehicle acquisitions provided by the Stuart Police Department, the cost to acquire a patrol vehicle is $60,000. For police vehicles, the cost is $47.39 per person (0.0008 units per person X $60,000 per unit) and $13.23 per vehicle trip (0.0002 units per vehicle trip X $60,000 per unit).

Figure PS8: Planned Level of Service and Cost Allocation

Description	Units	Unit Cost	Total Cost
Patrol Vehicles	8	$60,000	$480,000

Level-of-Service (LOS) Standards	
Additional Vehicles	8
Residential	
Residential Share	32%
10-Year Peak Population Increase	3,241
Units per Person	0.0008
Cost per Person	$47.39
Nonresidential	
Nonresidential Share	68%
10-Year Vehicle Trip Increase	24,663
Units per Vehicle Trip	0.0002
Cost per Vehicle Trip	$13.23

Source: City of Stuart Police Department

Police Equipment – Plan-Based

Stuart plans to expand its inventory of police equipment by 50 units to serve future development over the next 10 years. Existing development in Stuart is currently served by 370 units of police equipment. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses police calls for service outlined in Figure PS1. Stuart's existing level of service for residential development is 0.00585 units per person (370 units X 32 percent residential share / 20,226 persons). For nonresidential development, the existing LOS is 0.00317 units per vehicle trip (370 units X 68 percent nonresidential share / 79,305 vehicle trips). If Stuart were to maintain the existing level of service, it would need to expand its inventory of police equipment by approximately 97 units. Since this exceeds the planned expansion of 50 units, the analysis allocates 100 percent of the 50 planned units to future development over the next 10 years.

Figure PS9: Existing Level of Service

Description	Units	Unit Cost	Total Cost
In-Car Radios	33	$5,000	$165,000
In-Car Laptops	33	$19,000	$627,000
In-Car Printers	33	$11,000	$363,000
Portable Radios	33	$350	$11,550
Radars	33	$200	$6,600
Flashlights 2 sets	80	$500	$40,000
Guns	40	$700	$28,000
Rifles	40	$1,500	$60,000
Tasers	40	$1,500	$60,000
AED	5	$650	$3,250
Total	370	$3,688	$1,364,400

Level-of-Service (LOS) Standards	
Existing Units	370
Residential	
Residential Share	32%
2022 Peak Population	20,226
Units per Person	0.00585
Nonresidential	
Nonresidential Share	68%
2022 Vehicle Trips	79,305
Units per Vehicle Trip	0.00317

Source: City of Stuart Police Department

Within the next 10 years, Stuart plans to expand its inventory of police equipment by 50 units. To allocate the proportionate share of demand to residential and nonresidential development, this analysis uses police calls for service outlined in Figure PS1. Stuart's planned level of service for future residential development is 0.00494 units per person (50 units X 32 percent residential share / 3,241 additional persons). For future nonresidential development, the planned LOS is 0.00138 units per vehicle trip (50 units X 68 percent nonresidential share / 24,663 additional vehicle trips). The existing levels of service exceed the planned levels of service so future development will not pay more than its proportionate share of planned police equipment costs.

Based on recent police equipment acquisitions provided by the Stuart Police Department, the weighted average cost of the existing inventory is $3,688 per unit. For police equipment, the cost is $18.1 per person (0.00494 units per person X $3,688 per unit) and $5.08 per vehicle trip (0.00138 units per vehicle trip X $3,688 per unit).

Figure PS10: Planned Level of Service and Cost Allocation

Cost Factors	
Weighted Average per Unit	$3,688

Level-of-Service (LOS) Standards	
Additional Units	50
Residential	
Residential Share	32%
10-Year Peak Population Increase	3,241
Units per Person	0.00494
Cost per Person	$18.21
Nonresidential	
Nonresidential Share	68%
10-Year Vehicle Trip Increase	24,663
Units per Vehicle Trip	0.00138
Cost per Vehicle Trip	$5.08

Source: City of Stuart Police Department

PROJECTED DEMAND FOR SERVICES AND COSTS

Fire Facilities – Plan-Based

Stuart plans to construct 2,500 square feet of fire facilities over the next 10 years. Based on a projected population increase of 3,241 persons, future residential development demands 1,200.0 square feet of fire facilities (3,241 additional persons X 0.3703 square feet per person). With projected nonresidential vehicle trip growth of 24,663 vehicle trips, future nonresidential development demands 1,300.0 square feet of fire facilities (24,663 additional vehicle trips X 0.0527 square feet per vehicle trip). Future development demands 2,500 square feet of fire facilities at a cost of $2,000,000 (2,500.0 square feet X $800 per square foot).

Figure PS11: Projected Demand for Fire Facilities

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Fire Facilities	0.3703 Square Feet	per Person	$800
	0.0527 Square Feet	per Vehicle Trip	

Demand for Fire Facilities					
Year	Peak Population	Vehicle Trips	Square Feet		
			Residential	Nonresidential	Total
2022	20,226	79,305	0.0	0.0	0.0
2023	21,009	80,494	290.1	62.7	352.8
2024	21,792	81,702	580.2	126.3	706.5
2025	22,576	82,927	870.2	190.9	1,061.2
2026	22,708	84,586	919.2	278.4	1,197.5
2027	22,841	86,701	968.4	389.8	1,358.2
2028	22,975	89,302	1,018.0	526.9	1,544.9
2029	23,109	92,427	1,067.8	691.7	1,759.5
2030	23,245	96,124	1,118.0	886.6	2,004.6
2031	23,355	99,969	1,158.9	1,089.2	2,248.1
2032	23,466	103,968	1,200.0	1,300.0	2,500.0
10-Yr Increase	3,241	24,663	1,200.0	1,300.0	2,500.0

Growth-Related Expenditures	$960,000	$1,040,000	$2,000,000

Fire Apparatus – Incremental Expansion

Stuart plans to maintain its existing level of service for fire apparatus over the next 10 years. Based on a projected population increase of 3,241 persons, future residential development demands approximately 0.4 units (3,241 additional persons X 0.00012 units per person). With projected nonresidential vehicle trip growth of 24,663 vehicle trips, future nonresidential development demands approximately 0.8 units (24,663 additional vehicle trips X 0.00003 units per vehicle trip). Future development demands approximately 1.2 fire apparatus at a cost of $692,023 (1.2 units X $580,000 per unit).

Figure PS12: Projected Demand for Fire Apparatus

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Fire Apparatus	0.00012 Units	per Person	$580,000
	0.00003 Units	per Vehicle Trip	

Demand for Fire Apparatus					
Year	Peak Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2022	20,226	79,305	2.4	2.6	5.0
2023	21,009	80,494	2.5	2.6	5.1
2024	21,792	81,702	2.6	2.7	5.3
2025	22,576	82,927	2.7	2.7	5.4
2026	22,708	84,586	2.7	2.8	5.5
2027	22,841	86,701	2.7	2.8	5.6
2028	22,975	89,302	2.7	2.9	5.7
2029	23,109	92,427	2.7	3.0	5.8
2030	23,245	96,124	2.8	3.2	5.9
2031	23,355	99,969	2.8	3.3	6.0
2032	23,466	103,968	2.8	3.4	6.2
10-Yr Increase	3,241	24,663	0.4	0.8	1.2

Growth-Related Expenditures	$223,048	$468,975	$692,023

Fire Equipment – Incremental Expansion

Stuart plans to maintain its existing level of service for fire equipment over the next 10 years. Based on a projected population increase of 3,241 persons, future residential development demands approximately 5.7 units (3,241 additional persons X 0.0018 units per person). With projected nonresidential vehicle trip growth of 24,663 vehicle trips, future nonresidential development demands approximately 12.0 units (24,663 additional vehicle trips X 0.0005 units per vehicle trip). Future development demands approximately 17.7 units of fire equipment at a cost of $43,599 (17.7 units X $2,469 per unit).

Figure PS13: Projected Demand for Fire Equipment

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Fire Equipment	0.0018 Units	per Person	$2,469
	0.0005 Units	per Vehicle Trip	

Demand for Fire Equipment					
Year	Peak Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2022	20,226	79,305	35.5	38.5	74.0
2023	21,009	80,494	36.9	39.1	76.0
2024	21,792	81,702	38.3	39.6	77.9
2025	22,576	82,927	39.6	40.2	79.9
2026	22,708	84,586	39.9	41.0	80.9
2027	22,841	86,701	40.1	42.1	82.2
2028	22,975	89,302	40.3	43.3	83.7
2029	23,109	92,427	40.6	44.8	85.4
2030	23,245	96,124	40.8	46.6	87.5
2031	23,355	99,969	41.0	48.5	89.5
2032	23,466	103,968	41.2	50.4	91.7
10-Yr Increase	3,241	24,663	5.7	12.0	17.7

Growth-Related Expenditures	$14,053	$29,546	$43,599

Police Facilities – Incremental Expansion

Stuart plans to maintain its existing level of service for police facilities over the next 10 years. Based on a projected population increase of 3,241 persons, future residential development demands approximately 220.5 square feet of police facilities (3,241 additional persons X 0.0680 square feet per person). With projected nonresidential vehicle trip growth of 24,663 vehicle trips, future nonresidential development demands approximately 909.3 square feet of police facilities (24,663 additional vehicle trips X 0.0369 square feet per vehicle trip). Future development demands approximately 1,130 square feet of police facilities at a cost of $903,858 (1,129.8 square feet X $800 per square foot).

Figure PS14: Projected Demand for Police Facilities

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Police Facilities	0.0680 Square Feet	per Person	$800
	0.0369 Square Feet	per Vehicle Trip	

Demand for Police Facilities					
Year	Peak Population	Vehicle Trips	Square Feet		
			Residential	Nonresidential	Total
2022	20,226	79,305	1,376.0	2,924.0	4,300.0
2023	21,009	80,494	1,429.3	2,967.9	4,397.2
2024	21,792	81,702	1,482.6	3,012.4	4,495.0
2025	22,576	82,927	1,535.9	3,057.6	4,593.5
2026	22,708	84,586	1,544.9	3,118.7	4,663.6
2027	22,841	86,701	1,553.9	3,196.7	4,750.6
2028	22,975	89,302	1,563.0	3,292.6	4,855.6
2029	23,109	92,427	1,572.2	3,407.8	4,980.0
2030	23,245	96,124	1,581.4	3,544.1	5,125.6
2031	23,355	99,969	1,588.9	3,685.9	5,274.8
2032	23,466	103,968	1,596.5	3,833.3	5,429.8
10-Yr Increase	3,241	24,663	220.5	909.3	1,129.8
Growth-Related Expenditures			$176,388	$727,470	$903,858

Police Vehicles – Plan-Based

Stuart plans to acquire eight police vehicles over the next 10 years. Based on a projected population increase of 3,241 persons, future residential development demands approximately 2.6 police vehicles (3,241 additional persons X 0.0008 units per person). With projected nonresidential vehicle trip growth of 24,663 vehicle trips, future nonresidential development demands approximately 5.4 police vehicles (24,663 additional vehicle trips X 0.0002 units per vehicle trip). Future development demands eight police vehicles at a cost of $480,000 (eight units X $60,000 per unit).

Figure PS15: Projected Demand for Police Vehicles

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Police Vehicles	0.0008 Units	per Person	$60,000
	0.0002 Units	per Vehicle Trip	

Demand for Police Vehicles					
Year	Peak Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2022	20,226	79,305	0.0	0.0	0.0
2023	21,009	80,494	0.6	0.3	0.9
2024	21,792	81,702	1.2	0.5	1.8
2025	22,576	82,927	1.9	0.8	2.7
2026	22,708	84,586	2.0	1.2	3.1
2027	22,841	86,701	2.1	1.6	3.7
2028	22,975	89,302	2.2	2.2	4.4
2029	23,109	92,427	2.3	2.9	5.2
2030	23,245	96,124	2.4	3.7	6.1
2031	23,355	99,969	2.5	4.6	7.0
2032	23,466	103,968	2.6	5.4	8.0
10-Yr Increase	3,241	24,663	2.6	5.4	8.0

Growth-Related Expenditures	$153,600	$326,400	$480,000

Police Equipment – Plan-Based

Stuart plans to expand its inventory of police equipment by 50 units over the next 10 years. Based on a projected population increase of 3,241 persons, future residential development demands approximately 16.0 units (3,241 additional persons X 0.00494 units per person). With projected nonresidential vehicle trip growth of 24,663 vehicle trips, future nonresidential development demands approximately 34.0 units (24,663 additional vehicle trips X 0.00138 units per vehicle trip). Future development demands 50.0 units of police equipment at a cost of $184,400 (50.0 units X $3,688 per unit).

Figure PS16: Projected Demand for Police Equipment

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Police Equipment	0.00494 Units	per Person	$3,688
	0.00138 Units	per Vehicle Trip	

Demand for Police Equipment					
Year	Peak Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2022	20,226	79,305	0.0	0.0	0.0
2023	21,009	80,494	3.9	1.6	5.5
2024	21,792	81,702	7.7	3.3	11.0
2025	22,576	82,927	11.6	5.0	16.6
2026	22,708	84,586	12.3	7.3	19.5
2027	22,841	86,701	12.9	10.2	23.1
2028	22,975	89,302	13.6	13.8	27.4
2029	23,109	92,427	14.2	18.1	32.3
2030	23,245	96,124	14.9	23.2	38.1
2031	23,355	99,969	15.5	28.5	43.9
2032	23,466	103,968	16.0	34.0	50.0
10-Yr Increase	3,241	24,663	16.0	34.0	50.0

Growth-Related Expenditures	$59,008	$125,392	$184,400

CREDITS

A credit is not necessary for public safety impact fees.

MAXIMUM JUSTIFIABLE PUBLIC SAFETY IMPACT FEES

Infrastructure components and cost factors for public safety impact fees are summarized in the upper portion of Figure PS17. The cost for public safety impact fees is $489.41 per person and $110.20 per vehicle trip.

Public safety impact fees for residential development are assessed according to the number of persons per household. The single-family fee of $1,263 is calculated using a cost of $489.41 per person multiplied by 2.58 persons per single-family unit.

Public safety impact fees for nonresidential development are assessed according to the number of vehicle trips generated per 1,000 square feet of floor area. The industrial fee of $186 per 1,000 square feet is calculated using a cost of $110.20 per vehicle trip multiplied by 1.69 vehicle trips per 1,000 square feet of industrial development.

Figure PS17: Schedule of Maximum Justifiable Public Safety Impact Fees

Fee Component	Cost per Person	Cost per Veh Trip
Fire Facilities	$296.22	$42.17
Fire Apparatus	$68.82	$19.02
Fire Equipment	$4.34	$1.20
Police Facilities	$54.43	$29.50
Police Vehicles	$47.39	$13.23
Police Equipment	$18.21	$5.08
Total	$489.41	$110.20

Residential Fees per Unit				
Development Type	Persons per Household[1]	Proposed Fees	Current Fees	Increase / (Decrease)
Single Family	2.58	$1,263	$758	$505
Multi-Family	1.91	$935	$409	$526

Nonresidential Fees per 1,000 Square Feet				
Development Type	AWVT per 1,000 Sq Ft[1]	Proposed Fees	Current Fees	Increase / (Decrease)
Industrial	1.69	$186	$327	($141)
Commercial	12.21	$1,346	$509	$837
Office & Other Services	5.42	$597	$631	($34)
Institutional	3.55	$392	$227	$165

1. See Land Use Assumptions

MAXIMUM JUSTIFIABLE PUBLIC SAFETY IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections in Appendix B and the maximum justifiable public safety impact fees shown on the previous page. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with impact fee revenue. Over the next 10 years, projected impact fee revenues equal $4,303,821 and projected expenditures equal $4,303,880.

Figure PS18: Projected Maximum Justifiable Public Safety Impact Fee Revenue

Fee Component	Growth Share	Existing Share	Total
Fire Facilities	$2,000,000	$0	$2,000,000
Fire Apparatus	$692,023	$0	$692,023
Fire Equipment	$43,599	$0	$43,599
Police Facilities	$903,858	$0	$903,858
Police Vehicles	$480,000	$0	$480,000
Police Equipment	$184,400	$0	$184,400
Total	$4,303,880	$0	$4,303,880

	Single Family $1,263 per unit	Multi-Family $935 per unit	Industrial $186 per KSF	Commercial $1,346 per KSF	Office & Other $597 per KSF	Institutional $392 per KSF
Year	Hsg Unit	Hsg Unit	KSF	KSF	KSF	KSF
Base 2022	3,750	6,343	1,911	3,296	5,722	1,356
Year 1 2023	3,836	6,637	1,940	3,345	5,808	1,376
Year 2 2024	3,922	6,931	1,969	3,395	5,895	1,396
Year 3 2025	4,008	7,225	1,998	3,446	5,983	1,417
Year 4 2026	4,033	7,260	2,038	3,515	6,103	1,446
Year 5 2027	4,058	7,296	2,089	3,603	6,256	1,482
Year 6 2028	4,083	7,332	2,152	3,711	6,443	1,526
Year 7 2029	4,109	7,368	2,227	3,841	6,669	1,580
Year 8 2030	4,135	7,404	2,316	3,995	6,936	1,643
Year 9 2031	4,156	7,433	2,409	4,155	7,213	1,709
Year 10 2032	4,177	7,463	2,505	4,321	7,502	1,777
10-Year Increase	427	1,120	594	1,025	1,780	422
Projected Revenue	$539,160	$1,046,940	$110,294	$1,379,491	$1,062,836	$165,100

Projected Fee Revenue	$4,303,821
Total Expenditures	$4,303,880

APPENDIX A: LAND USE DEFINITIONS

RESIDENTIAL DEVELOPMENT

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Stuart will collect impact fees from all new residential units. One-time impact fees are determined by site capacity (i.e., number of residential units).

Single-Family Units:

1. Single-family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides.
2. Single-family attached (townhouse) is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

Multi-Family Units:

1. 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with "2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments."
2. Boat, RV, Van, Etc. includes any living quarters occupied as a housing unit that does not fit the other categories (e.g., houseboats, railroad cars, campers, and vans). Recreational vehicles, boats, vans, railroad cars, and the like are included only if they are occupied as a current place of residence.
3. Mobile home includes both occupied and vacant mobile homes, to which no permanent rooms have been added. Mobile homes used only for business purposes or for extra sleeping space and mobile homes for sale on a dealer's lot, at the factory, or in storage are not counted in the housing inventory.

NONRESIDENTIAL DEVELOPMENT

As discussed below, the nonresidential development categories are defined by Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). Stuart will collect impact fees from all new nonresidential development. One-time impact fees are determined by site capacity (i.e., square feet).

Commercial: Establishments primarily selling merchandise, eating/drinking places, entertainment uses, and places of lodging. By way of example, *commercial* includes shopping centers, supermarkets, pharmacies, restaurants, bars, nightclubs, automobile dealerships, movie theaters, and lodging.

Industrial: Establishments primarily engaged in the production, transportation, or storage of goods. By way of example, *industrial* includes manufacturing plants, utility substations, power generation facilities, telecommunications buildings, distribution warehouses, trucking companies, and data centers.

Institutional: Public and quasi-public buildings providing educational, social assistance, or religious services. By way of example, *institutional* includes schools, universities, churches, daycare facilities, and government buildings.

Office & Other Services: Establishments providing management, administrative, professional, business services, and health services. By way of example, *office & other services* includes banks, business offices, medical offices, hospitals, and veterinary clinics.

APPENDIX B: LAND USE ASSUMPTIONS

SUMMARY OF GROWTH INDICATORS

Key land use assumptions for the Stuart Impact Fee Study include population, housing units, employment, and nonresidential floor area. Based on discussions with staff, TischlerBise projects housing units from the 2022 base year through 2025 based on residential building permit data from 2017 through 2021 and converts projected housing units to population by applying occupancy factors derived from American Community Survey 2016-2020 5-Year Estimates. Beyond 2025, TischlerBise uses Bureau of Economic and Business Research (BEBR) medium series data to project population. For nonresidential development, Stuart staff recommended annual employment growth factors ranging from 1.5 percent in 2023 to 4.0 percent in 2030. To project floor area, TischlerBise applies employment density factors published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021) to projected employment.

Complete development projections are summarized in Figure B18. These projections will be used to estimate impact fee revenue and to indicate the anticipated need for growth-related infrastructure. However, impact fee methodologies are designed to reduce sensitivity to development projections in the determination of the proportionate share fee amounts. If actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development occurs faster than anticipated, fee revenue will increase, but Stuart will need to accelerate infrastructure improvements to keep pace with the actual rate of development. Over the next 10 years, development projections indicate an average increase of approximately 155 housing units per year and approximately 382,000 square feet of nonresidential development per year.

RESIDENTIAL DEVELOPMENT

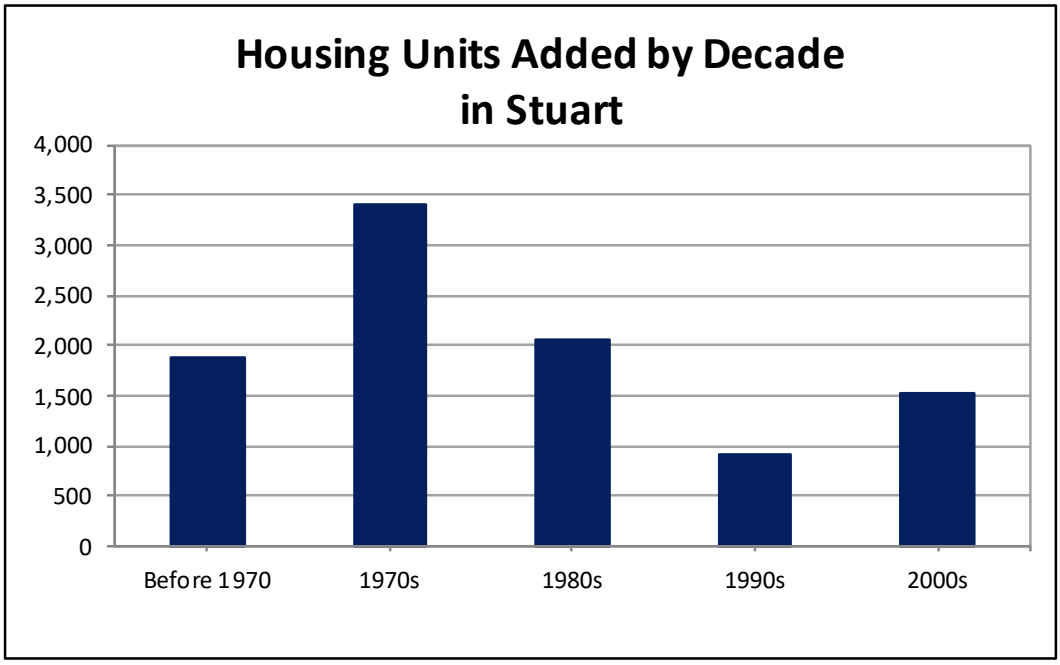
This section details current estimates and future projections of residential development including population and housing units.

Recent Residential Construction

Impact fees require an analysis of current levels of service. For residential development, current levels of service are determined using estimates of population and housing units. Shown below, Figure B1 indicates the estimated number of housing units added by decade according to data obtained from the U.S. Census Bureau. Stuart experienced moderate growth from 2000 to 2020, when housing inventory increased by an average of 46 units per year. Based on permit data, residential construction from 2017-2021 averaged 380 units per year – 86 single-family units and 294 multi-family units.

Figure B1: Housing Units by Decade

Census 2000 Housing Units	8,879	Stuart's housing stock grew by an average of 46 housing units per year from 2000 to 2020.
Census 2020 Housing Units	9,803	
New Housing Units 2000 to 2020	924	



Source: U.S. Census Bureau, Census 2020 Summary File 1, Census 2000 Summary File 1, 2016-2020 5-Year American Community Survey (for 2000s and earlier, adjusted to yield total units in 2020).

Occupancy Factors

According to the U.S. Census Bureau, a household is a housing unit occupied by year-round residents. Impact fees often use per capita standards and persons per housing unit (PPHU) or persons per household (PPH) to derive proportionate share fee amounts. When PPHU is used in the fee calculations, infrastructure standards are derived using year-round population. When PPH is used in the fee calculations, the impact fee methodology assumes a higher percentage of housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. TischlerBise recommends Stuart impose impact fees for residential development according to the number of persons per household.

Occupancy calculations require data on population and the types of units by structure. The 2010 census did not obtain detailed information using a "long-form" questionnaire. Instead, the U.S. Census Bureau switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which has limitations due to sample-size constraints. For example, data on detached housing units are now combined with attached single units (commonly known as townhouses, which share a common sidewall, but are constructed on an individual parcel of land). For impact fees in Stuart, detached, stick-built units and attached units are included in the "Single-Family Unit" category. The "Multi-Family Unit" category includes duplexes, structures with two or more units on an individual parcel of land, mobile homes, boats, RVs, and vans.

Figure B2 below shows the occupancy estimates for Stuart. Single-family units average 2.58 persons per household and multi-family units average 1.91 persons per household.

Figure B2: Occupancy Factors

Housing Type	Persons	Households	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy
Single-Family Unit[1]	7,799	3,024	2.58	3,545	2.20	37.8%	14.70%
Multi-Family Unit[2]	8,122	4,262	1.91	5,833	1.39	62.2%	26.90%
Total	15,921	7,286	2.19	9,378	1.70	100.0%	22.30%

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

1. Includes detached and attached (i.e. townhouses) units.

2. Includes dwellings in structures with two or more units, mobile homes, and all other units.

Residential Estimates

U.S. Census Bureau estimates for Stuart include a 2020 resident population of 17,425 persons living in 8,120 households and a total of 9,803 housing units. For 2020, TischlerBise uses the housing unit mix shown in Figure B2 to estimate housing units by type of unit. To estimate seasonal households, TischlerBise uses American Community Survey 2016-2020 5-Year Estimates and U.S. Census Bureau data to calculate a seasonal household estimate of 847 units. Applying the citywide household occupancy rate of 2.19 persons per household to the estimate of 8,967 peak households results in a peak population of 19,638 persons. This analysis keeps the seasonal population fixed throughout the 10-year study period. Based on recent construction data, TischlerBise estimates for 2022 include 10,093 housing units and a resident population of 18,013 persons. Adding the seasonal population results in a 2022 peak population of 20,226 persons.

Residential Projections

Population and housing unit projections are used to illustrate the possible future pace of service demands, revenues, and expenditures. To the extent these factors change, the projected need for infrastructure will also change. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase at a corresponding rate. If development occurs at a slower rate than is projected, the demand for infrastructure will also decrease.

Based on discussions with Stuart staff, the analysis uses 2017-2021 residential construction data to project housing units through 2025 – 86 single-family units per year and 294 multi-family units per year. Beyond 2025, the analysis projects population using the compound annual growth rate calculated from Bureau of Economic and Business Research (BEBR) medium series projections for Martin County – 0.65 percent for 2025-2030 and 0.52 percent for 2030-2035. Based on these projections, Stuart can expect 1,547 additional housing units over the next 10 years. For this study, the analysis assumes the occupancy factors shown in Figure B2 will remain constant. Converting projected housing units to population results in a 10-year peak population increase of 3,241 persons.

Figure B3: Residential Projections

Stuart, Florida	2022	2023	2024	2025	2026	2027	2032	10-Year
	Base Year	1	2	3	4	5	10	Increase
Resident Population								
Single Family	8,663	8,885	9,107	9,329	9,393	9,459	9,765	1,102
Multi-Family	9,350	9,911	10,473	11,034	11,102	11,169	11,488	2,139
Resident Population	**18,013**	**18,796**	**19,579**	**20,363**	**20,495**	**20,628**	**21,253**	**3,241**
Seasonal Population	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**0**
Peak Population	**20,226**	**21,009**	**21,792**	**22,576**	**22,708**	**22,841**	**23,466**	**3,241**
Housing Units								
Single Family	3,750	3,836	3,922	4,008	4,033	4,058	4,177	427
Multi-Family	6,343	6,637	6,931	7,225	7,260	7,296	7,463	1,120
Total	**10,093**	**10,473**	**10,853**	**11,233**	**11,293**	**11,354**	**11,640**	**1,547**

NONRESIDENTIAL DEVELOPMENT

This section details current estimates and future projections of nonresidential development including jobs and nonresidential floor area.

Nonresidential Demand Units

In Figure B4, gray shading indicates the nonresidential development prototypes used by TischlerBise to derive employment densities and average weekday vehicle trip ends. For nonresidential development, TischlerBise uses data published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). The prototype for industrial development is Industrial Park (ITE 130) which generates 3.37 average weekday vehicle trip ends per 1,000 square feet of floor area and has 864 square feet of floor area per employee. Institutional development uses Hospital (ITE 610) and generates 10.77 average weekday vehicle trip ends per 1,000 square feet of floor area and has 350 square feet of floor area per employee. For office & other services development, the proxy is General Office (ITE 710); it generates 10.84 average weekday vehicle trip ends per 1,000 square feet of floor area and has 307 square feet of floor area per employee. The prototype for commercial development is Shopping Center (ITE 820) which generates 37.01 average weekday vehicle trips per 1,000 square feet of floor area and has 471 square feet of floor area per employee.

Figure B4: Nonresidential Demand Units

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit[1]	Wkdy Trip Ends Per Employee[1]	Emp Per Dmd Unit	Square Feet Per Emp
110	Light Industrial	1,000 Sq Ft	4.87	3.10	1.57	637
130	**Industrial Park**	**1,000 Sq Ft**	**3.37**	**2.91**	**1.16**	**864**
150	Warehousing	1,000 Sq Ft	1.71	5.05	0.34	2,953
151	Mini-Warehouse	unit	0.18	na	na	na
254	Assisted Living	bed	2.60	4.24	0.61	na
310	Hotel	room	7.99	14.34	0.56	na
520	Elementary School	student	2.27	22.50	0.10	na
525	High School	student	1.94	21.95	0.09	na
540	Community College	student	1.15	14.61	0.08	na
610	**Hospital**	**1,000 Sq Ft**	**10.77**	**3.77**	**2.86**	**350**
710	**General Office (avg size)**	**1,000 Sq Ft**	**10.84**	**3.33**	**3.26**	**307**
720	Medical-Dental Office	1,000 Sq Ft	36.00	8.71	4.13	242
750	Office Park	1,000 Sq Ft	11.07	3.54	3.13	320
760	Research & Dev Center	1,000 Sq Ft	11.08	3.37	3.29	304
770	Business Park	1,000 Sq Ft	12.44	4.04	3.08	325
820	**Shopping Center (avg size)**	**1,000 Sq Ft**	**37.01**	**17.42**	**2.12**	**471**

1. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).

Nonresidential Estimates

TischlerBise uses the term jobs to refer to employment by place of work. Shown below in Figure B5, Esri Business Analyst estimates 2021 employment equal to 31,206 jobs. Applying the employment multipliers shown in Figure B4 to the employment estimates by nonresidential category results in a 2021 nonresidential floor area estimate of 12,085,080 square feet. To estimate 2022 employment, TischlerBise applies the 2021 ratio of 1.57 jobs per person (31,206 jobs / 19,897 peak population) to the 2022 peak population estimate of 20,266 persons. For the 2022 base year, TischlerBise estimates include 31,721 jobs and 12,284,523 square feet of nonresidential floor area.

Figure B5: Nonresidential Estimates

Nonresidential Category	2021 Jobs[1]	Percent of Total Jobs	Square Feet per Employee	2021 Estimated Floor Area[2]
Industrial[3]	2,176	7%	864	1,880,064
Commercial[4]	6,884	22%	471	3,242,364
Office & Other Services[5]	18,336	59%	307	5,629,152
Institutional[6]	3,810	12%	350	1,333,500
Total	31,206	100%		12,085,080

1. Esri Business Analyst, 2021.
2. TischlerBise calculation.
3. Major sectors are Wholesale Trade; Manufacturing.
4. Major sectors are Retail Trade; Accommodation and Food Services.
5. Major sectors are Health Care; Professional, Scientific & Tech Services.
6. Major sectors are Educational Services; Public Administration.

Nonresidential Category	2022 Jobs[1]	Percent of Total Jobs	Square Feet per Employee	2022 Estimated Floor Area[1]
Industrial[2]	2,212	7%	864	1,911,091
Commercial[3]	6,998	22%	471	3,295,874
Office & Other Services[4]	18,639	59%	307	5,722,051
Institutional[5]	3,873	12%	350	1,355,507
Total	31,721	100%		12,284,523

1. TischlerBise calculation.
2. Major sectors are Wholesale Trade; Manufacturing.
3. Major sectors are Retail Trade; Accommodation and Food Services.
4. Major sectors are Health Care; Professional, Scientific & Tech Services.
5. Major sectors are Educational Services; Public Administration.

Nonresidential Projections

To project future nonresidential development, Stuart staff provided annual employment growth rates for each year of the 10-year projection timeline. Based on these estimates, the analysis uses an annual growth rate of 1.5 percent for years 2023-2025, 2.0 percent for 2026, 2.5 percent for 2027, 3.0 percent for 2028, 3.5 percent for 2029, and 4.0 percent for years 2030-2032. This results in a 10-year increase of 9,865 jobs.

To project nonresidential floor area, TischlerBise applies the square feet per employee factors shown in Figure B4 to projected employment. For example, the projected increase of 688 industrial jobs multiplied by 864 square feet per job equals approximately 594,000 square feet of industrial floor area. Shown below in Figure B6, the 10-year increase includes approximately 3,820,000 square feet of additional nonresidential floor area.

Figure B6: Nonresidential Projections

Stuart, Florida	2022	2023	2024	2025	2026	2027	2032	10-Year
	Base Year	1	2	3	4	5	10	Increase
Employment								
Industrial	2,212	2,245	2,279	2,313	2,359	2,418	2,900	688
Commercial	6,998	7,103	7,209	7,317	7,464	7,650	9,174	2,176
Office & Other Services	18,639	18,918	19,202	19,490	19,880	20,377	24,435	5,796
Institutional	3,873	3,931	3,990	4,050	4,131	4,234	5,077	1,204
Total	**31,721**	**32,197**	**32,680**	**33,170**	**33,833**	**34,679**	**41,586**	**9,865**
Nonres. Floor Area (x1,000)								
Industrial	1,911	1,940	1,969	1,998	2,038	2,089	2,505	594
Commercial	3,296	3,345	3,395	3,446	3,515	3,603	4,321	1,025
Office & Other Services	5,722	5,808	5,895	5,983	6,103	6,256	7,502	1,780
Institutional	1,356	1,376	1,396	1,417	1,446	1,482	1,777	422
Total	**12,285**	**12,469**	**12,656**	**12,846**	**13,103**	**13,430**	**16,105**	**3,820**

AVERAGE WEEKDAY VEHICLE TRIPS

Stuart will use average weekday vehicle trips (AWVT) for nonresidential public safety impact fees. Components used to determine average weekday vehicle trips include trip generation rates and adjustments for pass-by trips.

Residential Demand Units

As an alternative to simply using the national average trip generation rate for residential development, the ITE publishes regression curve formulas that may be used to derive custom trip generation rates, using local demographic data. Key independent variables needed for the analysis (i.e., vehicles available, housing units, households, and persons) are available from American Community Survey data. Shown below, single-family units generate 7.48 average weekday vehicle trip ends per unit, and multi-family units generate 4.48 average weekday vehicle trip ends per unit.

Figure B7: Average Weekday Vehicle Trip Ends by Housing Type

		Households by Structure Type[2]			
Tenure by Units in Structure	Vehicles Available[1]	Single-Family	Multi-Family	Total	Vehicles per HH by Tenure
Owner-Occupied	7,014	2,350	1,796	4,146	1.69
Renter-Occupied	3,837	674	2,466	3,140	1.22
Total	10,851	3,024	4,262	7,286	1.49

Units in Structure	Persons in Households[3]	Trip Ends[4]	Vehicles by Type of Unit	Trip Ends[5]	Average Trip Ends	Housing Units[6]	Trip Ends per Housing Unit
Single-Family	7,799	21,726	4,799	31,285	26,505	3,545	**7.48**
Multi-Family	8,122	28,119	6,052	24,138	26,128	5,833	**4.48**
Total	15,921	49,845	10,851	55,423	52,634	9,378	**5.61**

1. Vehicles available by tenure from Table B25046, American Community Survey, 2016-2020 5-Year Estimates.

2. Households by tenure and units in structure from Table B25032, American Community Survey, 2016-2020 5-Year Estimates.

3. Total population in households from Table B25033, American Community Survey, 2016-2020 5-Year Estimates.

4. Vehicle trips ends based on persons using formulas from Trip Generation (ITE 2021). For single-family housing (ITE 210), the fitted curve equation is EXP(0.89*LN(persons)+1.72). To approximate the average population of the ITE studies, persons were divided by 14 and the equation result multiplied by 14. For multi-family housing (ITE 220), the fitted curve equation is (3.47*persons)-64.48.

5. Vehicle trip ends based on vehicles available using formulas from Trip Generation (ITE 2021). For single-family housing (ITE 210), the fitted curve equation is EXP(0.99*LN(vehicles)+1.93). To approximate the average number of vehicles in the ITE studies, vehicles available were divided by 19 and the equation result multiplied by 19. For multi-family housing (ITE 220), the fitted curve equation is (3.94*vehicles)+293.58.

6. Housing units from Table B25024, American Community Survey, 2016-2020 5-Year Estimates.

Nonresidential Demand Units

In Figure B8, gray shading indicates the nonresidential development prototypes used by TischlerBise to derive average weekday vehicle trip ends. For nonresidential development, TischlerBise uses data published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). The prototype for industrial development is Industrial Park (ITE 130) which generates 3.37 average weekday vehicle trip ends per 1,000 square feet of floor area. Institutional development uses Hospital (ITE 610) and generates 10.77 average weekday vehicle trip ends per 1,000 square feet of floor area. For office & other services development, the proxy is General Office (ITE 710); it generates 10.84 average weekday vehicle trip ends per 1,000 square feet of floor area. The prototype for commercial development is Shopping Center (ITE 820) which generates 37.01 average weekday vehicle trips per 1,000 square feet of floor area.

Figure B8: Average Weekday Vehicle Trip Ends by Land Use

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit[1]	Wkdy Trip Ends Per Employee[1]	Emp Per Dmd Unit	Square Feet Per Emp
110	Light Industrial	1,000 Sq Ft	4.87	3.10	1.57	637
130	**Industrial Park**	**1,000 Sq Ft**	**3.37**	**2.91**	**1.16**	**864**
150	Warehousing	1,000 Sq Ft	1.71	5.05	0.34	2,953
151	Mini-Warehouse	unit	0.18	na	na	na
254	Assisted Living	bed	2.60	4.24	0.61	na
310	Hotel	room	7.99	14.34	0.56	na
520	Elementary School	student	2.27	22.50	0.10	na
525	High School	student	1.94	21.95	0.09	na
540	Community College	student	1.15	14.61	0.08	na
610	**Hospital**	**1,000 Sq Ft**	**10.77**	**3.77**	**2.86**	**350**
710	**General Office (avg size)**	**1,000 Sq Ft**	**10.84**	**3.33**	**3.26**	**307**
720	Medical-Dental Office	1,000 Sq Ft	36.00	8.71	4.13	242
750	Office Park	1,000 Sq Ft	11.07	3.54	3.13	320
760	Research & Dev Center	1,000 Sq Ft	11.08	3.37	3.29	304
770	Business Park	1,000 Sq Ft	12.44	4.04	3.08	325
820	**Shopping Center (avg size)**	**1,000 Sq Ft**	**37.01**	**17.42**	**2.12**	**471**

1. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).

Trip Rate Adjustments

To calculate impact fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50 percent. As discussed further below, the impact fee methodology includes additional adjustments to make the fees proportionate to the infrastructure demand for particular types of development.

Commuter Trip Adjustment

Residential development has a larger trip adjustment factor of 61 percent to account for commuters leaving Apache Junction for work. According to the 2009 National Household Travel Survey (see Table 30) weekday work trips are typically 31 percent of production trips (i.e., all out-bound trips, which are 50 percent of all trip ends). As shown below, the U.S. Census Bureau's OnTheMap web application indicates 74 percent of resident workers traveled outside of Stuart for work in 2019. In combination, these factors (0.31 x 0.50 x 0.74 = 0.11) support the additional 11 percent allocation of trips to residential development.

Figure B9: Commuter Trip Adjustment

Trip Adjustment Factor for Commuters[1]	
Employed Residents	6,959
Residents Living and Working in Stuart	1,798
Residents Commuting Outside Stuart for Work	5,161
Percent Commuting out of Stuart	74%
Additional Production Trips[2]	11%
Residential Trip Adjustment Factor	61%

1. U.S. Census Bureau, OnTheMap Application (version 6.1.1) and LEHD Origin-Destination Employment

2. According to the National Household Travel Survey (2009)*, published in December 2011 (see Table 30), home-based work trips are typically 30.99 percent of "production" trips, in other words, out-bound trips (which are 50 percent of all trip ends). Also, LED OnTheMap data from 2019 indicate that 74 percent of Stuart's workers travel outside the city for work. In combination, these factors (0.3099 x 0.50 x 0.74 = 0.11) account for 11 percent of additional production trips. The total adjustment factor for residential includes attraction trips (50 percent of trip ends) plus the journey-to-work commuting adjustment (11 percent of production trips) for a total of 61 percent.
*http://nhts.ornl.gov/publications.shtml ; Summary of Travel Trends - Table "Daily Travel Statistics by Weekday vs. Weekend"

Adjustment for Pass-By Trips

For commercial and institutional development, the trip adjustment factor is less than 50 percent since these types of development attract vehicles as they pass by on arterial and collector roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For an average shopping center, ITE data indicate 34 percent of the vehicles that enter are passing by on their way to another primary destination. The remaining 66 percent of attraction trips have the commercial site as their primary destination. Since attraction trips are half of all trips, the trip adjustment factor is 66 percent multiplied by 50 percent – approximately 33 percent of trip ends.

Average Weekday Vehicle Trips

Shown in Figure B10 are the demand indicators for residential and nonresidential land uses related to average weekday vehicle trips (AWVT) generated per housing unit for residential development and per 1,000 square feet of floor area for nonresidential development. To calculate average weekday vehicle trips, multiply average weekday vehicle trip ends by the trip rate adjustment factor. For example, the industrial demand unit of 1.69 average weekday vehicle trips per 1,000 square feet of floor area is the sum of 3.37 average weekday vehicle trip ends per 1,000 square feet of floor area multiplied by a trip rate adjustment factor of 50 percent. Figure B11 includes projected vehicle trips for the 10-year study period.

Figure B10: Average Weekday Vehicle Trips (AWVT) by Development Type

Residential Development			
Development Type	AWVTE per unit[1]	Trip Adjustment[1]	AWVT per Unit
Single Family	7.48	61%	4.56
Multi-Family	4.48	61%	2.73

Nonresidential Development			
Development Type	AWVTE per 1,000 Sq Ft[1]	Trip Adjustment[1]	AWVT per 1,000 Sq Ft
Industrial	3.37	50%	1.69
Commercial	37.01	33%	12.21
Office & Other Services	10.84	50%	5.42
Institutional	10.77	33%	3.55

1. See Land Use Assumptions

Figure B11: Vehicle Trip Projections

Stuart, Florida		Base	1	2	3	4	5	10	10-Year Increase
		2022	2023	2024	2025	2026	2027	2032	
Development	Single Family Units	3,750	3,836	3,922	4,008	4,033	4,058	4,177	427
	Multi-Family Units	6,343	6,637	6,931	7,225	7,260	7,296	7,463	1,120
	Industrial KSF	1,911	1,940	1,969	1,998	2,038	2,089	2,505	594
	Commercial KSF	3,296	3,345	3,395	3,446	3,515	3,603	4,321	1,025
	Office & Other Services KSF	5,722	5,808	5,895	5,983	6,103	6,256	7,502	1,780
	Institutional KSF	1,356	1,376	1,396	1,417	1,446	1,482	1,777	422
Avg Weekday Vehicle Trips	Single-Family Trips	17,111	17,503	17,895	18,288	18,402	18,516	19,059	1,948
	Multi-Family Trips	17,334	18,138	18,941	19,744	19,840	19,939	20,395	3,061
	Residential Trips	34,445	35,640	36,836	38,032	38,242	38,454	39,454	5,009
	Industrial Trips	3,220	3,268	3,318	3,367	3,435	3,520	4,222	1,001
	Commercial Trips	40,253	40,857	41,470	42,092	42,934	44,007	52,772	12,518
	Office & Other Services Trips	31,014	31,479	31,951	32,430	33,079	33,906	40,658	9,645
	Institutional Trips	4,818	4,890	4,963	5,038	5,138	5,267	6,316	1,498
	Nonresidential Trips	79,305	80,494	81,702	82,927	84,586	86,701	103,968	24,663
	Total Vehicle Trips	**113,749**	**116,135**	**118,538**	**120,960**	**122,828**	**125,155**	**143,422**	**29,672**

AVERAGE WEEKDAY PERSON TRIPS

Stuart will use average weekday person trips (AWPT) for multi-modal impact fees. Components used to determine average weekday person trips include trip generation rates and adjustments for pass-by trips.

Person Trip Methodology

According to the Institute of Transportation Engineers (ITE), there are several elements necessary to calculate person trips. The following equation is provided in the ITE's Trip Generation Handbook (2017):

Person trips = [(vehicle occupancy) x (vehicle trips)] + transit trips + walk trips + bike trips

To create a more streamlined approach, this study uses "non-motorized trips" as the sum of walk and bike trips. The Trip Generation Handbook outlines the general approach to calculating person trips:

1. **Estimate vehicle trip ends generated by development type.** This study uses the vehicle trip rates found in ITE's Trip Generation Manual (2017).
2. **Determine mode share and vehicle occupancy.** Trip survey data from the National Household Transportation Survey (2017) is used to calculate needed factors.
3. **Convert vehicle trips to person trips.** This conversion calculates the total person trips by combining the vehicle trip mode share and vehicle occupancy.
4. **Calculate the estimated person trips by mode.** The mode share split is applied to the total person trip rate to calculate the specific person trip rate for vehicle, transit, and non-motorized trips per land use.

Residential Demand Units

As an alternative to simply using the national average trip generation rate for residential development, the ITE publishes regression curve formulas that may be used to derive custom trip generation rates, using local demographic data. Key independent variables needed for the analysis (i.e., vehicles available, housing units, households, and persons) are available from American Community Survey data. Shown below, single-family units generate 7.48 average weekday vehicle trip ends per unit, and multi-family units generate 4.48 average weekday vehicle trip ends per unit.

Nonresidential Demand Units

For nonresidential development, TischlerBise uses data published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). The prototype for industrial development is Industrial Park (ITE 130) which generates 3.37 average weekday vehicle trip ends per 1,000 square feet of floor area. Institutional development uses Hospital (ITE 610) and generates 10.77 average weekday vehicle trip ends per 1,000 square feet of floor area. For office & other services development, the proxy is General Office (ITE 710); it generates 10.84 average weekday vehicle trip ends per 1,000 square feet of floor area. The prototype for commercial development is Shopping Center (ITE 820) which generates 37.01 average weekday vehicle trips per 1,000 square feet of floor area.

Mode Share and Vehicle Occupancy

Data from the National Household Travel Survey (NHTS) is used to approximate the percentage split of total person trips by transportation modes in Stuart. NHTS has been conducting stratified, random surveys for nearly 50 years with the aim to understand the modes and purposes of travel in the US. For this study, the most recent survey, 2017, is refined to create a database of survey responses that is both from similar cities to Stuart and statistically significant. Initially, the national database of responses is refined by location and population, the results are limited to areas in the South Atlantic region (DE, FL, GA, MD, NC, SC, WV, and VA) in a metropolitan statistical area of less than 1 million residents. The database is further filtered to only include responses from urban areas. Lastly, only responses for trips on weekdays are included. As a result, there are 71,782 NHTS responses in the database that are used to approximate the mode splits and vehicle occupancy.

Data from NHTS indicate the purpose of a trip which allows for the mode share and vehicle occupancy to be calculated separately for residential and nonresidential land uses. It is assumed that trips for residential and nonresidential purposes have different characteristics, so by calculating separately the analysis results in more accurate trip factors. There are 38,766 survey responses that are attributed to residential land uses and 33,016 responses attributed to nonresidential land uses. Both databases are well within a 95 percent confidence level with a confidence interval (margin of error) of less than three.[3]

The transportation mode split for residential purpose trips is listed in Figure B12. Of the 38,766 total trips, 91.1 percent are by vehicle, 0.9 percent transit, and 8.0 percent non-motorized. Additionally, during the vehicle trips there were 58,926 passengers, resulting in an average vehicle occupancy of 1.67 passengers per vehicle trip.

Figure B12: Residential Purpose Person Trips by Mode

Mode	Trips	Share
Vehicle	35,331	91.1%
Transit	347	0.9%
Non-Motorized	3,088	8.0%
Total	38,766	100.0%

Source: National Household Travel Survey (NHTS), 2017; TischlerBise analysis.

[3] A confidence level expresses the certainty that the true mean of the population falls within the confidence interval, the margin of error of the results.

The transportation mode split for nonresidential purpose trips is listed in Figure B13. Of the 33,016 total trips, 91.3 percent are by vehicle, 1.1 percent transit, and 7.6 percent non-motorized. Additionally, during the vehicle trips there were 54,208 passengers, resulting in an average vehicle occupancy of 1.80 passengers per vehicle trip.

Figure B13: Nonresidential Purpose Person Trips by Mode

Mode	Trips	Share
Vehicle	30,154	91.3%
Transit	348	1.1%
Non-Motorized	2,514	7.6%
Total	33,016	100.0%

Source: National Household Travel Survey (NHTS), 2017; TischlerBise analysis.

Vehicle Trip Ends to Find Total Person Trip Ends

The total person trip end rate for each land use can be calculated using the vehicle trip end rate, vehicle occupancy rate, and vehicle mode share. The following formula to calculate vehicle trip ends is provided in the ITE's Trip Generation Handbook (2017):

Vehicle trip ends = [(person trip ends x (vehicle mode share)]/(vehicle occupancy)

This is rearranged to calculate total person trips:

Person trip ends = [(vehicle trip ends) x (vehicle occupancy)]/(vehicle mode share)

By inputting the vehicle trip rate, vehicle occupancy, and vehicle mode share factors found in prior sections, the daily person trip rate for each land use is found. For example, the daily vehicle trip rate for a single-family housing unit is 7.48, the vehicle occupancy is 1.67, and the vehicle mode share is 91.1 percent. By inputting these factors into the formula, a daily person trip end rate of 13.71 is calculated ([7.48 vehicle trips x 1.67 occupancy rate] / [91.1 percent vehicle mode share] = 13.71). Figure B14 lists the calculated daily person trip end rate for each land use.

Figure B14: Average Weekday Person Trip Ends by Land Use

Development Type	Avg Weekday Vehicle Trip Ends	Vehicle Occupancy Rate	Vehicle Mode Share	Avg Weekday Person Trip Ends
Residential (per housing unit)				
Single Family	7.48	1.67	91.1%	13.71
Multi-Family	4.48	1.67	91.1%	8.21
Nonresidential (per 1,000 square feet)				
Industrial	3.37	1.80	91.3%	6.64
Commercial	37.01	1.80	91.3%	72.97
Office & Other Services	10.84	1.80	91.3%	21.37
Institutional	10.77	1.80	91.3%	21.23

Source: Trip Generation, Institute of Transportation Engineers, 11th Edition (2021); National Household Travel Survey data, 2017; TischlerBise analysis

Trips Adjustment Factors

A person trip end is the out-bound or in-bound portion of a trip. As a result, so to not double count trips, a standard 50 percent adjustment is applied to trip ends to calculate a person trip. For example, the out-bound trip from a person's home to work is attributed to the housing unit and the trip from work back home is attributed to the employer.

Residential Trip Adjustment

Residential development has a trip adjustment factor of 61 percent to account for commuters leaving Apache Junction for work. According to the 2009 National Household Travel Survey (see Table 30) weekday work trips are typically 31 percent of production trips (i.e., all out-bound trips, which are 50 percent of all trip ends). As shown below, the U.S. Census Bureau's OnTheMap web application indicates 74 percent of resident workers traveled outside of Stuart for work in 2019. In combination, these factors (0.31 x 0.50 x 0.74 = 0.11) support the additional 11 percent allocation of trips to residential development.

Nonresidential Trip Adjustment

For commercial and institutional development, the trip adjustment factor is less than 50 percent since these types of development attract vehicles as they pass by on arterial and collector roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For an average shopping center, ITE data indicate 34 percent of the vehicles that enter are passing by on their way to another primary destination. The remaining 66 percent of attraction trips have the commercial site as their primary destination. Since attraction trips are half of all trips, the trip adjustment factor is 66 percent multiplied by 50 percent – approximately 33 percent of trip ends.

Person Trips by Mode

In Figure B15, the trip adjustment factor and mode share are applied to the person trip end rate of each land use to calculate person trips. For example, a single-family housing unit has a trip adjustment factor is 61 percent and the vehicle mode share is 91.3 percent, resulting in a daily person trip rate of 7.63 for the vehicle mode (13.71 person trip ends X 0.61 trip adjustment factor X 0.913 vehicle mode share = 7.63 person trips for the vehicle mode).

Figure B15: Person Trips by Mode

Development Type	Avg Weekday Person Trip Ends	Trip Adjustment Factor	Aveerage Weekday Person Trips per Unit			
			Total	Vehicle	Transit	Non-Motorized
Residential (per housing unit)						
Single Family	13.71	61%	8.36	7.63	0.09	0.64
Multi-Family	8.21	61%	5.01	4.57	0.06	0.38
Nonresidential (per 1,000 square feet)						
Industrial	6.64	50%	3.32	3.02	0.03	0.27
Commercial / Retail	72.97	33%	24.08	21.94	0.22	1.93
Office / Other Services	21.37	50%	10.69	9.74	0.10	0.86
Institutional	21.23	33%	7.01	6.39	0.06	0.56

Source: Trip Generation, Institute of Transportation Engineers, 11th Edition (2021); National Household Travel Survey data, 2017; TischlerBise analysis

Average Weekday Person Trips

Shown in Figure B16 are the demand indicators related to average weekday person trips (AWPT) generated per housing unit for residential development and per 1,000 square feet of floor area for nonresidential development. To calculate average weekday person trips, multiply average weekday person trip ends by the trip rate adjustment factor. For example, the industrial demand unit of 3.32 average weekday person trips per 1,000 square feet of floor area is the product of 6.64 average weekday person trip ends per 1,000 square feet of floor area multiplied by a trip rate adjustment factor of 50 percent. Figure B19 includes projected person trips for the 10-year study period.

Figure B16: Average Weekday Person Trips (AWPT) by Development Type

Residential Development			
Development Type	AWPTE per unit[1]	Trip Adjustment[1]	AWPT per Unit
Single Family	13.71	61%	8.36
Multi-Family	8.21	61%	5.01

Nonresidential Development			
Development Type	AWPTE per 1,000 Sq Ft[1]	Trip Adjustment[1]	AWPT per 1,000 Sq Ft
Industrial	6.64	50%	3.32
Commercial	72.97	33%	24.08
Office & Other Services	21.37	50%	10.69
Institutional	21.23	33%	7.01

1. See Land Use Assumptions

Figure B17: Person Trip Projections

Stuart, Florida		Base	1	2	3	4	5	10	10-Year
		2022	2023	2024	2025	2026	2027	2032	Increase
Development	Single Family Units	3,750	3,836	3,922	4,008	4,033	4,058	4,177	427
	Multi-Family Units	6,343	6,637	6,931	7,225	7,260	7,296	7,463	1,120
	Industrial KSF	1,911	1,940	1,969	1,998	2,038	2,089	2,505	594
	Commercial KSF	3,296	3,345	3,395	3,446	3,515	3,603	4,321	1,025
	Office & Other Services KSF	5,722	5,808	5,895	5,983	6,103	6,256	7,502	1,780
	Institutional KSF	1,356	1,376	1,396	1,417	1,446	1,482	1,777	422
Avg Weekday Person Trips	Single-Family Trips	31,362	32,081	32,800	33,519	33,728	33,937	34,933	3,571
	Multi-Family Trips	31,766	33,239	34,711	36,184	36,359	36,539	37,375	5,609
	Residential Trips	63,128	65,320	67,511	69,703	70,087	70,477	72,308	9,180
	Industrial Trips	6,345	6,440	6,537	6,635	6,767	6,937	8,318	1,973
	Commercial Trips	79,365	80,555	81,764	82,990	84,650	86,766	104,047	24,682
	Office & Other Services Trips	61,140	62,057	62,988	63,933	65,212	66,842	80,154	19,014
	Institutional Trips	9,497	9,639	9,784	9,930	10,129	10,382	12,450	2,953
	Nonresidential Trips	156,346	158,692	161,072	163,488	166,758	170,927	204,969	48,622
	Total Person Trips	**219,474**	**224,011**	**228,583**	**233,191**	**236,845**	**241,403**	**277,277**	**57,802**

DEVELOPMENT PROJECTIONS

Provided below are summaries of development projections used in the Impact Fee Study. Development projections are used to illustrate a possible future pace of demand for infrastructure and cash flows resulting from revenues and expenditures associated with those demands.

Figure B18: Development Projections

Stuart, Florida	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	10-Year
	Base Year	1	2	3	4	5	6	7	8	9	10	Increase
Resident Population												
Single Family	8,663	8,885	9,107	9,329	9,393	9,459	9,524	9,590	9,656	9,711	9,765	1,102
Multi-Family	9,350	9,911	10,473	11,034	11,102	11,169	11,238	11,306	11,376	11,432	11,488	2,139
Resident Population	**18,013**	**18,796**	**19,579**	**20,363**	**20,495**	**20,628**	**20,762**	**20,896**	**21,032**	**21,142**	**21,253**	**3,241**
Seasonal Population	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**2,213**	**0**
Peak Population	**20,226**	**21,009**	**21,792**	**22,576**	**22,708**	**22,841**	**22,975**	**23,109**	**23,245**	**23,355**	**23,466**	**3,241**
Housing Units												
Single Family	3,750	3,836	3,922	4,008	4,033	4,058	4,083	4,109	4,135	4,156	4,177	427
Multi-Family	6,343	6,637	6,931	7,225	7,260	7,296	7,332	7,368	7,404	7,433	7,463	1,120
Total	**10,093**	**10,473**	**10,853**	**11,233**	**11,293**	**11,354**	**11,415**	**11,477**	**11,539**	**11,589**	**11,640**	**1,547**
Employment												
Industrial	2,212	2,245	2,279	2,313	2,359	2,418	2,491	2,578	2,681	2,788	2,900	688
Commercial	6,998	7,103	7,209	7,317	7,464	7,650	7,880	8,155	8,482	8,821	9,174	2,176
Office & Other Services	18,639	18,918	19,202	19,490	19,880	20,377	20,988	21,723	22,592	23,495	24,435	5,796
Institutional	3,873	3,931	3,990	4,050	4,131	4,234	4,361	4,514	4,694	4,882	5,077	1,204
Total	**31,721**	**32,197**	**32,680**	**33,170**	**33,833**	**34,679**	**35,720**	**36,970**	**38,449**	**39,986**	**41,586**	**9,865**
Nonres. Floor Area (x1,000)												
Industrial	1,911	1,940	1,969	1,998	2,038	2,089	2,152	2,227	2,316	2,409	2,505	594
Commercial	3,296	3,345	3,395	3,446	3,515	3,603	3,711	3,841	3,995	4,155	4,321	1,025
Office & Other Services	5,722	5,808	5,895	5,983	6,103	6,256	6,443	6,669	6,936	7,213	7,502	1,780
Institutional	1,356	1,376	1,396	1,417	1,446	1,482	1,526	1,580	1,643	1,709	1,777	422
Total	**12,285**	**12,469**	**12,656**	**12,846**	**13,103**	**13,430**	**13,833**	**14,317**	**14,890**	**15,485**	**16,105**	**3,820**

Provided below are projection summaries for vehicle trips in Figure B19 and person trips in Figure B20 used in the Impact Fee Study.

Figure B19: Vehicle Trip Projections

Stuart, Florida		Base	1	2	3	4	5	6	7	8	9	10	10-Year Increase
		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Development	Single Family Units	3,750	3,836	3,922	4,008	4,033	4,058	4,083	4,109	4,135	4,156	4,177	427
	Multi-Family Units	6,343	6,637	6,931	7,225	7,260	7,296	7,332	7,368	7,404	7,433	7,463	1,120
	Industrial KSF	1,911	1,940	1,969	1,998	2,038	2,089	2,152	2,227	2,316	2,409	2,505	594
	Commercial KSF	3,296	3,345	3,395	3,446	3,515	3,603	3,711	3,841	3,995	4,155	4,321	1,025
	Office & Other Services KSF	5,722	5,808	5,895	5,983	6,103	6,256	6,443	6,669	6,936	7,213	7,502	1,780
	Institutional KSF	1,356	1,376	1,396	1,417	1,446	1,482	1,526	1,580	1,643	1,709	1,777	422
Avg Weekday Vehicle Trips	Single-Family Trips	17,111	17,503	17,895	18,288	18,402	18,516	18,630	18,749	18,867	18,963	19,059	1,948
	Multi-Family Trips	17,334	18,138	18,941	19,744	19,840	19,939	20,037	20,135	20,234	20,313	20,395	3,061
	Residential Trips	34,445	35,640	36,836	38,032	38,242	38,454	38,667	38,884	39,101	39,276	39,454	5,009
	Industrial Trips	3,220	3,268	3,318	3,367	3,435	3,520	3,626	3,753	3,903	4,059	4,222	1,001
	Commercial Trips	40,253	40,857	41,470	42,092	42,934	44,007	45,328	46,914	48,791	50,742	52,772	12,518
	Office & Other Services Trips	31,014	31,479	31,951	32,430	33,079	33,906	34,923	36,145	37,591	39,095	40,658	9,645
	Institutional Trips	4,818	4,890	4,963	5,038	5,138	5,267	5,425	5,615	5,839	6,073	6,316	1,498
	Nonresidential Trips	79,305	80,494	81,702	82,927	84,586	86,701	89,302	92,427	96,124	99,969	103,968	24,663
	Total Vehicle Trips	**113,749**	**116,135**	**118,538**	**120,960**	**122,828**	**125,155**	**127,968**	**131,311**	**135,225**	**139,245**	**143,422**	**29,672**

Figure B20: Person Trip Projections

Stuart, Florida		Base	1	2	3	4	5	6	7	8	9	10	10-Year Increase
		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Development	Single Family Units	3,750	3,836	3,922	4,008	4,033	4,058	4,083	4,109	4,135	4,156	4,177	427
	Multi-Family Units	6,343	6,637	6,931	7,225	7,260	7,296	7,332	7,368	7,404	7,433	7,463	1,120
	Industrial KSF	1,911	1,940	1,969	1,998	2,038	2,089	2,152	2,227	2,316	2,409	2,505	594
	Commercial KSF	3,296	3,345	3,395	3,446	3,515	3,603	3,711	3,841	3,995	4,155	4,321	1,025
	Office & Other Services KSF	5,722	5,808	5,895	5,983	6,103	6,256	6,443	6,669	6,936	7,213	7,502	1,780
	Institutional KSF	1,356	1,376	1,396	1,417	1,446	1,482	1,526	1,580	1,643	1,709	1,777	422
Avg Weekday Person Trips	Single-Family Trips	31,362	32,081	32,800	33,519	33,728	33,937	34,147	34,364	34,581	34,757	34,933	3,571
	Multi-Family Trips	31,766	33,239	34,711	36,184	36,359	36,539	36,719	36,900	37,080	37,225	37,375	5,609
	Residential Trips	63,128	65,320	67,511	69,703	70,087	70,477	70,866	71,264	71,661	71,982	72,308	9,180
	Industrial Trips	6,345	6,440	6,537	6,635	6,767	6,937	7,145	7,395	7,690	7,998	8,318	1,973
	Commercial Trips	79,365	80,555	81,764	82,990	84,650	86,766	89,369	92,497	96,197	100,045	104,047	24,682
	Office & Other Services Trips	61,140	62,057	62,988	63,933	65,212	66,842	68,847	71,257	74,107	77,071	80,154	19,014
	Institutional Trips	9,497	9,639	9,784	9,930	10,129	10,382	10,694	11,068	11,511	11,971	12,450	2,953
	Nonresidential Trips	156,346	158,692	161,072	163,488	166,758	170,927	176,055	182,217	189,505	197,085	204,969	48,622
	Total Person Trips	**219,474**	**224,011**	**228,583**	**233,191**	**236,845**	**241,403**	**246,921**	**253,480**	**261,167**	**269,068**	**277,277**	**57,802**

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 11/28/2022 **Prepared by:** Ben Hogarth

Title of Item:
AGREEMENT WITH FLORIDA POWER AND LIGHT FOR EV CHARGING STATIONS AT SAILFISH PARKING LOT (RC):

RESOLUTION No. 104-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLE CHARGING EQUIPMENT AND RELATED INFRASTRUCTURE AT THE SAILFISH PARKING LOT LOCATED IN DOWNTOWN STUART; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
In May 2022, city staff were approached by project managers of FPL's "EVolution" program for a partnership whereby electric vehicle (EV) charging stations are installed on public or private property for the use of the general public. The program would include the installation of four (4) Level 3 (supercharger) EV charging stations in four (4) public parking spaces on a property or lot owned by the City. FPL would own, operate, and maintain the charging stations for a period of 10 years, which includes point-of-sale transactions for the use of grid electricity for city residents and visitors alike. The purpose of the program is to expand access in urban areas, adjacent to downtown commercial shops, and/or in proximity to local highways to help improve the adoption of electric vehicles.

City staff also met and discussed with FPL representatives possible site locations for the installation of the charging stations, which were later presented to the City Commission and conceptually approved at a recent public hearing. Following that meeting, staff worked with FPL to finalize a draft agreement for the partnership project at Sailfish Parking Lot, which would continue for a period of 10 years following installation of the charging stations. If approved by the City Commission, FPL would go to project design and engineering to install the charging stations at Sailfish Parking Lot over the coming months.

Funding Source:
N/A

Recommended Action:
Motion approval of Resolution No. 104-2022

ATTACHMENTS:
1. R104-2022 Authorizing an agreement with Florida Power and Light for EV Charging Stations at Sailfish Parking Lot
2. R104-2022 EV Equipment Agreement Fast Charging - City of Stuart

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 104-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLE CHARGING EQUIPMENT AND RELATED INFRASTRUCTURE AT THE SAILFISH PARKING LOT LOCATED IN DOWNTOWN STUART; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart City Commission supports innovative technology and infrastructure that enhance the quality of life for residents and visitors alike; and

WHEREAS, the City Commission adopted a Sustainability Action Plan in 2020 which included goals to invest in renewable energy and install electric vehicle charging infrastructure along public rights of way by 2025; and

WHEREAS, Florida Power & Light Company has approached city staff with a proposal to install publicly accessible EV charging stations downtown as part of its EVolution program; and

WHEREAS, the City has identified Sailfish Parking Lot as an ideal location for the installation of four electric vehicle charging stations with point-of-sale kiosks to be operated and maintained by FPL through the term of the agreement and for the benefit of public use.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION

OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City Commission of the City of Stuart, Florida, hereby authorizes the City Manager to execute an agreement with Florida Power & Light Co. for the installation, operation, and maintenance of electric vehicle charging stations at Sailfish Parking Lot in accordance with all the terms and provisions stated therein.

SECTION 3: This Resolution shall take effect upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER, COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED this ___ day of _____, 2022.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

ELECTRIC VEHICLE CHARGING EQUIPMENT AGREEMENT

This ELECTRIC VEHICLE CHARGING EQUIPMENT AGREEMENT ("Agreement") is made this ____ day of _____, 2022 ("Effective Date"), by and between the City of Stuart, a municipal corporation of the State of Florida ("Host"), with a principal address of 121 SW Flagler Ave., Stuart, FL 34994, and a host location at Park & Ride-Sailfish circle Park, S. Dixie Hwy., Stuart, FL 34994 (the "Property") and Florida Power & Light Company, a Florida corporation ("Company"), with an address at 700 Universe Blvd CEA/JB, Juno Beach, FL, 33408. Host and Company are sometimes individually referred to herein as a "Party" and collectively as the "Parties."

WHEREAS, Company desires to install and own electric vehicle charging and related equipment, including electrical power inverters, interconnection equipment, electrical wiring, underground conduit, wire and cable management systems, charging stations, electric meters, metering and switch cabinets, and power distribution boxes (the "Equipment") on the Property and Host desires to have the Equipment installed and agrees to permit Company to utilize the Property upon the terms and conditions set forth below.

NOW THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Use. During the Term, Host agrees that Company may use the Property for the purposes of, and has the sole right (at Company's cost and in Company's sole discretion) of, constructing, installing, operating, inspecting, maintaining, repairing, enlarging, modifying, removing (at any time), testing and replacing the Equipment and any additional equipment required to dispense electricity to charge electric vehicles, together with the following rights: (a) the right of ingress and egress 24 hours-a-day, 7 days a week; (b) the right, at Company's sole cost and expense, to paint/stripe and to install signage (in either case, in a manner substantially similar to the form attached hereto as Exhibit B) on and around the Equipment; and (c) Company's quiet enjoyment of the Property needed for purposes of this Agreement shall not be disturbed. The location of the Equipment is as described in Exhibit A. In the event that Company, in its sole discretion, determines that an easement is necessary for the sole purpose of connecting the Equipment to the electrical grid, then Host shall grant Company an easement in a mutually agreeable location in, on, over, under, through and across a portion of the Property to be identified by the Parties in the form attached hereto as Exhibit C.

2. Term. Subject to this Section 2, the term of this Agreement shall terminate on the tenth (10th) anniversary of the date on which commissioning for the Equipment was completed (the "Term"). The Company may terminate this Agreement at any time and for any reason by giving 30 days' prior written notice to Host.

3. Cooperation. In general, the Parties agree to cooperate to achieve the purposes and intent of this Agreement. Host shall cooperate as necessary with Company (at no cost to Host) in Company's efforts to obtain all permits, licenses and approvals necessary for the installation and operation of the Equipment. Company will not permit any lien against the Property arising from the installation or operation of the Equipment. Company shall (i) pay any personal property tax which is attributable to the Equipment, and(ii) be the sole recipient and beneficiary of any and all such federal and/or state tax credits, and other financial incentives arising from the installation and/or operation of the

Equipment. The right to access and use of Host's electrical system(s) includes for purposes of powering Company's computer equipment used in monitoring the electricity dispensed from the Equipment and record system data to evaluate charging behavior. Host understands and acknowledges that Company and/or its contractors will gather data and information from the Equipment with respect to vehicle charging activity, vehicle usage and technical performance of the vehicle and Equipment. Company shall own all rights to such data and information. Host acknowledges that such data and information will be used and disclosed by Company and third parties for the purpose of understanding and evaluating the impact of electric vehicles on transit systems and the electric power grid, for use in regulatory reporting, industry forums, case studies or other similar activities, in accordance with applicable laws and regulations. To the extent Host has access to the applicable information, the Host will share information reasonably requested by the Company (including, but not limited to, baseline data requests, electric vehicle information, visitor and employee counts, and user surveys). Host shall use commercially reasonable efforts to permit Company's customers to use the Equipment on Host's Property on a 24 hours-a-day, 7 days a week, 365-days a year basis.

4. Payment for Electricity. Company is responsible for paying all consumption costs for electricity dispensed from the Equipment.

5. Charge for Use of Equipment. Host acknowledges and agrees that Company will directly charge users of the Equipment for use of the Equipment pursuant to the then-applicable tariff rate.

6. Interference. During the Term, Host shall not Interfere, or cause or permit to be caused any Interference, with the Equipment. For purposes of this Agreement, "Interfere" and "Interference" shall mean interference with Company's use, operation, access, maintenance or repair of the Equipment including: (a) subject any portion of the Equipment to any lien or encumbrance unless the holder thereof delivers a non-disturbance agreement; and (b) sale, transfer, assignment, lease or sublease any portion of the Property other than subject to Host's rights hereunder.

7. Insurance. Each Party will maintain at all times during the Term, the following insurance: (a) commercial general liability insurance with limits of One Million Dollars ($1,000,000) per occurrence combined single limit for bodily injury and property damage; (b) business automobile liability insurance with limits of One Million Dollars ($1,000,000) for bodily injury and property damage; and (c) workers' compensation insurance in compliance with Florida statutes. Such policy or policies shall be issued by companies authorized to do business in the State of Florida with a minimum A.M. Best financial rating of "A– VII". Company has the right to meet the insurance designated in this section through any combination of self-insurance, primary or excess coverage. Each Party, for itself and its respective insurers, waives any right to assert any claim against the other Party to the extent such claim is covered by the waiving Party's insurance. Each Party shall waive all rights of subrogation of its respective insurers.

8. Indemnification. Each Party (the "Indemnifying Party") shall indemnify the other Party (the "Indemnified Party") from and against all losses, claims, damages or expenses, including attorneys' fees, incurred by the Indemnified Party in connection with any claims for personal injury or death to persons and damage to property (including environmental damage) arising under this Agreement during the Term, to the extent arising from the negligence or willful misconduct of the Indemnifying Party, its agents, employees, representatives, contractors, affiliates or sub-contractors. Subject to the next sentence, neither Company nor Host shall be liable to the other for consequential, special, exemplary, punitive, indirect or incidental losses or damages or for any loss of use, cost of capital, loss of goodwill, lost revenues or loss of profit, nor shall any parent, subsidiary, affiliate or employee of either Party have any liability under this Agreement, and Company and Host each hereby releases the other and each of such persons and entities from any such liability. The foregoing exclusion shall not be construed to limit recovery under any indemnity or defense obligation of Host under this Agreement related to third party claims. In no event shall the aggregate damages payable by a Party hereunder for any reason whatsoever exceed Three Hundred Thousand U.S. Dollars ($300,000.00). Notwithstanding the foregoing, this Section 8 shall not be construed or interpreted as a waiver of Host's sovereign immunity and the limits established in Section 768.28, Florida Statutes. This section shall survive the expiration or earlier termination of this Agreement.

9. Equipment to Remain Personal Property of Company and Relocation of Equipment. The Equipment is and will remain the property of Company, its successors or assigns, regardless of its use or manner of attachment to the Property. Host agrees to execute such further documentation as is reasonably necessary to ensure that the Equipment does not constitute, and is not deemed to be, a fixture attached to the Property. During the Term, Host may request, in writing, that Company move the Equipment to another location on the Property. If Company approves such relocation, in its commercially reasonable discretion, Company shall, at the Host's cost and expense, relocate such Equipment on terms mutually agreed upon by both Parties.

10. Representations. Each Party represents and warrants to and covenants with the other Party that: (a) such Party has full right, power and authority to execute this Agreement and that this Agreement shall bind and benefit the Parties and their respective successors and assigns; and (b) such Party's execution and performance of this Agreement will not violate any laws, ordinances, covenants or other agreement binding on such Party. Additionally, Host represents and warrants to Company that it has good and unencumbered title to the Property either free and clear of any liens, mortgages or other encumbrances, or if any lien, mortgage or other encumbrance exists, then such lien, mortgage or other encumbrance (or any environmental restriction) will not prevent the performance of this Agreement or burden or encumber the Equipment.

11. Default. An "Event of Default" means that a Party fails to fully perform any of its covenants under this Agreement within sixty (60) calendar days after such defaulting Party receives written notice of such default from the non-defaulting Party; provided, however, if such default cannot reasonably be cured within such sixty (60) day time period, defaulting Party shall not be deemed in default hereunder if defaulting Party has commenced to cure such default within said sixty (60) day time period and thereafter continues with diligence to complete the cure of such default.

12. Remedies. Upon an Event of Default as set forth in Section 11, non-defaulting Party may (i) perform, or cause to be performed, on behalf and at the expense of defaulting Party, any or all of the undertakings or obligations as to which defaulting Party remains in default, in which event defaulting Party will reimburse non-defaulting Party for such actual reasonable costs and expenses, within forty-five (45) days following receipt of invoice and supporting documentation; (ii) exercise any remedy that such non-defaulting Party may have at law or in equity and (iii) terminate this Agreement upon 30 days' prior written notice if the defaulting Party has not cured such default by the expiration of such 30-day period. Notwithstanding the preceding sentence, Host may not perform any right or obligation of Company under Section 1 or take any other action that relocates or physically alters any of the Equipment.

13. Assignment. Neither Party shall assign this Agreement or any interest herein without the prior written consent of the other Party; provided, that the Parties acknowledge that the Equipment may be covered by Company's utility financing structure.

14. Notices. All notices, demands, requests, consents, approvals and other instruments required or permitted to be given pursuant to this Agreement shall be in writing, signed by the notifying Party, or officer, agent or attorney of the notifying Party, and shall be deemed to have been effective upon delivery if served personally, including but not limited to delivery by messenger, overnight courier service or by overnight express mail, or on the third (3rd) business day after posting if sent by registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

To Host: To the address set forth in the Preamble above with an e-mail copy to PropertyManagement@ci.stuart.fl.us.

To Company: To the VP of Development at the address set forth in the Preamble above with an e-mail copy to FPLEVolution@fpl.com.

15. No Guarantees or Warranties. NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, THE PARTIES ACKNOWLEDGE THAT COMPANY IS NOT PROVIDING ANY GUARANTEES (INCLUDING GUARANTEES OF PERFORMANCE) OR WARRANTIES OF ANY KIND, WHETHER STATUTORY, EXPRESS, OR IMPLIED (INCLUDING ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND ALL WARRANTIES ARISING FROM COURSE OF DEALING OR USAGE OF TRADE), UNDER THIS AGREEMENT

16. Additional Equipment. In the event Host desires to have installed on the Property any electric vehicle charging and related equipment, the Host shall notify Company, in writing, of such desire and Company shall, within 30 days after the receipt of such notice, notify the Host in writing of the terms and conditions pursuant to which Company is willing to so install such additional equipment. If the Parties cannot agree on the terms and conditions for installing such additional equipment within 60 days after the Host's receipt of Company's terms and conditions, then the Host may engage a third-party to so install such additional equipment; provided, however, the Host shall use commercially reasonable efforts to share (or cause such third party to share) data and information from such additional equipment with respect to vehicle charging activity, vehicle usage and technical performance of the vehicle and such additional equipment.

17. Removal or Sale at End of Term. Within ninety (90) days after the expiration of the Term, Company shall , in its sole discretion, either (a) remove all charging stations installed by Company at the Property under this Agreement or (b) agree to sell such charging

stations to Host on terms and conditions mutually agreed upon by the Parties. In the event of removal, Company shall, at Company's expense, return the area where the Equipment was located to a condition substantially similar to prior to the installation of the Equipment, except for any underground infrastructure and concrete equipment pad(s) installed pursuant to this Agreement (which may be left in place) and ordinary wear and tear. Company shall not be obligated to replant trees or shrubs in connection with the foregoing obligations.

18. Miscellaneous.

(a) **Compliance with Laws**. Each Party shall perform its obligations under this Agreement in accordance with all applicable codes, laws, rules, regulations, orders and ordinances of federal, state, regional, local and municipal governmental agencies.

(b) **Amendment**. No modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a Party unless in writing signed by that Party.

(c) **Governing Law; Waiver of Jury Trial**. This Agreement shall be subject to and governed by the laws of the State of Florida, without regard to its conflict of laws principles. The Parties agree that any action or proceeding arising out of or related in any way to this Agreement shall be brought solely in a court of competent jurisdiction in the State of Florida. EACH OF THE PARTIES HERETO HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES THE RIGHT EITHER OF THEM MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED HEREON, OR ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT.

(d) **Severability; Counterparts, Publicity**. Should any provision of this Agreement be held, in a final and un-appealable decision, to be either invalid, void or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect, and the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by such ruling. This Agreement may be executed in counterparts, which together shall constitute a single instrument. Neither Party shall issue any press release or otherwise publicize the existence or the terms of this Agreement without the prior written approval of the other Party, which approval will not be unreasonably withheld or delayed; provided that general advertising that refers to a "partnering" (or other terminology of similar import) of either Party with the other Party for the purposes of any of the transactions contemplated hereby, but does not expressly reference this Agreement or disclose any of the terms hereof, shall not be subject to the provisions of this subsection. Filings required by applicable law for any regulatory authority shall, by itself, not be deemed to violate the preceding sentence.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized officers as of the date first above written.

Host:	**Company (Florida Power & Light Company):**
By: _____	By: _____
Name:	Name:
Title:	Title:

Exhibit A—Location of Equipment

Property Address: [Park & Ride-Sailfish circle Park, S. Dixie Hwy., Stuart, FL 34994]

Number of Spaces: Up to [four] spaces.

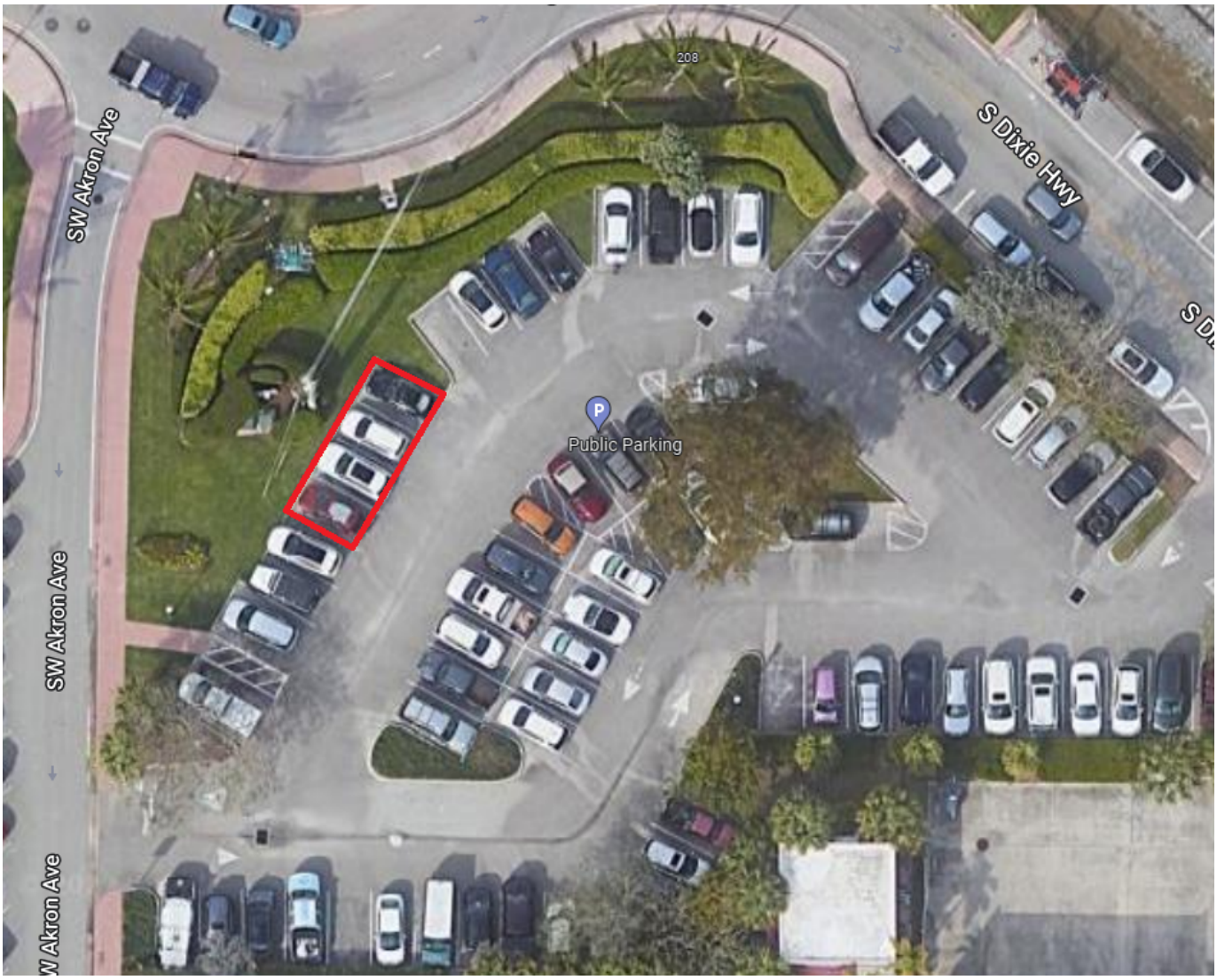
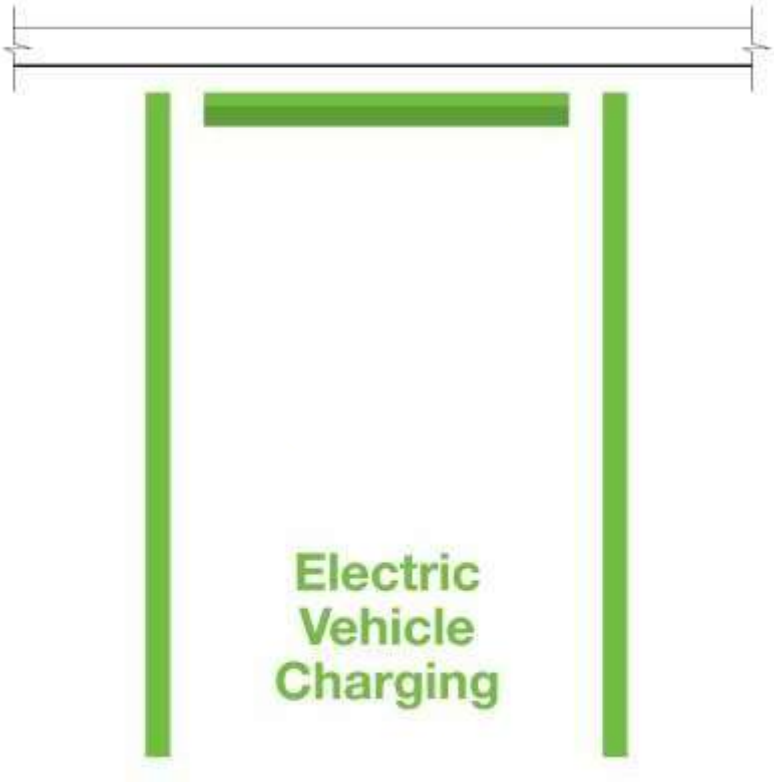


Exhibit B—Form of Signage

Parking Stall Signage (~12" x ~18")



Parking Stall Striping

Work Request No. _____

Sec.__, Twp __ S, Rge __ E

Parcel I.D.____
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: ____
Co. Name: ____
Address: ____
____

Reserved for Circuit Court

The undersigned, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered in the presence of:

_____
(Witness' Signature)

Print Name: _____
(Witness)

_____
(Witness' Signature)

Print Name: _____
(Witness)

Entity name

By: _____

Print Name: _____

Print Address: _____

_____

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the _____ of _____ a _____, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

_____
Notary Public, Signature

Print Name _____

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 11/28/2022 **Prepared by:** Ben Hogarth

Title of Item:
ADOPTING LEGISLATIVE PRIORITIES FOR THE 2023 FLORIDA LEGISLATIVE SESSION (RC):

RESOLUTION No. 113-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2023 LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
Each year, the City Commission adopts funding and policy priorities for the upcoming legislative session, which typically begins in either January (even years) or March (odd years). For the 2023 Legislative Session, the City has identified policy issues concerning the protection of home rule, the homeowner's insurance crisis, affordable housing, water quality & sustainability, resiliency and land conservancy, investments in alternative energy & transportation, and funding for the remediation of Polyfluoroalkyl Substances (PFAS) contamination. City staff have also identified a funding priority for stormwater improvements in the Woods Point Basin, which is one element of the new Stormwater Improvements Master Plan. Following adoption of legislative priorities, staff will provide copies to the Martin County legislative delegation which is set to convene sometime in the new year, prior to the start of the Legislative Session.

Funding Source:
N/A

Recommended Action:
Motion approval of Resolution 113-2022

ATTACHMENTS:
1. R113-2022 - Adopting Legislative Priorities for the 2023 Legislative Session
2. R113-2022 Summary of Legislative Priorities for the 2023 Legislative Session(1)

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 113-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2023 LEGISLATIVE SESSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart City Commission is committed to legislative advocacy in the Capital on issues that directly and indirectly impact residents, while providing meaningful input to elected representatives on issues of concern throughout the legislative process; and

WHEREAS, the City's participation in legislative affairs and advocacy through the Florida League of Cities legislative program is fundamental in the protection of home rule powers; and

WHEREAS, the City has identified as its highest legislative priority for 2023, a funding request of more than $500,000.00 from the State for a stormwater improvement project in the Woods Point Basin, adjacent to the St. Lucie River; and

WHEREAS, the City has also identified legislative priorities and other critical policy issues concerning the homeowner's insurance crisis, affordable housing, water quality & sustainability, resiliency, home rule protection, investments in alternative energy & transportation, and funding for the remediation of Polyfluoroalkyl Substances (PFAS) contamination.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City of Stuart, Florida and City Commission hereby approve and adopt Legislative Priorities for the 2023 Legislative Session and authorize the City Clerk to transmit a copy of this Resolution and attached priorities to the Martin County Legislative Delegation.

SECTION 3: This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER, COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED this ___ day of _____, 2022.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

2023 LEGISLATIVE PRIORITIES

THE FOLLOWING LEGISLATIVE MATTERS HAVE BEEN IDENTIFIED BY THE CITY OF STUART CITY COMMISSION AS THE MOST URGENT LEGISLATIVE PRIORITIES FOR THE CITY IN THE YEAR 2023.

WE THANK THE MARTIN COUNTY DELEGATION FOR THEIR CONSIDERATION.

APPROPRIATION REQUEST:

STORMWATER IMPROVEMENT PROJECT – WOODS POINT BASIN - $500,000

Background: The City's Public Works Department has updated its stormwater master plan and is currently investing more than $1 million into improvements to the entire system. Additionally, the City and its consultants have devised a stormwater improvement project of critical concern, which would mitigate saltwater intrusion and localized flooding in a residential neighborhood adjacent to the St. Lucie River.

The project will improve both stormwater conveyance and surface water quality as stormwater will flow through a managed storage and treatment system, then through a pipe system to an outfall discharge with a control structure that will prevent sea level rise from flooding back onto the upland properties and the destruction of grasses and vegetation from salt/brackish water intrusion. The Water Quality Treatment System will also provide treatment and storage in the exfiltration and swale areas and reduce nutrient pollution to the St. Lucie River. This will result in less standing water within the upland properties. The project will further enhance water quality by reducing turbidity, resulting in enriched and additional seagrasses which will improve food quantities for manatees, other mammals, and fish species.

The City of Stuart REQUESTS state assistance in the form of a $500,000 non-recurring appropriations for its Stormwater Improvement Project at SE Mango Place, adjacent to the Saint Lucie River in Stuart.

POLICY PRIORITIES:

1. HOME RULE PROTECTION

Background: The home rule powers established in 1968 by the voters of Florida and subsequent Municipal Home Rule Powers Act (MHRPA) codified in 1973 by the Florida Legislature guaranteed the right of local communities to self-governance. For decades, municipal governments have afforded state residents with easy access and direct influence on the decisions that most impact their lives. While some issues are universal to all persons, businesses, and properties in the state, polling after polling of Florida residents has evidenced that the citizens of Florida believe their local government is the best means of addressing their unique concerns and desires. Moreover, the inability of local leaders to effectuate reform for their communities undermines faith in democratic process. In the last five years alone, the Legislature has engaged in substantial overreach of power to the frustration of the very public forums and deliberative processes that local communities have enjoyed for decades. This political usurpation has resulted in the erosion of trust in state and local government alike, diminishing the efficacy of both in carrying out the will of the people.

The City of Stuart OPPOSES all legislation that would undermine the home rule powers established in the Florida Constitution and Chapter 166, Florida Statutes.

2. HOMEOWNERS INSURANCE CRISIS

Background: Homeowner's insurance rates in the State of Florida have nearly doubled within the past five years, however, insurance companies continue to lose money and drop insureds from coverage in the state. Although catastrophic storm impacts such as those seen with the recent Hurricanes Ian or Nicole act as catalysts for market instability, higher pricing for reinsurance (insurance for insurance companies when claims spike) and fraud relating to post-storm "assignment of benefits" with contractors are chronic aggravators severely hampering statewide efforts to curb rising costs. As a stopgap measure, Florida has a publicly funded Citizens Property Insurance option for homeowners who are dropped from their coverage and have difficulty acquiring a new policy. Citizens, however, is not an ideal solution for most homeowners and if the program is unable to cover existing claims as a consequence of recent storm impacts, Citizens could be forced to impose a surcharge on ALL policies in the state - and not simply policies within its own insurance pool. This could apply to other sectors of insurance including life and auto, and policy holders across the state may see rate hikes of up to 40% next year, irrespective of which type of policy they have.

The City of Stuart SUPPORTS a whole of government effort to mitigate rising homeowners' insurance rates including reforms to Citizens Property Insurance, and also any measure that can protect policyholders of other forms of insurance rate increases as a result of impacts to property insurance policies.

3. AFFORDABLE HOUSING AND RENTERS' ASSISTANCE

Background: For decades, the State legislature has swept money out of a trust fund for affordable housing in order to fund other priorities in the annual budget, which was predominantly related to the State Housing Initiatives Partnership Program (SHIP). Because SHIP helps fund down payments, home repairs, and provides rental assistance to moderate-income Floridians, the elimination of $2.5 billion in critical statewide funding over time has exacerbated the problems and housing affordability for many residents. Moreover, the homeowner's insurance crisis has caused a tremendous rise in rental rates over the last two years, further deepening both crises. With so many residents vulnerable to being priced out of the state entirely, only those solutions that have statewide reach will help relieve the burden currently shouldered by local governments who simply do not have the resources requisite to addressing these growing challenges and untenable cost-of-living conditions.

The City SUPPORTS a statewide effort to address the housing crisis by providing assistance for renters who have experienced extreme rate increases while bolstering state funding for SHIP and like programs for qualified homeowners.

4. WATER QUALITY & SUSTAINABILITY

Background: In order to curb the harmful impacts of freshwater discharges, state resources and funding is desperately needed for capital projects designed to retain and treat billions of gallons of freshwater, from wherever it may originate. The City of Stuart has made great efforts to reduce its impact on the St. Lucie River by designing and constructing stormwater treatment projects, advocating for zero freshwater discharges from Lake Okeechobee, and completing the installation of sewer infrastructure in the city. However, homeowners and utility customers are not currently required to connect to sewer if they have a septic system, and many families are unable to afford the capital costs to connect. To resolve the consternation of homeowners, annual recurring funding designed to incentivize septic users to convert to municipal sewer systems should be a chief priority statewide. Further investments in sustainable infrastructure alternatives like Alternative Water Supply projects and other innovative technologies could mitigate the strain on existing supply, while alleviating concerns that growing pollution will compound future costs in providing the same levels of essential services.

The City of Stuart SUPPORTS recurring state funding for water quality and supply related projects and programs, and especially those appropriations that assist homeowners in switching from their septic system to municipal sewer service.

5. RESILIENCY & LAND ACQUISITION FOR CONSERVANCY

Background: Since 2017, six hurricanes of Category 4 or 5 strength have made landfall along the Gulf Coast – three of which made landfall in the State of Florida. The rising concern of catastrophic storms and their impacts to economies and environments alike have propelled a new wave of public efforts to curb their impacts. However, the growing

insurance and housing affordability crisis in Florida is further straining resources and making recovery from major disasters a longer-term process. Absent any substantial policy changes, severe weather will continue to devastate economies throughout the state and communities will see longer and longer periods of recovery. The acquisition of land for public conservancy in areas most directly impacted by storm surge and intense inland flooding could mitigate damage to persons and property in future events. Legislative measures should bring a renewed focus on utilizing Land Acquisition Trust Fund (LATF) dollars for this purpose, while prioritizing the mitigation of flood-prone communities such as those around the Kissimmee Chain of Lakes and those around Lake Okeechobee. The additional benefit of repurposing this land for flood mitigation is the potential it has to limit damaging to communities that otherwise receive high volumes of discharges.

The City of Stuart SUPPORTS establishing measurable statewide objectives towards reducing exposures and limiting sensitivities of communities in the state to storm surge and flooding. Furthermore, the City SUPPORTS the purchase and acquisition of lands for the public purpose of conservancy, and the retention and treatment of water.

6. INVESTMENTS IN ALTERNATIVE ENERGY & TRANSPORTATION

Background: Electric vehicle use in Florida (and many other states) is on the rise and having infrastructure in place that supports the exponential trend of EV adoption will help Florida keep pace with a growing industry that may become a boon for future economic growth in the state. The State of Florida Department of Transportation (FDOT) has recently adopted a plan (2022) to expand access to EV chargers along state interstate and highways through the next few years. However, local communities and specifically far-removed urban areas off highways would not potentially see such federal and statewide investment until the latter term of this new program. To match the $198 million federal dollars allocated for the program in the State, the Florida Legislature should consider providing new grant programs for communities that would like to expand access beyond highways and into their community. The State may also consider other renewable energy investments in communities that may be supportive of utilizing public buildings and spaces in creative and innovative ways or assisting businesses and homeowners in financing their own investment in solar energy.

The City of Stuart SUPPORTS legislation that provides financial assistance for the installation of publicly available electric vehicle charging infrastructure within community's urban areas that will help alleviate concerns of charging access for potential EV adopters.

7. FUNDING FOR REMEDIATION OF PFAS CONTAMINATION

Background: Polyfluoroalkyl Substances (PFAS) were historically utilized for decades in the manufacturing of many household products including clothing, carpet cleaners, and stain resistant chemicals, in firefighting foam, and even in the production of heat resistant materials like Teflon. The use of these organic compounds has been so widespread and their permeation throughout the environment so pervasive, that they are found in the blood of 97% of Americans. They are also now linked to chronic illnesses, including cancer and other diseases, as a consequence of long-term exposures. In early 2016, the City of Stuart was notified by the Florida Department of Environmental Protection that a 2015 EPA study had detected elevated levels of the toxic chemicals in ground water used by the City for the supply of potable water. Further investigation by city experts revealed a source of the ground contamination that was quickly isolated from further use in the system until a treatment solution could be developed. Although the City has since devised a system for contamination treatment in order to provide the cleanest, safest drinking water to its utility customers, the prevalence of the contamination in the environment will continue to present cleanup challenges for thousands of communities across the nation, including our own. A critical statewide interest is served by funding the remediation of these toxic substances, wherever they may originate.

The City of Stuart SUPPORTS legislation that will provide funding for research, education, infrastructure, and recurring mitigation expenses towards PFAS contamination remediation. The City of Stuart further SUPPORTS the Florida League of Cities policy statement regarding PFAS, including the desire for an establishment of science-based cleanup target levels, resources for test and research, public education and risk assessment, liability protection for entities who have legally used PFAS for fire suppression or have passively received PFAS, and the development of cost-effective and risk-based corrective strategies for PFAS.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 11/28/2022 **Prepared by:** David Dyess

Title of Item:
IMPACT FEE UPDATES (RC):

ORDINANCE No. 2508-2022; AN ORDINANCE OF THE CITY OF STUART, AMENDING CHAPTER 32 ARTICLE III IMPACE FEES, ADJUSTING FEES AND LANGUAGE FOR COLLECTION AND NOTIFICATION PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

Summary Explanation/Background Information on Agenda Request:
This item is to update our Impact Fee ordinance to transfer the rates from Appendix A and adjust the fees as recommended and adopted from an Impact Fee Rate Study. Minor changes to comply with current state law are also included in Attachment A (redlined). The incremental increases for each year have been recognized in this ordinance change to give advanced notice of the increases.

An exhibit of the resolution that modifies Appendix A to remove the fees from the appendix and correct a small scriveners error is attached and will be presented during the second reading of this ordinance. This is being done due to impact fee rates having to be adopted by two readings.

The changes to this ordinance will take effect 90 days after adoption on second reading, which is in compliance with state law requirements.

Funding Source:
N/A

Recommended Action:
Motion to Approve Ordinacne 2508-2022

ATTACHMENTS:
1. 2508-2022 Impact Fee Rates Ordinance
2. 2508-2022 ATTACHMENT A_IMPACT FEES
3. Exhibit of Resolution

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2508-2022

AN ORDINANCE OF THE CITY OF STUART, AMENDING CHAPTER 32 ARTICLE III IMPACE FEES, ADJUSTING FEES AND LANGUAGE FOR COLLECTION AND NOTIFICATION PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

****

WHEREAS, the City Commission seeks to provide for regulation and use of development of land so that the new development bears its proportionate share of the cost of the capital expenditures necessary to provide facilities required to mitigate the impacts of the new growth; and

WHEREAS, local governments in Florida may assess impact fees to offset infrastructure costs; and

WHEREAS, the City of Stuart is hereby recognizing that conducting a study to establish impact fee rates provides for the most recent data for rate calculation as identified in Florida Statues and the City of Stuart Comprehensive Plan; and

WHEREAS, the City of Stuart, Florida, contracted with consultant TischlerBise to update its impact fees through a study dated November 14, 2022 pursuant to Florida Statues 163.31801; and

WHEREAS, the City Commission has determined that the proposed revisions are in compliance with law and the study for assessing impact fees.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: Chapter 32 Article III Impact Fees, of the Code of Ordinances of the City of Stuart is hereby amended, as indicated in Attachment A.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: This ordinance shall be codified.

SECTION 5: This ordinance shall take effect 90 days from adoption.

Passed on first reading the ____ day of _____, 2022.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

ARTICLE III. IMPACT FEES[1]

Sec. 32-58. Levy and purpose.

Impact fees, and the administrative costs attendant thereto, are hereby levied on new construction and development in accordance with the schedule of impact fees adopted herein, and other provisions of this article, for the purpose of ensuring that new construction and development within the city bear its proportionate share of the cost of the capital expenditures necessary to provide facilities and equipment required to mitigate the impacts of the new growth.

(Code 1995, § 62-61; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-59. Applicability.

This article shall apply to all new construction within the city limits, unless otherwise exempted herein.

(Code 1995, § 62-62; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-60. Review of fee amounts.

(a) Impact fees shall be reviewed periodically, at least every five years, in accordance with a detailed analysis of projected construction within the city limits, the cost of any expanded or new capital facilities and equipment for city services generated by such construction and the money otherwise available to meet such costs.

(b) The city commission may make annual adjustments to the established impact fee rates to reflect changes in the cost of relevant capital facilities and equipment.

(c) All additions, amendments or adjustments in the established impact fee rates shall be made by ordinance, and shall apply only to construction for which building permits are issued after the effective date of such ordinance.

(Code 1995, § 62-63; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-61. Schedule of impact fees; calculation; administrative fee.

~~Impact fees for new construction within the city limits shall be adopted by resolution of the city commission from time to time in appendix A to this Code.~~

A 90-day notice will be given before the effective date of an ordinance imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees

[1]State law reference(s)—Florida Impact Fee Act, F.S. § 163.31801.

may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

	Schedule of impact fees; calculation; and administrative fee					
	(a)	Impact fees for new construction within the city limits shall be as follows: (Rates change on January 1 of each year after 2023)				
		Residential Per Housing Unit	*Parks*	*Multimodal*	*Public Safety*	*Total*
		Single unit 2023 Rate	$136.00	$732.00	$853.00	$1721.00
		2024 Rate	$151.00	$732.00	$948.00	$1831.00
		2025 Rate	$166.00	$732.00	$1042.00	$1940.00
		2026 and Beyond Rate	$182.00	$732.00	$1137.00	$2051.00
		2+ units per structure 2023 Rate	$73.00	$439.00	$460.00	$972.00
		2024 Rate	$81.00	$439.00	$511.00	$1031.00
		2025 Rate	$89.00	$439.00	$562.00	$1090.00
		2026 and Beyond Rate	98.00	$439.00	$614.00	$1151.00
		Non-Residential (per 1,000 square feet of floor area)				
		Industrial 2023 Rate		$267.00	$186.00	$453.00
		2024 Rate		$291.00	$186.00	$477.00
		2025 Rate		$291.00	$186.00	$477.00
		2026 and Beyond Rate		$291.00	$186.00	$477.00
		Commercial 2023 Rate		$1741.00	$573.00	$2314.00
		2024 Rate		$1864.00	$636.00	$2500.00
		2025 Rate		$1986.00	$700.00	$2686.00
		2026 and Beyond Rate		$2109.00	$764.00	$2873.00
		Institutional 2023 Rate		$614.00	$255.00	$869.00
		2024 Rate		$614.00	$284.00	$898.00
		2025 Rate		$614.00	$312.00	$926.00
		2026 and Beyond Rate		$614.00	$341.00	$955.00
		Office & other services 2023 Rate		$759.00	$597.00	$1,356.00
		2024 Rate		$818.00	$597.00	$1415.00

		2025 Rate 2026 and Beyond Rate		$877.00 $936.00	$597.00 $597.00	$1474.00 $1533.00
	(b)	Uses that are not specifically set forth in the above schedule shall be calculated according to the most similar use on the schedule.				
	(c)	The calculation of impact fees for new development shall be based upon the net increase in impact of the new development or redevelopment as compared to the most recent previous use.				
	(d)	If a building permit is requested for a mixed-use development, then the impact fees shall be determined according to the fee schedule by apportioning the space committed to uses specified on the fee schedule.				
	(e)	If the type of development activity is not specified on the fee schedule, the city manager shall use the fee applicable to the most nearly comparable type of land use shown on the fee schedule.				
	(f)	An amount not to exceed three percent of the impact fee levied may be added to the total amount due for each impact fee, for the purpose of defraying administrative costs associated with the collection and monitoring of impact fees.				

(Code 1995, § 62-64; Ord. No. 2083, § 1, 9-25-2006; Ord. No. 2281-2014, § 1, 7-28-2014)

Sec. 32-62. Payment of fees.

~~Except as otherwise provided, the payment of impact fees shall be made prior to the issuance of any building permits for the applicable construction or development.~~ Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee. Impact fees shall be paid in cash or cash equivalent, unless the city commission specifically accepts an in-kind contribution of land or capital facilities for public use. Credit for an in-kind contribution shall be on a fair market value basis as of the date the city commission accepts the offer of such contribution. The fair market value of any land accepted as an in-kind contribution shall be based upon an appraisal of its highest and best use then allowed under its current land use designation. Such appraisal shall be paid for by the donor.

(Code 1995, § 62-65; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-63. Capital expansion trust funds; created; fee deposit.

(a) *Funds created.* The following capital expansion trust funds are hereby created:

(1) Public safety capital expansion trust fund;

(2) Parks and recreational services capital expansion trust fund;

(3) Multimodal capital expansion trust fund;

(4) Municipal facilities capital expansion trust fund (suspended).

(b) *Deposit of fees.* All impact fees collected by the city shall be separately accounted for and shall be deposited only in the capital expansion trust fund for which they were collected.

(Code 1995, § 62-66; Ord. No. 2083, § 1, 9-25-2006; Ord. No. 2281-2014, § 1, 7-28-2014)

Sec. 32-64. Use of funds.

(a) Amounts in each capital expansion trust fund shall be used only for the purpose contained in the title of such fund and for no other purpose.

(b) Expenditures from each fund shall be specifically approved by the city commission and shall be limited to the expansion or acquisition of:

(1) Public capital facilities;

(2) Public capital equipment;

(3) Public capital improvements;

(4) Sustainability projects, including site-related improvements;

(5) An activity related to preserving existing public buildings for their intended or historic use;

(6) Impact fee studies, updates.

(c) Each project shall have been made necessary by the new construction from which the fees were collected or for principal payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment. Under no circumstances shall any such funds be used for maintenance activities, except that a road resurfacing project will be permitted, if it provides for increased capacity.

(d) Before authorizing any expenditure from any one of these trust funds, the city commission shall make a finding that:

(1) Such expenditure is for capital facilities, or capital equipment, or public capital improvement; or sustainability projects, or activities related to preserving existing public buildings for their intended use;

(2) Such expenditure is made necessary by new construction or development from which such funds were collected; and

(3) Such expenditure will result in a special benefit to the new construction or development from which such funds were collected or are a recoupment project.

(e) Funds shall only be used as specified in this section unless it is determined by the city commission that the impact fees so collected are recoupment-based impact fees. In that case, consideration may be given to using funds for public capital facility provisions related to new development apart from the purpose for which they were originally assessed. Fees shall be used first for debt repayment on public facilities. All improvements shall be of the type made necessary by the city's growth and development as shown in the adopted capital improvements plan.

(Code 1995, § 62-67; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-65. Capital expansion plans.

The city commission shall prepare and maintain a capital expansion plan for each such fund. These plans shall be reviewed at least annually during the budget review process.

(Code 1995, § 62-67; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-66. Time of payment; remedies for nonpayment.

Except as otherwise provided, impact fees shall be due and payable at the time of issuance by the city of a building permit for new construction and shall not be refundable once a building permit has been issued. No building permit on such new construction shall be issued until all applicable impact fees have been received by the city.

(Code 1995, § 62-68; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-67. Independent fee calculation study.

The city or an impact fee payer may prepare an independent fee calculation study for the development activity for which a building permit is sought. If prepared by the fee payer, the independent fee calculation study shall follow generally accepted calculation methodologies and formats which are acceptable to the development director. All relevant data, analysis, and reports necessary for the development director to make a recommendation to the city manager shall be provided. Within 15 working days after receiving a complete independent fee calculation study, as determined by the development director, the development director shall issue a written recommendation to the city manager, a copy of which shall be provided to the fee payer, on whether to adjust the applicable impact fees. The independent fee calculation study shall follow generally accepted calculation methodologies and formats which are acceptable to the city manager, and which conform to the requirements established in Homebuilder's and Contractor's Association of Palm Beach County v. Board of County Commissioners of Palm Beach County, 446 So.2d 140 (Fla. 4th DCA 1983). The burden shall be upon the fee payer to provide all relevant data, analysis, and reports necessary for the city manager to make a determination. Within 15 working days after receiving a complete independent fee calculation study and the development director's recommendation, the city manager shall issue a written decision to the fee payer adjusting or refusing to adjust the applicable impact fees. In addition to any other fee charged herein, the city shall charge an additional one percent of the impact fee as a fee for reviewing the independent fee calculation study.

(Code 1995, § 62-69; Ord. No. 2083, § 1, 9-25-2006; Ord. No. 2281-2014, § 1, 7-28-2014)

Sec. 32-68. Exemptions, credits, and deferrals.

(a) *Exemptions.* The following shall be exempted from the payment of impact fees:

(1) Alteration, expansion or replacement of an existing residential building where no additional living units are created, where the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.

(2) Alteration, remodeling or replacement of an existing nonresidential building or structure where the use is not changed, and the square footage and/or parking is not increased.

(3) The construction of accessory buildings or structures that do not create an additional impact on public capital facilities over and above that produced by the principal building or use of the land.

(4) An exemption must be claimed by the fee payer prior to the issuance of a building permit. Any exemption not so claimed shall be deemed waived by the fee payer.

(b) *Credits.*

(1) All reductions in the amount due for impact fees must be approved by the city commission.

(2) The value of any donation or dedication of public capital facilities above and beyond those improvements that are necessary for the project but have been required of the fee payer under a city

development order shall be deducted from the impact fees otherwise due and owing for the project. In the event that the value of the donation exceeds the total amount of impact fee payments due for the project, there shall be no refund or transfer and the balance due for impact fees shall be deemed zero.

(3) The fee payer will provide the following information to the city manager for a determination of the value of any donation or dedication:

a. An independent property appraisal report prepared by an individual who is both a member of the appraisal institute (MAI) and a state-certified general appraiser acceptable to the city manager, containing the following:

1. Purpose of the appraisal.

2. Legal description of property, including a minimum of five years delineation of title.

3. Present use and zoning.

4. Utilities.

5. Type and condition of improvements and special features that may add to or detract from the value of the property.

6. Highest and best use of the property on which the appraisal is based before the acquisition of rights and interests to be acquired and the highest and best use of the remainder after the acquisition when a partial taking is involved. In either instance, if the existing use is not the premises on which the valuation is based, the appraisal will contain an explanation justifying the determination that the property is available and adaptable for a different highest and best use and there is a demand for that use in the market.

7. Before and after valuation as interpreted by state law will be used in partial donations or special benefits to the residue land or improvements.

8. Approaches to value including all applicable approaches to value. If an approach is not considered applicable, the appraiser must state why. All pertinent calculations used in developing the approaches will be shown.

A. In the market approach, the appraisal report will contain a direct comparison of pertinent comparable sales to the property being appraised. The appraiser must include a statement setting forth his analysis and reasoning for each item of adjustment to comparable sales.

B. Where the income (capitalization) approach is used, there must be documentation to support the income, expenses, interest rate, capitalization rate, discount rate, or any other factors used in the analysis. Where it is determined that the market rental income is different from the existing or contract income, the increase or decrease must be explained and supported by market information.

C. Where the cost approach is utilized, the appraisal report must contain the specific source of cost data, remaining economic life, and an explanation of each type of accrued depreciation.

9. Appraisal after value must be supported to the same extent as the appraisal of the before value. This support should include one or more of the following:

A. Sales comparable to the remainder properties.

B. Sales of comparable properties from which there have been similar donations or acquisitions for like usages.

C. Development of the income approach on properties which show economic loss or gain as a result of similar acquisition or taking for like usages.

D. Public sales of comparable lands by the state or other public agencies.

E. If the data described in subsections (b)(3)a.9.A. through (b)(3)a.9.D. of this section are not available the appraisal will so state and give the appraiser's reasoning for his value estimate.

b. The difference between the before and after appraisal will represent the value of property to be acquired including the damages to the remainder property. The appraiser will separately analyze and tabulate the difference showing a reasonable allocation of site improvements and damages.

c. Where two or more of the approaches of value are used, the appraisal will show the correlation of the separate indications of value derived by each approach along with a reasonable explanation for the final conclusion of value. This correlation will be included for both before and after appraisals.

d. All appraisal reports should include identified photographs of the subject property including all principal aboveground improvements or unusual features affecting the value of the property to be taken or damaged.

e. Appraisal reports will contain a survey and sketch or plat of the property showing boundary dimensions, location of improvements and other significant features of the property.

f. Each appraisal report will contain or make reference to the comparable sales which were used in arriving at the fair market value. Comparable sales data must state the date of sale, names of parties to the transaction, consideration paid, financing, conditions of sale and with whom these were verified, the location, total area, type of improvements, appraiser's estimate of highest and best use at the date of sale, zoning, and any other data pertinent to the analysis and evaluation thereof. If the appraiser is unable to verify the financing and conditions of sale from the usual sources such as buyer, seller, broker, title or escrow company, etc., he will so state. Pertinent comparable sales data should include identified photographs of all principal above ground improvements or unusual features affecting the value of the comparable sales.

g. All properties appraised and the comparable sales which were relied upon in arriving at the fair market value estimate will be personally inspected in the field by the appraiser and all dates of inspection will be shown in the appraisal report.

h. The effective date to which the valuation applies.

i. A statement of appropriate content and limiting conditions, if any.

j. The certification, signature, and date of signature of the appraiser.

k. Actual new build cost of facility may be used for determination of reductions.

(4) No value or amount shall be deducted from the amount of impact fees due for site-related improvements.

(c) *Deferral or reductions of impact fee payments for affordable housing.*

(1) *Deferrals or reductions.* Prior to the application for a building permit, builders of affordable housing for very-low-income, low-income, and moderate-income households may request that the payment of impact fees be reduced or deferred until the issuance of the certificate of occupancy or one year after the issuance of the building permit, whichever is earlier. This deferral or reduction is available only when the affordable housing has been certified by the city development director, as meeting the criteria established by the city for affordable housing.

(2) Approval of deferrals or reductions will be made to applicants who meet the criteria and shall be determined on a case-by-case basis by the city manager.

(3) *Reduced city road impact fees for "de minimus" projects within the city's community redevelopment area (CRA).* Projects within the city's community redevelopment area (CRA) which are deemed to be "de minimus," that is ten residential units or less, 2,000 square feet of office space or less, or 1,000 square feet of retail space or less, or up to a 20-seat sit-down restaurant, are entitled to a 35 percent reduction in the city's multimodal impact fee.

(d) *Transfer of city surplus residential units.* The transfer of surplus residential units shall be permitted on a project-by-project basis subject to the following.

City surplus residential units shall be defined as all residential impact fees historically existing on a parcel of property that would have otherwise been available to use as a set off toward the cost of impact fees that may have been due or payable when redeveloping the property.

(1) A request to permit the transfer of surplus residential units, if any, shall be submitted simultaneously with the property owner's application for development order or permit in the event of straight zoning applications.

a. All requests to permit the transfer of surplus residential units shall be approved by the city commission.

b. Untimely request shall not be considered and shall be deemed waived.

(2) The city shall establish an account in the name of the owner of record and document the account so that it accurately reflects the surplus residential units to the parcel of land which is the subject of the city resolution as determined by the city commission. In the event the owner of record desires to transfer any portion of the surplus residential units to another parcel, and the city commission has previously approved the number of surplus residential units by resolution, the owner of record shall submit a notarized affidavit to the city manager or designee indicating which parcel will be the recipient of the surplus residential units. Upon receipt of the notarized affidavit and payment of the administrative fee, the surplus residential units shall be transferred to a similar account established for the transferee parcel. The applicant shall pay an administrative fee of $2,000.00 at the time of transfer.

(3) The transfer shall become effective upon issuance of a written confirmation or receipt by the city that the surplus residential units have been distributed from the original parcel to the new parcel.

(4) In no event shall the transferee be entitled to further transfer those same units to a second parcel.[2]

(5) All other provisions, policies and procedures that are applicable to the payment of impact fees shall be applicable to the transfer of surplus residential units.

[2]Editor's note(s)—The legislative intent is to allow transfers to more than one location but only allow the transfer to occur one time. For example, if parcel A has ten surplus units, it can transfer four units to parcel B, four units to parcel C and ten units to parcel D. But the four units that were transferred to parcel B could not be used to create surplus units on parcel B nor could they be transferred from parcel B to any other parcel. Therefore, if the owner of parcel A inadvertently transferred too many units to parcel B and the excess units were not used in the development, they would expire because they have already been transferred once. On the other hand, parcel A could transfer two units to parcel B and then at another time transfer two more units to parcel B and again transfer two more units to parcel B as long as the units being transferred had originated on parcel A and had never been transferred before.

(e) *Procedure for transfer.* No surplus units shall be transferable until such time as the city commission has passed a resolution approving the transferability of the excess units.

(1) The resolution shall identify the original source of the surplus residential units.

(2) The resolution shall determine the number of excess units and provide a basis for this determination.

a. It is the intention of this section that the resolution provide detailed information pertaining to the calculation of the excess impact fees.

(3) At no time shall the number ever exceed the original units and impact fees determined for the parcel.

(4) Unused units shall not be refunded. If surplus residential units are assigned or transferred to a new parcel, there shall be no claim for refund if the transferred value isn't used at the time of the issuance of the permit. Upon issuance of the permit, the parcel that has received a transfer shall be deemed to have zero remaining units.

(f) *Expiration of impact fee units.* Unless a longer time period is specifically authorized by the city commission in a development approval all surplus residential units determined by resolution of the city shall expire at the end of ten years from the date of the resolution authorizing them.

(Code 1995, § 62-70; Ord. No. 2083, § 1, 9-25-2006; Ord. No. 2281-2014, § 1, 7-28-2014 ; Ord. No. 2426-2020 , § 1, 1-27-2020)

Sec. 32-69. Refunds.

(a) Any funds not expended, or encumbered, or programmed in the capital expansion plan by the end of the calendar quarter immediately following six years from the date the impact fee was paid shall, upon application of the fee payer within 180 days of that date, be returned to the fee payer with statutory simple interest. Funds shall be encumbered and expended in the order in which they were collected.

(b) Notwithstanding the six-year requirement in subsection (a) of this section, if at any time a building permit expires, is cancelled or revoked, the structure has not been completed, and no certificate of occupancy has been issued or no construction has been commenced and the impact fee revenues have not been expended or encumbered, then the fee payer shall be entitled to a refund, without interest, of the impact fees paid, less an administrative fee of three percent to offset the costs of collection and refund. The fee payer must submit an application for such a refund to the city development director within 30 days of the expiration of the building permit.

(c) The application for a refund must contain a dated receipt issued for payment of the impact fee, the building permit or other permit for which the impact fees were paid, evidence that the applicant is the fee payer or a successor in interest to the fee payer, and a determination of whether the impact fee revenues have been expended or encumbered, upon application. At the option of the fee payer:

(1) The fee payer shall apply to the city development director and shall receive a full monetary credit in the amount of the prepaid fee which shall remain valid and run with the land for a period of ten years from the date of receipt of the credit;

(2) The fee payer may apply to the city commission, and enter into a cost reimbursement agreement in which the fee payer shall be repaid over the next five years, up to the full amount of the fee paid by the fee payer less the administrative charge of three percent to offset the cost of collection and refund, provided that the timely and efficient provision of programmed facilities are not adversely impacted; or

(3) At the sole option of the city commission, a cash refund may be given for good cause shown.

(Code 1995, § 62-71; Ord. No. 2083, § 1, 9-25-2006)

Sec. 32-70. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Encumbered impact fee revenue means the commitment by the city commission of impact fees for the purpose of expenditures on the planning or design of, land acquisition for, or construction of capital improvements that provide a benefit to new growth and development. For the purpose of this article, impact fee revenues shall be considered encumbered when any impact fee supported facility benefiting the district in which the development is located is included in the city's annual budget or adopted capital improvements plan, or deemed encumbered by resolution of the city commission.

Fee payer means a person commencing a land development activity who is requesting the issuance of a building permit.

Multimodal improvement means (in addition to traditional automobile-bases improvements) the provision of safe and efficient movement by walking, cycling, and transit service while also taking advantage of opportunities to improve traffic flow circulation on public roads.

Public capital equipment means equipment with an expected-use life of three years or more.

Public capital facility means city parks, city waterfront facilities and access, boat ramps, open space/conservation lands; transportation facilities and enhancements, including roadway segments, pedestrian and bicycle pathways, police and law enforcement buildings, motor vehicles, communications equipment, and any other capital equipment related to law enforcement facilities; fire protection, fire prevention, emergency medical services, emergency shelter buildings and capital equipment; other public buildings and capital equipment for city administration and operations, acquisition of land or sites for public capital facilities; and building design and facility need studies which are listed in the adopted capital improvements plan.

Public capital improvement means planning, preliminary engineering, design studies, legal work, land surveys, right-of-way acquisition, engineering, land acquisitions, site improvements including exotic plant removal, buildings, capital equipment, permitting and construction of all necessary features for any project contained in the adopted capital improvement plan, but excludes operations and maintenance.

Public safety improvement means the provision of capital items primarily in the areas of police and fire/EMS.

Recoupment means impact fee revenue that is received for facilities that are presently in place, benefiting new development.

Site-related improvements are capital improvements and right-of-way dedications for direct-access improvements to a planned development. Direct-access improvements include, but are not limited to, the following:

(1) Site driveways and roads within the development, access roads leading to and from the development, and the paving and/or improvement of a thoroughfare plan roadway segment where such improvement is necessary to provide paved access to and from the project, if the roadway segment is not scheduled to be improved within five years from the time of the credit agreement, as shown on the adopted capital improvements program;

(2) Right-turn and left-turn lanes leading to those roads and driveways, acceleration and deceleration lanes;

(3) Traffic control measures and devices (including signs, marking, channelization and signals) for those roads and driveways within the development;

(4) Internal roads; and

(5) Rights-of-way.

Sustainability project means a project that is designed to enhance and maintain the character of the city, including, but not limited to, the implementation of selected best development practices, and the provision of streetscape improvements, waterfront improvements, and bicycle and pedestrian facilities.

(Code 1995, § 62-72; Ord. No. 2083, § 1, 9-25-2006; Ord. No. 2281-2014, § 1, 7-28-2014)

Sec. 32-71. Appeals.

Any determination made by the city development director or city manager in reference to this article may be appealed to the city commission by filing an appeal with the city manager within 30 days of such decision. The city manager shall schedule the appeal for consideration by the city commission at the next available regular meeting or at a special meeting within 30 days for the purpose of hearing the appeal. The city commission shall render a decision within 60 calendar days of the date of the regular meeting at which the appeal was considered unless good cause is shown and made part of the record, or provided that the appellant has not requested a postponement of the matter.

(Code 1995, § 62-73; Ord. No. 2083, § 1, 9-25-2006)

Secs. 32-72—32-100. Reserved.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 120-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 32 AND CHAPTER 34 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, pursuant to various provisions of the City Code, the City Commission has determined that certain rates, fess, and charges for municipal services be amended; and

WHEREAS, pursuant to an Impact Fee Study adopted by Stuart City Commission (Resolution 118-2022), the impact fees are to be adjusted; and

WHEREAS, impact fees are required to be adopted by two readings, staff is moving the rates to the Impact Fee ordinance in Chapter 32 Article III and removing them from Appendix A; and

WHEREAS, a scriveners error in Chapter 34 is to be corrected to comply with the adopted utilities study.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The Impact Fees of Appendix A are removed and relocated to the Chapter 32 ordinance text.

SECTION 2: The scrivener's error in Chapter 34 for solid waste collection is corrected to coincide with the utility rate study adopted on September 14, 2022.

SECTION 4: The City Commission retains jurisdiction over the rate schedule and any administrative costs, which may be later amended from time to time, by Resolution.

SECTION 5: This resolution shall take effect 90 days from adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED this 12 day of December, 2022.

ATTEST:

_____
MARY R. KINDEL, CMC
CITY CLERK

_____
TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

Appendix A - FEE, RATE AND CHARGE SCHEDULE

Code Section	Subject	Fees, Rates and Charges
	Chapter 2. Administration	
2-2	Lien Search per property	$100.00
2-217	Copies of city records:	
	For each one-sided legal or standard length page	$0.15
	For each two-sided legal or standard page	$0.20
	Certification of a public record as a true and accurate copy of an original public record, each	$1.00
2-218	Service fee for dishonored checks:	
	(a) Face value not exceeding $50.00	$25.00
	(b) Face value more than $50.00 but not exceeding $300.00	$30.00
	(c) Face value more than $300.00, greater of	$40.00 or five percent of the face amount of the check, draft or order
2-220	Fees for fire-rescue related services	
	The following fees for certain services provided by the city in relation to fire-rescue emergency services and special activities are hereby established and shall be charged and collected:	

	Foam or wetting agent use	$150.00 per five gallons
	EMS transport fees:	
	Basic life support (BLS)	$637.00
	Advanced life support (ALS 1)	$718.00
	Advanced life support (ALS 2)	$841.00
	Specialty care transport (SCT)	$977.00
	Waiting fee ($360.00 per hour after first 30 minutes of waiting to transport, or waiting to discharge patient to tertiary care)	$360.00
	Mileage—per loaded mile	$11.00
	Appropriate service level fees (above), plus mileage, will be charged for incidents requiring transport.	
	Incidents that require Advanced Life Support (ALS) assessment or treatment and do not result in a transport are billed the appropriate service level fee, without mileage.	
	Actual hourly rates, and FEMA equipment scheduled rates shall be charged in connection with investigating, mitigating, minimizing, removing or abating the release of any hazardous substances, hazardous incident, and hazardous waste, including, but not limited to: •The cost of actual labor of city personnel or its agents, •Of equipment operation and rental, •Of expendable items such as, including, but not limited to, firefighting foam, chemical extinguishing agents, absorbent materials,	

	sand, recovery drums, protective clothing, gloves, and testing equipment, and of action taken by the city to recover such costs.	
2-221	Fingerprinting services fee	$10.00
2-222	Court costs for criminal justice education for local government	$2.00

(Res. No. 77-09, § 1, 7-13-2009; Res. No. 57-2013, § 1, 6-10-2013; Res. No. 86-2014, § 2(Exh. A), 9-10-2014 ; Res. No. 92-2018 , §§ 1—6, 9-24-2018)

Chapter 10. Buildings and Building Regulations

10-1	Building permit fees:		
	(a)	The following fees for building permits and other related permits are hereby established and shall be charged and collected prior to issuance:	Value to be determined by latest ICC Building Valuation Data chart
	General construction:		
	$0.00 to $50,000.00,		$424.00
	Over $50,000.00 up to and including $100,000.00		$424.00
	Over $100,000.01 up to and including $500,000.00		Value X .006
	Over $500,000.00		Value X .005
	Minor misc. permit includes all sub permit fees		$ $75.00
	Alarm decal		$24.00
	Swimming pools (based upon 4 required inspections)		$424.00

	Commercial pool	Value X .006 or $424 min
	Signs: (Sign permit fee waived for applications for monument signs that replace existing pole signs with monument signs and which are submitted on or before August 30, 2022)	$212.00
	Driveways, paving (based upon 2 required inspections) Pavers	$212 $106.00
	Sign: Nonelectrical	$106.00
	Sign: Electrical Sign Monument	$132.00 $212.00
	Garage door, Slab, Shutters, Window and door permits Re-Roof Siding	$106.00 $212.00 $212.00
	Fences	$106.00
	Water heater replacement permit fee	$99.00
	Screen rooms, carports with foundations—3 inspections Screen enclosure on existing slab	$212.00 $106.00
	Pre-Manufactured accessory buildings	$106.00
	Accessory buildings constructed on site (based upon 4 required inspections)	$424.00
	Electrical Generators	Value X .006 or $106.00 $212.00
	Plumbing, Gas,	Value X .006 or $106.00 min

	Mechanical	
	Residential renovations and additions up to $5,000.00	$106.00
	Residential renovations and additions between $5,000.00—$10,000.00 $10,000.01- $100,000.00 $100,000.01- $500,000.00 >$500,000.01	$424.00 $575.00 Value X .006 Value X .005
	Commercial renovations and additions up to $10,000.00 $10,000.01-$100,000.00 $100,000.01- $500,000.00 >$500,000.01	$424.00 $575.00 Value X .006 Value X .005
	Plan review fee Residential Commercial review up to $2500.00 $2500.01-$100,000.00 >$100,000.01	$75.00 or Value X.003 $100.00 $250.00 Value X .003
	Plan revision review to issued permits residential Commercial	$25.00 per page $50.00 per page
	Plan review re-review	$106.00
	Reinstate or close expired permit	$106.00
	Permit Time Extensions	$50.00

	Unlicensed contractor 1 st offense $500.00 2 nd offense $1,000.00 3 rd and subsequent offense $2,000.00	Up to $2,000.00
	Plan revision review to issued permits commercial	$50.00 per page
	Demolition:	$106.00
	Working without a permit	4 times the required permit fee
	Re-inspection or inspection, per inspection	$106.00
	Plan review resubmittal fee, 4th plan review is necessitated due to the failure of the applicant to adequately respond to the plan review comments of the city 3rd reinspection for the same deficiency	4X fee per FS 553
	Any violation of the chapter 10, land development code, state building code, unless otherwise regulated	$500.00 per each violation
	Fees set forth to be reviewed April 1 st each year and only changed per resolution of the city commission	

(Res. No. 57-2013, § 1, 6-10-2013; Res. No. 81-2011, § 1, 9-12-2011; Ord. No. 2182-09, 7-13-2009; Res. No. 42-2010, §§ 1, 2, 4-26-2010; Res. No. 57-2013, § 1, 6-10-2013; Res. No. 92-2018 , §§ 1—6, 9-24-2018; Res. No. 37-2019 , § 2, 3-25-2019; Res. No. 81-2019 , § 1, 9-23-2019)

Chapter 12. Businesses

12-45	Processing fee for permit for outdoor uses and activities	$25.00
12-46	Unpermitted Event/Activities	$250.00
12-73	License fee for special sales	$50.00
12-77	License renewal fee for special sales	$50.00

12-106	License fee for taxicabs and vehicles for hire (with 10 or fewer passengers)	$50.00
12-130	License fee for wreckers and vehicle towing businesses	
	First truck	$43.75
	Each additional truck	$12.50
12-140	Maximum towing and storage rates for providing services	
	Day or night service [per call]:	
	Class A/Rollback ($5.50 per hooked-up mile)	$161.00
	Class B ($6.50 per hooked-up mile)	$233.00
	Class C ($8.50 per hooked-up mile)	$363.00
	These rates include the first 30 minutes on the scene and the cleaning of debris as necessary	
	After first 30 minutes on scene - will be charged in increments of 30 minutes	$52.00
	Additional fees:	
	Underwater dive: certified scuba diver w/full gear (per hour)	$130.00
	Airbag recovery (per hour)	$622.00
	Additional manpower (per half hour)	$63.00
	Outside storage for Class A-B-C (per Day - no charge for first 6 hours)	$0.00

	Class A- Outside storage (Per Day- 6 hours -24 hours)	$37.00
	Class A- Outside storage (Per Day)	$37.00
	Class B-Outside storage (Per Day- 6 hours -24 hours)	$42.00
	Class B-Outside storage (Per Day)	$42.00
	Class B-Outside storage (Per Day- 6 hours -24 hours)	$83.00
	Class B-Outside storage (Per Day)	$83.00
	Inside storage for Class A-B-C (Per Day - no charge for first 6 hours)	$0.00
	Class A- Inside storage (Per Day- 6 hours -24 hours)	$47.00
	Class A- Inside storage (Per Day)	$47.00
	Class B- Inside storage (Per Day- 6 hours -24 hours)	$52.00
	Class B- Inside storage (Per Day)	$52.00
	Class B- Inside storage (Per Day- 6 hours -24 hours)	$94.00
	Class B- Inside storage (Per Day)	$94.00
	Administrative and clerical costs to comply with Florida State Statutes Ch. 713 in placing a lien on a vehicle to recover towing charges and/or ownership of a vehicle	$50.00

(Res. No. 57-2013, § 1, 6-10-2013; Res. No. 97-2016, § 1, 9-12-2016 ; Res. No. 92-2018 , §§ 1—6, 9-24-2018)

Chapter 13. Cemeteries

13-6	Plot Location Fee	$50.00
	Cemetery Plot	$800.00
	Companion Space, up to two (2) cremated remains	$400.00

Chapter 18. Emergency Services

18-64		Alarm system permits and decals	$24.00
		Unregistered Alarm	$100.00
		Renewal	$10.00
18-73		Service charge for excessive false alarms:	
	(1)	For the 3rd and 4th alarm, per alarm	$50.00
	(2)	For the 5th and 6th alarm, per alarm	$100.00
	(3)	For the 7th and 8th alarm, per alarm	$200.00
	(4)	For the 9th and each alarm thereafter, per alarm	$400.00
	(5)	Unregistered user for 1st and 2nd false alarm, per alarm	$100.00
	(6)	Unregistered user for 3rd alarm and thereafter	Double the per alarm cost for a registered user

(Res. No. 92-2018 , §§ 1—6, 9-24-2018)

Chapter 20. Environment

20-25	Lot clearing administrative charge	$250.00

(Res. No. 92-2018 , §§ 1—6, 9-24-2018)

Chapter 22. Fire Prevention

22-3		Fees for fire prevention related services	
The following fees for certain services provided by the city in relation to fire prevention to include: plan review, inspections and investigations are hereby established and shall be charged and collected:			
	(a)	Plan review fees	
		Site plan review fees (based on project value)	
		Less than $50,000	$125.00
		$50,000 to $500,000	$250.00
		Greater than $500,000	$400.00
		New construction plan review (based on square footage of project)	
		Up to 4,999 sq. ft.	$370.00
		5,000 to 9,999 sq. ft.	$410.00
		10,000 to 14,999 sq. ft.	$450.00
		15,000 to 19,999 sq. ft.	$480.00
		20,000 to 49,999 sq. ft.	$500.00
		50,000 to 199,999 sq. ft.	$670.00
		200,000 to 499,999 sq. ft.	$710.00
		500,000 and up	$950.00
		>Alterations	
		Up to 4,999 sq. ft.	$180.00

		5,000 to 9,999 sq. ft.	$210.00
		10,000 to 14,999 sq. ft.	$225.00
		15,000 to 19,999 sq. ft.	$240.00
		20,000 to 49,999 sq. ft.	$250.00
		50,000 to 199,999 sq. ft.	$340.00
		200,000 to 499,999 sq. ft.	$360.00
		500,000 and up	$475.00
		Fire alarm system plan review fees	
		Up to 999 sq. ft.	$120.00
		1,000 to 4,999 sq. ft.	$160.00
		5,000 to 9,999 sq. ft.	$210.00
		Greater than 10,000 sq. ft.	$250.00
		Fire sprinkler system plan review fees	
		Aboveground, 1—5 heads	$150.00
		Aboveground, 6—50 heads	$190.00
		Aboveground, 51—100 heads	$230.00
		Aboveground, 100—300 heads	$300.00
		Aboveground, 300—1,000 heads	$500.00
		Aboveground, greater than 1,000 heads	$700.00
		Underground	$180.00

		Fire suppression system plan review fees	
		(Hood—grease or hazardous vapor/gas)	$140.00
		Wet or dry agent	$140.00
		Residential fire sprinkler	$250.00
	(b)	Plus on-site fire inspection fees as shown below:	
		Required annual fire inspections fee schedule, per occupancy:	
		0—2,500 square feet	$50.00
		2,501—5,000 square feet	$100.00
		5,001—20,000 square feet	$200.00
		20,001—100,000 square feet	$300.00
		Over 100,000 square feet	$500.00
		Business tax receipt fire inspection fee	$150.00
		Additional occupancy in building	$50.00 per sublet portion of building
		Tent Inspection (greater than 900 sq. ft)	$100.00
		Food Truck Inspection (per truck)	$50.00
		Standpipe—water flow test site	$380.00 per standpipe
		Water flow test (hydrant)	$200.00 per hydrant

		Water flow test hydrant—witness	$50.00 per hydrant
		Fuel tank fire inspection fees:	
		Abandonment or removal	$140.00
		Aboveground	$140.00
		Underground	$240.00
		Tenant Improvement fire inspection fees:	
		Up to 4,999 sq. ft.	$320.00
		5,000 to 9,999 sq. ft.	$340.00
		Over 10,000 sq. ft.	$400.00
	(c)	Hourly fire prevention rates.	
		Fire inspector —hourly rate	$40.00
		Fire Marshal —hourly rate	$55.00
		Clerical—hourly rate	$35.00
	There will be no additional charge for a second fire inspection if all fire code violations have been corrected. For a third and subsequent re-inspections due to noncompliance, a fee of double the above fee shall be assessed for each such inspection.		

	All fire prevention fees are due within 30 days of date of the inspection. Any delinquent accounts will be charged a late fee of $25.00. Any delinquent accounts past 60 days will be charged double the original fire inspection fee.		

22-26	Surcharge for recovery of cost of hazardous substance and hazardous waste cleanup; code enforcement, greater of	$100.00 per day for each day that the bill for such cost remains unpaid or ten percent of the total amount of the bill.

(Res. No. 77-09, § 2, 7-13-2009; Res. No. 42-2010, § 1, 4-26-2010; Res. No. 57-2013, § 1, 6-10-2013; Res. No. 92-2018 , §§ 1—6, 9-24-2018)

Chapter 30. Parks and Recreational Areas

30-24	Park event fees. See 36-61 et seq., Recreation facility and special events fees.

(Res. No. 92-2018 , §§ 1—6, 9-24-2018)

Chapter 32. Planning and Development

32-2	Application Type	Fee
	Planned unit development (PUD)—Rezoning designation	- $3,638.00
	Planned unit development amendment (PUD) (major)	$3,195.00
	Planned unit development amendment (PUD) (minor)	$2,130.00

	Urban planned unit development (PUD) containing a maximum of 5 bungalow residential units	1,523.00
	Major development plan (site)	$2,130.00
	Minor development plan (site)	1,703.00
	Residential development plan	$852.00
	Amendment to approved site plan	$852.00
	Plat	$852.00
	Large scale comprehensive plan amendment	$2,130.00
	Small scale comprehensive plan amendment	$1,864.00
	Land development code text amendment	$1,065.00
	Zoning map change—Rezoning non-PUD	$1,065.00
	Major conditional use	$1,598.00

	Minor conditional use	$532.00
	Urban code major conditional use	$1,598.00
	Urban code minor conditional use	$532.00
	S.E. Ocean Boulevard overlay zone major conditional use	$1,598.00
	S.E. Ocean Boulevard overlay zone minor conditional use	$532.00
	East Stuart Code major conditional use	$1,598.00
	East Stuart Code minor conditional use	$532.00
	Annexation (single family residential)	No fee
	Annexation (governmental or non-taxable entity)	No fee
	Annexation (small scale improved property less than 10 acres)	$1,864.00
	Annexation (other not listed)	$2,130.00
	Variance—Board of adjustment	$852.00

	Variance—Administrative	$104.00
	Letter of determination—Binding	$319.00
	Letter of determination—Zoning	$42.00
	Mural permit	$254.00
	Revocable permit—City manager (residential)	$104.00
	Revocable permit—City commission (commercial)	$260.00
	Administrative appeal	$425.00
	Application for award of floor space for consumption on premises (COP) of alcoholic beverages in the old downtown district	$1,015.00
	Right-of-way abandonment (+ appraised value)	$799.00
	Doggy dining application	$112.00
	Doggy dining renewal	$25.00

	Plan review resubmittal, 25 percent of the initial review fee in the event modifications are added by the applicant during the review process or after issuance of the building permit or in the event a third plan review is necessary because of the failure of the applicant to adequately respond to plan review comments of the city development department.	
	Unless otherwise provided by resolution of the city commission, fees set forth in this section shall be increased effective October 1 each year by the lesser of three percent or the Consumer Price Index published by the U.S. Department of Labor, U.S. city average, all items. The computed amount shall be rounded downward to the nearest whole dollar amount.	

~~32-61~~ ~~Schedule of impact fees; calculation; and administrative fee~~

~~(a)~~ ~~Impact fees for new construction within the city limits shall be as follows:~~

~~*Residential Per Housing Unit*~~	~~*Parks*~~	~~*Multimodal*~~	~~*Public Safety*~~	~~*Total*~~
~~Single unit~~	~~$121.00~~	~~$1,202.00~~	~~$714.00~~	~~$2,037.00~~
~~2+ units per structure~~	~~$65.00~~	~~$840.00~~	~~$386.00~~	~~$1,291.00~~
~~Non-Residential (per 1,000 square feet of floor area)~~				
~~Industrial~~		~~$242.00~~	~~$351.00~~	~~$593.00~~
~~Commercial~~		~~$1,618.00~~	~~$537.00~~	~~$2,155.00~~
~~Institutional~~		~~$646.00~~	~~$241.00~~	~~$887.00~~
~~Office & other services~~		~~$700.00~~	~~$677.00~~	~~$1,377.00~~

~~(b)~~ ~~Uses that are not specifically set forth in the above schedule shall be calculated according to the most similar use on the schedule.~~

	~~(c)~~	~~The calculation of impact fees for new development shall be based upon the net increase in impact of the new development or redevelopment as compared to the most recent previous use.~~
	~~(d)~~	~~If a building permit is requested for a mixed-use development, then the impact fees shall be determined according to the fee schedule by apportioning the space committed to uses specified on the fee schedule.~~
	~~(e)~~	~~If the type of development activity is not specified on the fee schedule, the city manager shall use the fee applicable to the most nearly comparable type of land use shown on the fee schedule.~~
	~~(f)~~	~~An amount not to exceed three percent of the impact fee levied may be added to the total amount due for each impact fee, for the purpose of defraying administrative costs associated with the collection and monitoring of impact fees.~~

32-166	Preliminary plans and specifications deposit		$2,000.00
32-168	Procedures on approval of final plans and specifications, inspection fees:		
	a.	Water distribution	Four percent of estimated construction cost with $500.00 minimum per project
	b.	Sewage collection	Five percent of estimated construction cost with $750.00 minimum per project

(Res. No. 57-2013, § 1, 6-10-2013; Res. No. 38-2014, § 1, 7-28-2014 ; Res. No. 69-2017 , § 1, 6-12-2017; Res. No. 92-2018 , §§ 1—6, 9-24-2018; Res. No. 37-2019 , § 1, 3-25-2019; Res. No. 81-2019 , § 2, 9-23-2019)

Chapter 34. Solid Waste

34-5	Solid waste collection charges.

	(1) Residential:
	Single-family, duplex and triplex buildings: $22.~~10~~11 for each dwelling unit.
	Multifamily (four or more units); commercial rate.
	Residential buildings using a dumpster shall be billed as a commercial consumer. Where vehicle access is not available, carts shall be used and the consumer shall be billed as a commercial consumer.
	(2) Commercial (all nonresidential uses): The fee for all nonresidential uses shall be $52.65 per weekly picked up multiplied by cubic yard of garbage as set forth in the following schedule:

Number of Pickups per Week

Container Size (cubic yards)	One	Two	Three	Four	Five	Six
½	$26.33	$52.65	$78.98	$105.30	$131.63	$157.95
1	$52.65	$105.30	$157.95	$210.60	$263.25	$315.90
2	$105.30	$210.60	$315.90	$421.20	$526.50	$631.80
3	$157.95	$315.90	$473.85	$631.80	$789.75	$947.70
4	$210.60	$421.20	$631.80	$842.40	$1,053.00	$1,263.60
6	$315.90	$631.80	$947.70	$1,263.60	$1,579.50	$1,895.40
8	$421.20	$842.40	$1,263.60	$1,684.80	$2,106.00	$2,527.20

Unless otherwise determined by the city utilities & engineering director, the cubic yardage of garbage shall be the cubic yardage of the container used.

(3) Home occupational businesses: Home occupational businesses using 90-gallon containers shall be charged the residential rate plus an additional rate not to exceed $50.14 per container based on the volume of waste generated by each home business as determined by the supervisor.

(4) Commercial roll-off/compactor: The fees for all commercial roll-off/compactor services shall be calculated based on the actual tipping fee and pull rate as set forth in the following schedule:

Container Size (cubic yards)	Fee per Pickup
10 yards	$194.02
20 yards	$207.39
30 yards	$220.78
40 yards	$234.15
Compactor	$307.74

(5) Voluntary commercial recycling: Commercial consumers may elect to participate in a voluntary recycling program. The voluntary program will be established through solid waste audits. Commercial consumers must adhere to the audited findings and will not be eligible for a reduced commercial rate should future audits determine the commercial consumer has failed to recycle materials identified in the audit.

(6) Commercial recycling: The fee for all commercial uses shall be $26.34 per weekly pickup multiplied by cubic yard of recycling materials as set forth in the following schedule:

Number of Pickups per Week

Container Size (cubic yards)	One	Two	Three	Four	Five	Six
½	$13.17	$26.34	$39.51	$52.68	$65.85	$79.02
1	$26.34	$52.68	$79.02	$105.37	$131.71	$158.05
2	$52.68	$105.37	$158.05	$210.73	$263.42	$316.10
3	$79.02	$158.05	$237.07	$316.10	$395.12	$474.15
4	$105.37	$210.73	$316.10	$421.46	$526.83	$632.20
6	$158.05	$316.10	$474.15	$632.20	$790.25	$948.30
8	$210.73	$421.46	$632.20	$842.93	$1,053.66	$1,264.39

(7) Commercial Garbage Reduced Rate (recycling credit): The recycling credit shall be $1.00 per weekly pickup multiplied by cubic yard. Therefore, the commercial garbage reduced rate shall be $51.65 per weekly picked up multiplied by cubic yard of garbage as set forth in the following schedule.:

Number of Pickups per Week						
Container Size (cubic yards)	One	Two	Three	Four	Five	Six
½	$25.83	$51.65	$77.48	$103.3	$129.13	$154.95
1	$51.65	$103.30	$154.95	$206.60	$258.25	$309.90
2	$103.30	$206.60	$309.90	$413.20	$516.50	$619.80
3	$154.95	$309.90	$464.85	$619.80	$774.75	$929.70
4	$206.60	$413.20	$619.80	$826.40	$1,033.00	$1,239.60

6	$309.90	$619.80	$929.70	$1,239.60	$1,549.50	$1,859.40
8	$413.20	$826.40	$1,239.60	$1,652.80	$2,066.00	$2,479.20

(8) Commercial extra pickup fees: The fee for an extra pickup on a commercial dumpster shall be based on the container size as set forth in the following schedule:

Container Size (cubic yards)	Fee per Extra Pickup
2	$139.30
3	$191.95
4	$244.60
6	$349.90
8	$455.20

(9) Commercial recycle extra pickup fees: The fee for an extra pickup on a recycling dumpster shall be based on the container size as set forth in the following schedule:

Container Size (cubic yards)	Fee per Extra Pickup
2	$86.68
3	$113.02
4	$139.37

6	$192.05
8	$244.73

(10) Commercial extra pickup fees with recycle service: The fee for an extra pickup on a commercial dumpster where the consumer also has recycle service shall be based on the container size as set forth in the following schedule:

Container Size (cubic yards)	Fee per Extra Pickup
2	$137.30
3	$188.95
4	$240.60
6	$343.90
8	$447.20

(11) Commercial cleanup fees: The fee for cleaning up loose debris surrounding a commercial dumpster shall be based on the container size as set forth in the following schedule:

Container Size (cubic yards)	Fee per Cleanup
2	$24.32
3	$36.46

4	$48.63
6	$72.93
8	$97.24

(12) Commercial recycle cleanup fees: The fee for cleaning up loose debris surrounding a recycling dumpster shall be based on the container size as set forth in the following schedule:

Container Size (cubic yards)	Fee per Cleanup
2	$12.15
3	$18.22
4	$24.30
6	$36.45
8	$48.60

(13) Commercial cleanup fees with recycle service: The fee for cleaning up loose debris surrounding a commercial dumpster where the consumer also has recycle service shall be based on the container size as set forth in the following schedule:

Container Size (cubic yards)	Fee per Cleanup
2	$21.66

3	$32.49
4	$43.32
6	$64.98
8	$86.63

(14) Trash pickup fees: The fee for all trash pickup fees shall be based on the load size as set forth in the following schedule:

Load Size	Fee
¼ load = 6 cu yds	$40.37
½ load = 12 cu yds	$80.74
¾ load = 18 cu yds	$121.10
Full load = 24 cu yds	$161.48

(15) Commercial trash pickup minimum fee: The minimum fee for any commercial trash pickup regardless of size shall be no less than a one-fourth load.

(16) Yard trash generated by landscaping business: In addition to the fee based on load size there shall be an additional $66.53 fee for removal of yard trash generated by any landscaping business.

(17) Residential deposits: Residential consumers shall pay a $50.00 deposit to the city upon commencement of a new or re-established containerized service. This deposit shall be returned to the payer upon termination of the solid waste removal service by the city, the payment of all charges due, and return of the container in good and sanitary condition.

(18) Commercial and multifamily deposits: Commercial and multi-family consumers shall pay a deposit equal to three months estimated service charge upon the commencement of new or re-established service. This deposit shall be returned to the payer upon (i) termination of the solid waste removal service by the city; and (ii) the payment of all outstanding amounts due to the city for any and all goods and services, taxes or assessments; and (iii) the return of the container in good and sanitary condition. In the event that a consumer has an outstanding balance to the city for any goods and services, taxes or assessments, the consumer deposit shall be applied to the extent of the amount owed.

(19) Roll-off container deposits: Commercial roll-off container consumers shall pay a deposit of $500.00 upon the commencement of new or re-established service. The deposit will be waived for all existing accounts in good standing. This deposit shall be returned to the payer upon (i) termination of the solid waste removal service by the city; and (ii) the payment of all outstanding amounts due to the city for any and all goods and services, taxes or assessments; and (iii) the return of the container in good and sanitary condition. In the event that a consumer has an outstanding balance to the city for any goods and services, taxes or assessments, the consumer deposit shall be applied to the extent of the amount owed.

(20) Roll-off compactor deposits: Commercial and multifamily consumers shall pay a deposit of $1,000.00 upon the commencement of new or re-established service. This deposit shall be returned to the payer upon (i) termination of the solid waste removal service by the city; and (ii) the payment of all outstanding amounts due to the city for any and all goods and services, taxes or assessments; and (iii) the return of the container in good and sanitary condition. In the event that a consumer has an outstanding balance to the city for any goods and services, taxes or assessments, the consumer deposit shall be applied to the extent of the amount owed.

(21) Accounting charge: There shall be a charge of $34.00 to establish an account for sanitation service only. After disconnection, a sanitation service shall not again be established without payment of all outstanding sanitation service charges and fees due the city.

(22) No partial service: As a condition of service provided by the city, a consumer may not request to discontinue sanitation service without requesting all services provided by the city be discontinued.

(23) New container service fee: A new container service fee of $15.00 shall be charged for the delivery of a new or different dumpster requested by the consumer. A fee of $75.00 shall be charged for the installation of casters on dumpsters.

(24) Roll-off/compactor service fee: A new roll-off/compactor service fee of $100.00 shall be charged for the delivery of a new roll-off/compactor.

(25) Delinquent account service charge: A bill shall be deemed delinquent if not paid within 30 days of mailing. After 30 days of the date of mailing, the city shall charge one and one-half percent interest monthly or fraction thereof on the amount of a delinquent balance of $15.00 or more of charges due the city for the service.
(26) Key-operated dumpster charge: There shall be a charge of $56.00 for installation by the city of a locking device for a key-operated dumpster.
(27) Inaccessible dumpster or roll-off/compactor: There shall be a charge of $15.00 for each return trip necessitated by an inaccessible dumpster and a charge of $135.00 for each return trip necessitated by an inaccessible roll off/compactor.
(28) Change in billing charge: There shall be a charge of $34.00 per unit for any change in service requested by the consumer which requires a corresponding change in the manner or amount of billing by the city.
(29) Dumpster cleaning by city charge: In the event the consumer fails to clean an unsanitary dumpster or roll-off/compactor after five days' notice to do so by the city, the city shall clean the dumpster and shall charge the consumer a fee of $75.00, and $100.00 for roll-off/compactors.
(30) Relocation charge: In the event the consumer requests a relocation of a roll-off/compactor the city shall charge the consumer $75.00 per occurrence.
(31) Loss of container: The consumer is solely responsible and liable for the loss of any roll-off, compactor, dumpster, or cart provided by the city, regardless of cause, including theft, damage, and vandalism. The city shall charge the consumer the actual cost of repair and/or replacement.

(Res. No. 79-08, § 1, 7-14-2008; Res. No. 96-08, § 1, 9-8-2008; Res. No. 36-2010, § 1(exh. A), 4-26-2010; Res. No. 51-2011, § 1(Exh. A), 6-27-2011; Res. No. 84-2012, § 1(exh. A), 9-10-2012; Res. No. 57-2013, § 1, 6-10-2013; Res. No. 112-2013, § 1(Exh. A), 9-23-2013; Res. No. 86-2014, § 2(Exh. A), 9-20-2014 ; Res. No. 93-2015, § 1(Exh. A), 9-28-2015 ; Res. No. 84-2016, § 1(Exh. A), 9-12-2016 ; Res. No. 119-2017 , § 1(Exh. A), 9-25-2017; Res. No. 92-2018 , §§ 1—6, 9-24-2018; Res. No. 81-2019 , § 5, 9-23-2019)

Chapter 36. Streets, Sidewalks and Other Public Places

36-2	Privilege fee for abandoning public property, minimum	$500.00
36-61 et seq.	Recreation facility and special events fees	

36-62	Unpermitted Activities	$250.00

East 10th Street Community Center		
Rooms	*Fees*	*Damage Deposit*
NOTE: Damage Deposits for all rentals will apply if facilities are not returned to original condition.		
10th Street—Multipurpose room (capacity 50—100 lecture style)	$30.00/hr.	$200.00
10th Street—Meeting room (capacity 50 lecture style)	$25.00/hr.	$100.00
10th Street—Daily rate $300.00 continuous hours of no more than 12 hours	$300.00	$200.00
10th Street—Bereavement rate	$25.00/hr.	NA
Stuart Shuffleboard		
Shuffleboard Court Rental Per 3-Hour Period	$25.00	$25.00
Shuffleboard Building Per 3-Hour Period (Monday-Friday)	$25.00	$100.00
Shuffleboard Building (Saturday-Sunday)	$250.00	$100.00
Tenant Users Labiality Insurance Protection (TULIP)	$120.00	
Miscellaneous Charges		

Late fee (begins 15 minutes after scheduled event end-time)	After the first 15 minutes, $25.00 per 15 minutes or any increment thereof	
Kitchen use (in addition to building rental) Kitchen Room Rental	$25.00 (one-time fee) $25.00 per hour	NA $100.00
Community days (based on availability) for 501(c) organizations	1 per a month (6:00 p.m.—9:00 p.m. only)	NA
Game Room Use	One-Time Fee	$25.00

Athletic Field Rental Fees		
Use	*Fees*	*Duration*
Sailfish Ball Park		
Softball/baseball field #1—4 reservations	$25.00 per field (three hrs.)	3 hours
Additional hours of use	$10.00 per field	Per hour
Tennis courts	Free	NA
Athletic Facilities/Guy Davis Park		
Baseball/soccer/football field reservations	$25.00 per field (three hrs.)	3 hours
Additional hours of use	$10.00 per field	Per hour
Tennis courts	Free	NA
Concession stand	$25.00	3 hours

Field Lighting Charges		
Softball/baseball field	$10.00 per field	Per hour
Soccer/football field	$10.00 per field	Per hour
Softball/baseball field	per 3-hours	$25.00
Soccer/football field	Per 3-hours	$25.00
Light use in excess of 3-hours (in addition to hourly rate) All uses will be calculated per 30-minute increments	Per 3-hours	$25.00
Field Lining Charges		
Baseball/softball/kickball	$25.00 per field	Per request
Soccer	$125.00 per field	Per request
Football/lacrosse	$150.00 per field	Per request
Tournament Fees		
Basketball Tournaments	$100.00 per courts/per day	$150.00 deposit. Refundable or can be applied to any additional fees incurred
Baseball/softball fields	$175.00 (2 fields)	Per day (does not include lining or lighting)
Additional baseball/softball fields	$100.00 per field	Per day (does not include lining or lighting)
Soccer/football/lacrosse/rugby	$100.00 per field	Per day (does not include lining or lighting)

Staffing fees incurred after normal hours	$25.00 per hour	Per employee, per day (can be paid out of tournament deposit)
Concession	$100.00	Per use
Tennis/racquet courts— Rental for (Tournament/instructional)	$25.00	3 hours

City manager (or designee) reserves the right to enter into collaborated agreements with qualified 501(c)3 organizations and offer priority scheduling.

Park/Pavilion Rentals		
Park	*Fees*	*Description*
Flagler Park pavilion 1	$85.00/day	Large 34'x34' with five picnic tables
Flagler Park pavilion 2	$35.00/day	Small 17'x17' with one picnic table
Flagler Park pavilion 3	$35.00/day	Small 17'x17' with one picnic table
Flagler Park pavilion 4	$35.00/day	Small 17'x17' with one picnic table
Flagler Park pavilion 5	$85.00/day	Large 21'x6' with four picnic tables
Basketball Courts. (Flagler and Davis Dome) Rental is for tournaments, instruction, and private parties. All other times are for recreational play Activities other than sporting activities at Davis Dome require a special events permit.	3-hour block.	$25.00
Shepard Park pavilion 1	$85.00/day	Large 24'x30' with four picnic tables

Kiwanis Park pavilion—Thelma	$85.00/day	Large 24'x24' with four picnic tables
Kiwanis Park pavilion—William	$85.00/day	Large 24'x24' with four picnic tables
Memorial Park pavilion 1	$55.00/day	Medium 20'x20' with two picnic tables
Memorial Park pavilion 2	$55.00/day	Medium 20'x20' with two picnic tables
Memorial Park pavilion 3	$35.00/day	Small 12'x12' with one picnic table
Memorial Park pavilion 4	$35.00/day	Small 12'x12' with one picnic table
Memorial Park pavilion 5	$35.00/day	Small 12'x12' with one picnic table
MLK pavilion 1	$55.00/day	Medium 18'x24' with two picnic tables
Poppleton Creek Park pavilion 1	$55.00/day	Medium 32'x32' with three picnic tables
Poppleton Creek Park pavilion 2	$55.00/day	Medium 32'x32' with three picnic tables
10 th St. Guy Davis Park pavilion 1	$55.00/day	Medium 20'x20' with two picnic tables

Haney Creek Park pavilion 1	$55.00/day	Medium 32'x32' with three picnic tables
Riverwalk stage	Free	NA
Memorial Park wedding bridge	Free	NA
Bandshell	$25.00/day	NA
Gazebo	$25.00/day	NA

Events that exceed the pavilion area may require a special event permit.

Special Events Fees and Charges	
Private/Public Property Special Event Fees	*Fees*
Application fee (non-refundable)	$25.00
Late submission fee	$10.00 per day after deadline
Fire Inspection (Tents)	
One tent	$100.00
Two to five tents	$200.00
Six or more tents, including but not limited to those in exhibits, trade shows and festivals	$300.00

Private Property Fee and Attendance		
All events	$50.00	NA

Public Property Level and Attendance		
Level 1 - 25—100	$75.00	$100.00
Level 2 - 101—500	$150.00	$200.00
Level 3 - 501—1,000	$300.00	$400.00
Level 4 - 1,001—5,000	$400.00	$800.00
Level 5 - 5,001 or more	$600.00	$2,000.00
Banner Fees		
Event banner 4'×6' (non-profit organizations and community events only)	$25.00 each (two max)	10 day limit
Grand opening event banner	$25.00 (one max)	30 day limit
Street pole banner (pennant) (non-profit organizations and community events only)	$8.00 each (30 max)	30 day limit
Advertising banner at fields	$500.00 (per banner)	Per six months
Downtown Wayfinding Signs	Annual Fee per sign	$100.00
Downtown Wayfinding Signs	Relocation Fee	$25.00
Downtown wayfinding signs – application fee	$50.00 per sign	N/A
Tram advertising banners	$200.00 (per banner)	Per month, minimum of 3-months
Extra Duty Fire Department		
EMT	$50.00 per hour/per EMT	
Fire medic	$50.00 per hour/per FM	

Administrative fee (processing fee/coordination/planning)	$10.00	
Safety inspection	$35.00	
Sanitation		
95 gallon green carts for event; one per every 100 participants or less	$10.00 per 95 gallon green cart	Includes delivery and cleaning
Dumpster: 500 participants or less; four cubic yards	$140.00	Includes delivery and cleaning
Dumpster: 500—1,000 participants; eight cubic yards	$180.00	Includes delivery and cleaning
Dumpster: 1,000 participants or more; eight cubic yards per 1,000 participants	$180.00 each	Includes delivery and cleaning
Recycle carts	No charge	Includes delivery and cleaning
Administrative fee	$25.00	
Public Works		
Barricades (with flasher)	$3.00 per barricade/per day. Minimum 5 barricades	
Cones	$2.00 per cone/per day. Minimum 10 cones	
Light towers	$80.00 per day/each	
Message boards (1)	$55.00 per day	
Directional/arrow boards (1)	$40.00 per day	
Bleachers	$80.00 per day/each	Includes delivery
Administrative fee	$25.00	

Tram	$20.00 per hour	Two hours minimum
Recreation Center Closings	$400.00 per day	

City manager (or designee) reserves the right to exempt certain activities from a level 1 special event.

Special Events Additional Fees Extra Duty Police	*Fees*	
Police officer	$50.00 per hour/per officer plus, administrative fee	Two hour minimum
Event commander (required with five or more simultaneous officers)	$ 55.00 per hour/per officer plus, administrative fee	Two hour minimum
Holiday Extra duty Police officer pay July 4th, Halloween, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, Christmas, New Year's Eve	$60.00 per hour/per officer plus, administrative fee	Two hour minimum
Holiday Event commander (required with five or more simultaneous officers) July 4th, Halloween, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, Christmas, New Year's Eve	$ 65.00 per hour/per officer plus, administrative fee	Two hour minimum
Administrative fee (processing fee/coordination/planning)	$7.00	

The city reserves the right to deny any special event application or request that either competes directly or indirectly with annual events that regularly occur within the city.

36-102	Application fee for revocable permits to use public right-of-way	
	If the permit is to be issued by the city manager	$102.00

	If city commission approval is required	$256.00
36-179	Removal of news racks impoundment and storage fee	$10.00 per day

(Res. No. 230-04; Res. No. 140-07; Res. No. 95-09, 10-26-2009; Res. No. 57-2013, § 1, 6-10-2013; Ord. No. 59-2015, § 1, 6-22-2015 ; Res. No. 76-2015, § 1, 8-10-2015 ; Res. No. 92-2018 , §§ 1—6, 9-24-2018; Res. No. 37-2019 , § 3, 3-25-2019; Res. No. 81-2019 , § 3, 9-23-2019)

Chapter 40. Traffic and Vehicles

40-44	Parking permit fees	
	Permanent resident	$450.00 per year (equals $1.23 per night)
	Temporary resident	$60.00 per month, up to six months (equals $1.93 per night)
	Transient permits	$3.00 per permit, per night
40-129	Removal of motor vehicle immobilization device charge	$100.00
40-151	Initial inspection/permit of golf cart	$100.00
40-151	Bi-annual permit renewal of golf cart	$50.00

(Res. No. 79-2015, § 1, 9-24-2015 ; Res. No. 82-2016, § 2, 8-22-2016 ; Res. No. 92-2018 , §§ 1—6, 9-24-2018)

Chapter 42. Utilities

42-3	Utilities charges.

(1) *Deposit for residential utility service:* A deposit for water service, for sewer service and for water and sewer service shall be charged to new and to reconnected residential water consumers, as follows:

	Inside City		Outside City	
Meter Size	Water	Water/Sewer	Water	Water/Sewer
⅝" x ¾"	$65.00	$130.00	$85.00	$170.00
1"	130.00	260.00	175.00	350.00
1½"	300.00	600.00	400.00	800.00
2"	520.00	1,040.00	715.00	1,430.00

(2) *Deposit for commercial or multifamily utility service:* With the exception of the United States and its agencies, the state and its agencies and political subdivisions, cities, school districts and special districts, a deposit for water service, for sewer service and for water service with sewer service shall be charged of new and of reconnected water consumers as follows:

	Inside City		Outside City	
Meter Size	Water	Water/Sewer	Water	Water/Sewer
⅝" x ¾"	$85.00	$170.00	$110.00	$220.00
1"	135.00	270.00	175.00	350.00
1½"	300.00	600.00	400.00	800.00
2"	520.00	1,040.00	715.00	1,430.00
3"	1,190.00	2,380.00	1,465.00	2,930.00
4"	2,125.00	4,250.00	2,835.00	5,670.00
6"	4,775.00	9,550.00	6,375.00	12,750.00
8"	6,375.00	12,750.00	8,385.00	16,770.00

10"	8,510.00	17,020.00	11,130.00	22,260.00

(3) *Deposit Waiver.* A residential applicant may be eligible for a deposit waiver if the property owner has established a satisfactory payment record of all city utility charges for the preceding 23 months within 20 days of mailing. Utility service deposits for residential tenants and commercial consumers will not be refunded until the water and sewer services are terminated.

(4) *Charges for water service:* The monthly base fee and consumer service charge shall be made for water service as follows:

a. *Residential domestic.*

	Inside City	Outside City
Monthly base fee	$16.18	$20.23
Monthly consumer service charge	$2.27	$2.82

b. *Residential irrigation.*

	Inside City	Outside City
Monthly base fee	$16.18	$20.23
Monthly consumer service charge	$2.27	$2.82

c. *Multifamily domestic.*

	Inside City	Outside City
Monthly base fee (per unit)	$12.14	$15.18
Monthly consumer service charge	$2.27	$2.82

d. *Commercial domestic.* Monthly base fees are based on meter size and are derived according to the values in the chart below:

Meter Size	ERCs	Inside City	Outside City
5/8" x 3/4"	1.0	$16.18	$20.23
1"	2.5	$40.45	$50.57
1½"	5.8	$93.84	$117.31
2"	8.0	$129.43	$161.81
3"	15.0	$242.70	$303.41
4"	25.0	$404.49	$505.66
6"	50.0	$808.96	$1,011.34
8"	80.0	$1,294.33	$1,617.86
10"	115.00	$1,860.53	$2,326.06

Commercial Domestic Consumer Service Charge

		Inside City	Outside City
Monthly consumer service charge		$2.27	$2.82

e. *Commercial irrigation.* Monthly base fees are based on meter size and are derived according to the values in the chart below:

Meter Size	ERCs	Inside City	Outside City
5/8" x 3/4"	1.0	$16.18	$20.23
1"	2.5	$40.45	$50.57
1½"	5.8	$93.84	$117.31

2"	8.0	$129.43	$161.81
3"	15.0	$242.70	$303.41
4"	25.0	$404.49	$505.66
6"	50.0	$808.96	$1,011.34
8"	80.0	$1,294.33	$1,617.86
10"	115.00	$1,860.53	$2,326.06

		Inside City	Outside City
Monthly consumer service charge		$2.27	$2.82

(5) *Monthly volume charge (per thousand gallons):*

a. *Residential domestic.*

	Inside City	Outside City
1—4,000 gallons	$3.53	$4.42
4,001—8,000 gallons	$3.71	$4.64
8,001—12,000 gallons	$6.39	$7.99
12,001—25,000 gallons	$7.44	$9.32
25,001 gallons and above	$8.49	$10.61

b. *Residential irrigation:*

	Inside City	Outside City
1—13,000 gallons	$7.44	$9.32
13,001 gallons and above	$8.12	$10.61

c. *Multifamily domestic (per unit).*

	Inside City	Outside City
1—3,000 gallons	$3.53	$4.42
3,001—6,000 gallons	$3.71	$4.64
6,001—9,000 gallons	$6.39	$7.99
9,001—18,500 gallons	$7.44	$9.32
18,501 gallons and above	$8.49	$10.61

d. *Commercial domestic (tied to system average).*

	Inside City	Outside City
Per thousand gallons	$4.52	$5.63

e. *Commercial irrigation (based on meter size, ERC factor multiplied by 13,000 gallons).*

	ERCs	Inside City	Outside City
⅝ x ¾-inch meter			
1—13,000 gallons	1.0	$7.44	$9.32

13,001 gallons and above	1.0	$8.49	$10.61
1-inch meter			
1—32,500 gallons	2.5	$7.44	$9.32
32,501 gallons and above	2.5	$8.49	$10.61
1½-inch meter			
1—75,400 gallons	5.8	$7.44	$9.32
75,401 gallons and above	5.8	$8.49	$10.61
2-inch meter			
1—104,000 gallons	8.0	$7.44	$9.32
104,001 gallons and above	8.0	$8.49	$10.61
3-inch meter			
1—195,000 gallons	15.0	$7.44	$9.32
195,001 gallons and above	15.0	$8.49	$10.61
4-inch meter			
1—325,000 gallons	25.0	$7.44	$9.32
325,001 gallons and above	25.0	$8.49	$10.61
6-inch meter			
1—650,000 gallons	50.0	$7.44	$9.32
650,001 gallons and above	50.0	$ 8.49	$10.61
8-inch meter			

1—1,040,000 gallons	80.0	$7.44	$9.32
1,040,001 gallons and above	80.0	$8.49	$10.61
10-inch meter			
1—1,495,000 gallons	115.00	$7.44	$9.32
1,495,001 gallons and above	115.00	$8.49	$10.61

(6) A water system tapping charge shall be made for water service connections:

Meter	Inside City	Outside City
1"	$603.27	$717.01
1½"	$773.89	$930.88
2"	$1,137.33	$1,384.58

(7) *Charges for sewer service.* The monthly base fee shall be made for sewer service as follows:

a. *Residential.*

	Inside City	Outside City
Single-family	$7.66	$9.59
Multifamily (per unit)	$5.69	$7.13

b. *Commercial.* Derived according to the chart below.

Meter	ERCs	Inside City	Outside City

⅝" x ¾"	1.0	$7.66	$9.59
1"	2.5	$19.16	$23.96
1½"	5.8	$44.46	$55.56
2"	8.0	$61.32	$76.64
3"	15.0	$114.96	$143.71
4"	25.0	$191.61	$239.51
6"	50.0	$383.22	$479.03
8"	80.0	$613.15	$766.43
10"	115.0	$881.41	$1,101.76

(8) *Monthly consumer service charge:*

	Inside City	Outside City
All consumers	$1.40	$1.76

(9) *Monthly volume charge (per thousand gallons):* For residential and multifamily consumers, there will be no additional charge for wastewater sewer service above 12,000 gallons per month per residential dwelling unit and 8,800 gallons per month per multifamily dwelling unit.

a. *Residential.*

	Inside City	Outside City
1—12,000 gallons	$7.47	$9.36

b. *Multifamily.*

	Inside City	Outside City
1—8,800 gallons per unit	$7.47	$9.36

c. *Commercial.*

	Inside City	Outside City
Per thousand gallons	$7.47	$9.36

(10) *Reclaimed water rates (per thousand gallons):*

1—100,000 gallon—Daily	$2.52
100,000 gallons and up including multiple parcels—Daily	$0.56

(11) *Accounting charge:* There shall be a charge of $34.00 to establish an account for water service.

(12) *Disconnection charge:* There shall be a charge of $34.00 to reestablish any water service that has been disconnected for nonpayment. After disconnection, a water meter shall not be again connected without payment of all outstanding utility related charges, fees and/or additional deposits due the city.

(13) *Same day service charge:* There shall be a charge of $34.00 to perform any same day utility related service call that occurs after 2:00 p.m. of the same day the request was issued by the customer.

(14) *Meter rereads and leak inspection charge:* There shall be a service charge of $15.00 for a special inspection for a meter reread or for a leak inspection requested by a consumer. A reread of a meter due an error in the initial meter reading shall be performed by the city without charge. A leak inspection charge shall not be charged if a leak is found in city-maintained facilities.

(15) *Delinquent utility service account charge:* A bill shall be deemed delinquent if not paid within 30 days of mailing. After 30 days of the date of mailing, the city shall charge to such account one and one-half percent interest monthly on each delinquent balance of charges due the city for water and sewer service on the amount of a delinquent balance of $15.00 or more.

(16) *Service call charge:* Except as otherwise provided herein, when the city is requested by a consumer to respond to a problem not caused by the city, the city shall charge the consumer $34.00 for all necessary labor, materials and indirect costs to respond actually incurred by the city.

(17) *Meter calibration test:* At the request of a consumer, the city will test a water meter to determine if it is operating accurately within an allowable tolerance of plus or minus two percent of actual

flow. In the event a consumer has been overcharged due to a faulty meter, the previous six bills shall be examined and adjusted accordingly. For a meter determined to be within allowable tolerance, the following meter test charges shall apply:

¾"—2" meter $25.00

3"—8" meter $50.00

(18) *Damage repair:* Damage caused by the failure of a consumer or contractor to properly locate and isolate water, sewer, or reclaimed water facilities shall be repaired by the city and charged to the consumer or contractor who caused the damage. Charges shall include all materials, labor, and equipment required to make the repair as well as mobilization to and demobilization from the site.

(19) *Annual rate adjustment:* The city manager may adjust the monthly base charge and monthly volume charge for water service, and the monthly base charge and monthly volume charge for sewer service, to reflect changes in operating costs without further action by the city commission. Prior to implementation thereof, notice of such rate adjustments shall be promptly provided by the city manager to the city commission. The city manager shall utilize the "price increase or decrease index" for major categories of utility operating costs which is annually adopted by the Florida Public Service Commission as required by F.S. § 367.081(4)(a). The rate adjustment shall be based upon the application of the indices within the index to the amount of the major categories of operating costs incurred by the city in providing the water service and sewer service during the immediately preceding calendar year.

42-169	Stormwater system user fees $7.00 per equivalent residential unit per month.	
	The city manager may adjust the stormwater management system user fee, to reflect changes in operating costs without further action by the city commission. Prior to implementation thereof, notice of such rate adjustments shall be promptly provided by the city manager to the city commission. The city manager shall utilize the "price increase or decrease index" for major categories of utility operating costs which is annually adopted by the Florida Public Service Commission as required by F.S. § 367.081(4)(a). The rate adjustment shall be based upon the application of the indices within the index to the amount of the major categories of operating costs incurred by the city in providing the stormwater service during the immediately preceding calendar year.	
42-308	Permit fees for privately-owned sewer collection and transmission system:	
	(1)	$200.00 additional fee for collection and transmission systems with one or more pump station; and
	(2)	$200.00 per privately-owned collection and transmission system;

	(3)	Privately-owned collection and transmission systems with lift stations serving more than one building shall be charged $200.00 for the lift station and $200.00 for the private collection system.

(Res. No. 79-08, § 1, 7-14-2008; Res. No. 36-2010, § 1(exh. B), 4-26-2010; Res. No. 51-2011, § 1(Exh. A), 6-27-2011; Res. No. 89-2011, § 1(Exh. A), 9-26-2011; Res. No. 104-2011, § 1(Exh. A), 11-14-2011; Res. No. 84-2012, § 2, (Exh. A), 9-10-2012; Res. No. 23-2013, § 1(Exh. A), 2-25-2013; Res. No. 57-2013, § 1, 6-10-2013; Res. No. 112-2013, § 1(Exh. A), 9-23-2013; Res. No. 86-2014, § 2(Exh. A), 9-20-2014 ; Res. No. 93-2015, § 1(Exh. A), 9-28-2015 ; Res. No. 84-2016, § 1(Exh. A), 9-12-2016 ; Res. No. 119-2017 , § 1(Exh. A), 9-25-2017; Res. No. 92-2018 , §§ 1—6, 9-24-2018; Res. No. 81-2019 , § 5, 9-23-2019)

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 11/28/2022 **Prepared by:** David Dyess

Title of Item:
ADDING INVOCATIONS TO THE AGENDA (RC):

ORDINANCE No. 2509-2022; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE, CHAPTER 2, ADMINISTRATION AMENDING ARTICLE II DIVISION 2; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:
This is an ordinance to establish changes to Chapter 2 as it relates to rules and procedures. It allows for the formal setting of time certain for agenda items and adds invocation to the agenda headings. A resolution that will adopt the procedures for conducting invocations is attached to the agenda as an exhibit. On the same date as the second reading of this ordinance, a numbered Resolution as depicted in the exhibit will be presented to the Commission for approval to begin the procedure.

Funding Source:
N/A

Recommended Action:
Motion to approve ordinance 2509-2022 on first reading.

ATTACHMENTS:
1. 2509-2022 Chapter 2 Amendments
2. 2509-2022 Attachment A DIVISION_2. RULES_OF_PROCEDURE
3. EXHIBIT Invocation Procedure

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2509-2022

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CITY CODE, CHAPTER 2, ADMINISTRATION AMENDING ARTICLE II DIVISION 2; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

*****

WHEREAS, the Commission wishes to maintain a tradition of solemnizing its proceedings by allowing for an invocation at the opening of each meeting, for the benefit and blessing of the Commission; and

WHEREAS, the policy and public purpose for Invocation will be established by separate resolution; and

WHEREAS, City staff has made amendment recommendations to Chapter 2, Article II to be consistent with established functions and efficient with meetings and operation; and

WHEREAS, the City Commission of the City hereby finds that it is in furtherance of the public health, safety and welfare to authorize the code changes to Chapter 2.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF STUART, FLORIDA:

SECTION 1: Chapter 2 Administration Division 2 Rules of Procedure, of the Code of Ordinances of the City of Stuart is hereby amended, as indicated in Attachment A.

SECTION 2: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 3: The provisions of this Ordinance shall be codified.

SECTION 4: This Ordinance shall take effect upon adoption.

Passed on first reading the ____ day of _____, 2022.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2022.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

DIVISION 2. RULES OF PROCEDURE[1]

[1]Charter reference(s)—Quorum and commission rules, § 7.08.

Sec. 2-48. Meetings.

(a) *Regular meetings.* The city commission shall hold regular meetings in the city commission chambers at city hall on the second and fourth Monday of each month. The second Monday the meeting will begin at 4:00 p.m., at which time proclamations, presentations and employee appreciations will occur ~~with a time certain of 5:30 p.m. for the remainder of the meeting~~. The fourth Monday meeting will start at 5:30 p.m. When such day falls on a day observed by the city as a legal holiday, such meeting shall be held at the same hour and place on the next succeeding business day or the immediately following Monday. Regular meetings may be cancelled and rescheduled at the discretion of the city commission provided there shall be at least two meetings each month, except in December where there will be one meeting scheduled for the month.

Upon proper notice, the city commission may also hold city commission meetings at other locations within the city limits when deemed appropriate by the commission.

(b) *Special meetings.* Special meetings of the city commission shall be held in the city commission chambers at city hall, or at some other location within the city which is accessible to the public, as provided in section 2.03, commission meetings, of the city Charter.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Charter reference(s)—City commission meetings, § 2.03.

Sec. 2-49. Agenda.

The city manager shall prepare a written or electronic agenda, supplemented in writing as necessary, for all regular and special meetings of the city commission. The form of the agenda shall be determined by the city manager as approved by the city commission.

(1) *Regular meetings.* The agenda for regular meetings shall include only such matters as may be recommended for consideration by the city manager or the city commission. No matter shall be recommended by the city manager which has not been agendaed except in cases of an emergency so determined by the city commission.

a. The agenda shall be approved by the city commission at the conclusion of comments by the city manager according to the headings set forth in subsection (1)c of this section. The agenda submitted by the city manager with or without addenda may be amended by the city commission by the addition of new items prior to but not after approval of the agenda. The city manager is permitted to set time certain agenda items which may cause agenda items to be heard out of order.

b. All reports, communications, ordinances, resolutions, contract documents or other matters which are to be submitted to the city commission by the city manager shall be filed with the city manager no later than 5:00 p.m. on Monday preceding the date of the regular meeting for inclusion on the agenda. This deadline may be waived in the discretion of the city manager.

c. All items on the regular meeting agenda shall be placed under the following headings in the following sequence:

1. Call to order.
2. Roll call.
3. Invocation*
~~3~~4. Pledge of allegiance.

~~4~~5. Proclamations.

~~5~~6. Presentations.

~~6~~7. Comments by city commission members and by the city manager.

~~7~~8. Approval of the agenda.

~~8~~9. Comments from the public.

~~9~~10. Consent calendar.

~~10~~11. Commission action.

~~11~~12. Second reading of ordinances.

~~12~~13. First reading of ordinances.

~~13~~14. Discussion and deliberation.

~~14~~15. Adjournment.

Any item on the agenda may be taken out of order by majority vote of the city commission.

(2) *Special meetings.* The agenda for a special meeting shall include only the subject matter for which a special meeting was called. The city commission shall not discuss any matter which does not appear on the agenda prepared for a special meeting.

(3) *Distribution.* Access to the agenda for commission, staff, media and the public shall be available electronically and readily accessible online as far in advance of the meeting as time will permit. One copy of the agenda shall be provided for the public at the city commission meeting.

*Invocation procedure shall be adopted by resolution.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-50. Addressing the commission.

(a) Any person desiring to address the city commission shall first secure the permission of the presiding officer. Such person shall complete a form provided by the city clerk to identify the speaker and the agenda item to be addressed. In the discretion of the presiding officer, a person who has not completed a form may be allowed to address the city commission. A person addressing the commission should speak to the commission and refrain from facing the audience or speaking to audience members directly.

(b) Each person recognized for the purpose of addressing the city commission shall step forward to the podium and microphone and shall give his name for the record before commencing his remarks. Such remarks shall be limited in duration to three minutes unless a longer period of time is permitted by the presiding officer or by a majority of the city commission.

(c) All remarks shall be addressed to the city commission as a body and not to any particular city official. Questions asked of the city commission should be heard and those deemed appropriate followed up upon with staff through the city manager. The city commission may request that a response be given by the city manager.

(d) The public comment period will not be used to air personal grievances between individuals, make political endorsements or for political campaign purposes. Speakers shall address all comments to the commissioners as a whole and not to individual commissioners. Discussions between speakers and members of the audience shall not be allowed.

(e) This time is for receipt of public comment not debate. The chairman or commissioners will not enter into a dialogue with citizens. Questions from the commissioners will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for hearing the citizens for informational purposes only.

Anger, rudeness, ridicule, obscene or profane language, impatience and lack of respect for others and personal attacks are not acceptable behavior. The mayor is responsible for maintaining order. Failure to abide by this requirement may result in the forfeiture of the speaker's right to speak.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-51. Decorum.

Any person making personal, impertinent, irrelevant or slanderous remarks or who becomes boisterous while addressing the city commission or while attending the city commission meeting shall be removed from the city commission chambers at the direction of the presiding officer. The chief of police, or such member of the police department as he may designate, shall be the sergeant-at-arms of the city commission meetings. The sergeant-at-arms shall carry out all orders and instructions given by the mayor for the purpose of maintaining order and decorum at the city commission meeting. Upon instruction of the presiding officer, it shall be the duty of the sergeant-at-arms, or any of them present, to take appropriate and lawful action to maintain the order and decorum of the meeting.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-52. Voting.

All action taken by the city commission shall be by three affirmative votes. Voting on ordinances, resolutions and any matter regarding the expenditure of city funds shall be by roll call. All other motions may be approved without a roll call.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-53. Tie votes.

Any motion which does not result in either three "aye" or three "nay" votes (a tie vote or a 2-1, 2-0, 1-2, or 0-2 vote) shall be deemed a nullity. The matter on the floor shall remain open for further discussion and city commission action by three affirmative votes. If the matter is not resolved either by three affirmative votes or by tabling, the matter shall be automatically tabled until the next regular meeting of the city commission.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-54. Parliamentary rules.

The city commission shall follow Robert's Rules of Order for the conduct of its meetings.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Secs. 2-55—2-81. Reserved.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 119-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING A POLICY REGARDING INVOCATIONS AT THE OPENING OF ITS MEETINGS; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSESS.

* * * * *

WHEREAS, the City Commissioners of City of Stuart, Florida ("the Commission") is an elected legislative and deliberative public body, serving the citizens of Stuart, Florida; and

WHEREAS, the Commission wishes to maintain a tradition of solemnizing its proceedings by allowing for an invocation at the opening of each meeting, for the benefit and blessing of the Commission; and

WHEREAS, such invocations before deliberative public bodies have been consistently upheld as constitutional by American courts dating back to 1892 when the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457, 471 (1892), that the American people have long followed a "custom of opening sessions of all deliberative bodies and most conventions with prayer...,"; and

WHEREAS, the Commission desires to continue to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to "invoke Divine guidance" on its work. Marsh v. Chambers, 463 U.S. 783, 792 (1983). Such invocation "is

not, in these circumstances, an 'establishment' of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." Id.; and

WHEREAS, in *Pelphrey, et al v. Cobb County, Georgia, et al,* 547 F.3d 1263 (11th Cir., Oct. 28, 2008), the United States Court of Appeals for the Eleventh Circuit, which includes Florida, held that the practice of allowing clergy to offer uncensored religious invocations at the beginning of sessions of a county commission and county planning commission did not violate the Establishment Clause, as long as the invocations did not advance or disparage a belief or affiliate government with specific faith; and

WHEREAS, in *Town of Greece, N.Y. v. Galloway*, 134 S. Ct. 1811 (2014), the United States Supreme Court ruled that a fact sensitive inquiry that considers both the setting in which the prayer arises and the audience to whom it is directed which shows that the City is not coercing its citizens to engage in a religious observance is compatible with the Establishment Clause in the Constitution; and

WHEREAS, in *Town of Greece, N.Y. v. Galloway*, 134 S. Ct. 1811 (2014), the United States Supreme Court held that the principal audience for invocations that include prayer is not the public, but the lawmakers themselves. Therefore, the court ruled that as long as the City Commission does not direct or mandate the public to participate; does not "single out dissidents for opprobrium", or indicate that their decisions might be influenced by a person's acquiescence in the prayer opportunity, it will continue to be compatible with the Establishment Clause.

WHEREAS, in following the guidance of the Courts, the Commission's adopted policy does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, THAT:

SECTION 1: The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2: In order to solemnize proceedings of the Commission, it is the policy of the Commission to allow for an invocation or prayer to be offered in the English language at the opening of its meetings for the benefit of the Commission. The Invocation shall be no more than three minutes in length.

SECTION 3: Although the invocation shall be listed in the agenda, it shall not be considered an agenda item for the meeting or part of the public business.

SECTION 3: No member or employee of the City or any other person in attendance at the meeting shall be required to participate in any invocation that is offered.

SECTION 4: Unless the scheduled invocation speaker fails to appear, the invocation shall be voluntarily delivered by an eligible member of the clergy, as specified below. To ensure that such person (the "invocation speaker") is selected from among a wide pool of local clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The City Clerk shall compile and maintain a database (the "Congregations List") of the religious congregations with an established presence in the City of Stuart.

b. The Congregations List shall be compiled by referencing the listings for churches and other religious organizations researching the Internet and in consultation with Commissioners and staff. All religious congregations with an established presence in the City of Stuart are eligible to be, and shall be, included in the Congregations List. Any such congregation within the City of Stuart not otherwise identified for participation may request its inclusion by specific written communication to the City Clerk.

c. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious congregation in Stuart. The Congregations List shall be compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community's religious leaders, who may themselves choose whether to respond to the Commission's invitation and participate. Should a question arise as to the authenticity of a religious congregation, the Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those religious organizations that would legitimately qualify for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

d. The Congregations List shall also include the name and contact information of any chaplain who may serve the fire departments or law enforcement agencies of Martin County.

e. The Congregations List shall be compiled by the Clerk within thirty (30) days after the effective date of this Resolution and shall be updated, by reasonable efforts of the City Clerk, in or about the month of November of each calendar year after the year of adoption of this Resolution.

f. Within thirty (30) days after the effective date of this Resolution, and on or about December 1 of each calendar year thereafter, the City Clerk shall e-mail an invitation addressed to the "religious leader" of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.

g. The invitation shall be sent on behalf of the City Commission and read as follows:

Dear Religious Leaders,

The City Commissioners makes it a policy to invite members of the clergy in the City of Stuart to voluntarily offer an invocation in the English language at the opening of its meetings, for the benefit and blessing of the Commission. As the leaders of one of the religious congregations with an established presence in the City of Stuart, or in your capacity as a chaplain for one of the local fire departments or law enforcement agencies, you are eligible to offer this important service at an upcoming meeting of the Commission.

If you are willing to assist the Commission in this regard, please reply at your earliest convenience to the e-mail address included. Clergy are scheduled on a first-come, first-serve basis. The dates of the Commission's scheduled meetings for the upcoming year are listed on the attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect, the Commission requests only that the invocation opportunity follow the Commissions adopted Rules of Procedure for Appearance Before the Commission by refraining from engaging in politicking, personal attacks, abusive or insulting language, be respectful of and civil to other members of the public, City staff, and the Commissioners; and not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker, nor to affiliate government with a specific faith.

On behalf of the City of Stuart Commissioners, I thank you in advance for considering this invitation.
Sincerely,

City Clerk

SECTION 5: No invocation speaker shall receive compensation for his or her service.

SECTION 6: This policy is not intended and shall not be implemented or construed in any way, to affiliate the Commission with, or express any preference by the Commission for or against, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Commission's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Stuart.

SECTION 7: Neither the Commission nor the Administrator shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

SECTION 7: To clarify the Commission's intentions, as stated in this Resolution, the following disclaimer shall be included in at least 10 point font at the bottom of any printed Commission meeting agenda: "Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker."

SECTION 8: If any legislative or deliberative public board whose members are appointed by the Commission elects to solemnize its proceedings by allowing for an invocation or prayer to be offered for its benefit, it shall do so in a manner that is consistent with this Resolution.

SECTION 9: Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, COMMISSIONER				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED this 28TH day of November, 2022.
ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY