ORDINANCE 26-89

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE ADOPTING THE CITY OF PORT ST. LUCIE 2050 MOBILITY PLAN, 2025 MOBILITY FEE TECHNICAL REPORT, MOBILITY FEE ADMINISTRATIVE MANUAL AND AMENDING CODE OF ORDINANCES TITLE XV, CHAPTER 159, ARTICLE II, ENTITLED "MOBILITY FEES"; PROVIDING FOR AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION OF THE CODE AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Chapter 166, Florida Statutes, the City of Port St. Lucie, Florida (the "City"), has broad home rule powers to adopt ordinances to provide for and operate multimodal transportation systems, including bicycle lanes, greenways, shared-use paths, sidewalks, trails, micromobility facilities, services and programs, roadways, intersections, shared mobility services, programs, and technology within the City; and

WHEREAS, Section 163.3180(5)(f), Florida Statutes, encourages local governments (including municipalities such as the City) to develop tools and techniques including adoption of long-term strategies to facilitate development patterns that support multimodal solutions, adoption of area-wide level of service standards that are not dependent on any single road segment function, and establishment of multimodal service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide an adequate level of personal mobility; and

WHEREAS, Section 163.3180(5)(i), Florida Statutes, authorizes local governments to repeal transportation concurrency and adopt an alternative transportation system that is mobility-plan and fee-based; and

WHEREAS, City initially established its mobility fee system through Ordinance 21-75, and subsequently amended it through Ordinance 22-87, and Ordinance 23-42; and

WHEREAS, the City desires to amend and update its mobility plan and mobility fee system; and

WHEREAS, the amendment to the mobility fee system is based on the multimodal improvements included in the City's amended mobility plan ("2050 Mobility Plan"), attached as **Exhibit "A"** and supported by the technical analysis contained in the 2050 City of Port St. Lucie Mobility Fee Technical Report, dated November 2025, prepared by NUE Urban Concepts, LLC ("2025 Technical Report"), and attached as **Exhibit "B"**; and

WHEREAS, the City's mobility fee system is an alternative transportation system consistent with Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, the amendment will also result in a change to the mobility fees charged to new development and redevelopment, and other modifications to Title XV, Chapter 159, Article II of the City Code which is entitled "Mobility Fees", which changes are set forth in more detail in **Exhibit "C"** hereto ("Code Revisions"); and

WHEREAS, Section 163.31801(6), Florida Statutes, contains phase in-limitations for increases to mobility fees, even when a fee above the phase in-limitations is supported by a technical report and mobility plan; and

WHEREAS, the City has complied with all procedures and requirements set forth in Section 163.31801(6), Florida Statutes, that are effective as of the date of adoption of this ordinance; and

WHEREAS, the City in its Transportation Element sets out goals, objectives and policies to develop and maintain a safe, convenient, efficient transportation system which recognizes present needs, reflects the Future Land Use Plan, and provides for safe, efficient multimodal transportation system; and

WHEREAS, the City Council of the City (the "City Council) finds that this Ordinance supports and furthers goals, objectives and policies of the Transportation Element of the Comprehensive Plan as follows:

- Goal 2.1 "TO PROVIDE SAFE AND EFFICIENT MOVEMENT OF PEOPLE AND GOODS, AT REASONABLE COST AND MINIMUM DETRIMENT TO THE ENVIRONMENT."
- Objective 2.1.1 "The City's roadway transportation system shall be reviewed annually in coordination and consistent with changes to the Future Land Use Element. A report on the status of the system and impacts on the system by proposed land use changes shall be prepared."
- Policy 2.1.2.13 "The City may consider the establishment of multimodal quality or level of service standards that includes bicycle facilities including bicycle lanes, pedestrian facilities, and transit in addition to vehicular roadway capacity level of service standards. The City should coordinate with the FDOT, St. Lucie County, and the St. Lucie County TPO in developing planning studies in the feasibility of a multimodal quality level of service standard."
- Objective 2.1.4 "The City should reduce greenhouse gases by promoting increased usage of transit, improved bicycle and pedestrian facilities, and more efficient roadways."
- Goal 2.2 "ESTABLISH AN INTEGRATED TRANSPORTATION SYSTEM CONSISTENT WITH FUTURE DEVELOPMENT IN THE CITY."
- Policy 2.2.1.5 "The City may encourage all new roadways as complete streets and to consider reconfiguring existing roadways to a complete street design."

- Goal 2.3 “MEET THE CURRENT AND FUTURE MOBILITY NEEDS OF RESIDENTS, BUSINESSES, AND VISITORS WITH A BALANCED TRANSPORTATION SYSTEM.”
- Objective 2.3.1 “The transportation system shall be improved to appropriately accommodate bicycle and pedestrian roadway design and facility requirements where determined feasible and when funding is made available.”
- Objective 2.3.3 “Manage the street system safely and efficiently for all modes of users and seek to balance limited street capacity among competing uses.”
- Policy 2.3.3.1 “Promote safe and convenient bicycle and pedestrian access throughout the transportation system and support the establishment of bicycle and pedestrian facilities within arterial and collector roadways.”
- Policy 2.3.3.2 “Support the development of an integrated, regional transit system and work with transit providers to provide safe and convenient access to transit stops and facilities.”
- Goal 2.4 “COORDINATE TRANSPORTATION RELATED ISSUES WITH THE FDOT, THE TREASURE COAST REGIONAL PLANNING COUNCIL, ST. LUCIE COUNTY, THE TPO, THE DIVISION OF COMMUNITY DEVELOPMENT, AND OTHER PRIVATE OR PUBLIC TRANSPORTATION RELATED AGENCIES.”
- Objective 2.4.1 “Share common transportation goals, objectives, and policies with the transportation-related agencies listed above where common interests are involved. The City should coordinate with adjacent jurisdictions on multi-modal approaches to transportation planning and implementation of concurrency or mobility.”
- Policy 2.4.1.5 “The City may consider reviewing existing fee structures to fund alternative modes of transportation including a mobility fee based upon multi-modal capital improvement projects, system efficiency, and congestion management.
- Goal 2.6 “PROVIDE A SAFE AND EFFICIENT MULTIMODAL TRANSPORTATION SYSTEM FOR THE WESTERN ANNEXATION AREAS;”
- Objective 2.6.1 “Provide a comprehensive transportation system for the Western Study Area that provides a sufficient roadway grid network that accommodates the planned uses identified in the future land use map.”

WHEREAS, the amended mobility fee system, including but not limited to this Ordinance, 2050 Mobility Plan, 2025 Technical Report, and Code Revisions adopted hereby (1) are in compliance with the "dual rational nexus test" developed under Florida case law, (2) meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court, in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), (3) are consistent with the requirements set forth in Section 163.3180, Florida Statutes, and (4) are consistent with and being imposed in accordance with Section 163.31801, Florida Statutes; and

WHEREAS, Section 159.109 of the City Code requires that the mobility fee ordinance be reviewed and updated periodically, and at least every four years; and

WHEREAS, the City has developed the 2050 Mobility Plan and 2025 Technical Report, that provides the technical analysis to update the mobility fee, based on the multimodal improvements on City and State right-of-way within and adjacent to the City identified in the mobility plan, which constitutes a proper factual predicate for imposition and expenditure of the mobility fees, including those mobility fees set forth in **Exhibit "C"** hereto; and

WHEREAS, the City Council has determined that the proposed Ordinance will help to preserve and enhance the rational nexus between the need for multimodal person travel demands generated by development and redevelopment activity in the City and the mobility fees imposed on that development based on the multimodal improvements established in the 2050 Mobility Plan and analysis provided in the 2025 Technical Report; and

WHEREAS, mobility fees imposed hereunder achieve the goals, objectives and policies of the Comprehensive Plan, utilize the tools and techniques encouraged by Section 163.3180, Florida Statutes, and are developed and implemented in accordance with the requirements of Section 163.31801, Florida Statutes; and

WHEREAS, the City has determined that the enactment of this Ordinance will help to preserve and enhance the rational nexus between the increase in multimodal person travel demands generated by new development and redevelopment in the City, and the mobility fees imposed on that development and redevelopment to fund multimodal improvements on City, and State right-of-way within and adjacent to the City in the mobility plan to address that demand; and

WHEREAS, the City has also determined that adoption of an administrative manual that addresses day to day administration of mobility fees will assist in streamlining operations relating to the City's mobility fee program ("Mobility Fee Administrative Manual");

WHEREAS, the Mobility Fee Administrative Manual is attached as **Exhibit "D"** hereto; and

WHEREAS, the City Council has noticed, advertised, scheduled and held hearings in compliance with Florida Statutes with respect to enactment of this proposed Ordinance; and

WHEREAS, the City Council has determined that it is advisable and in the public interest to enact this Ordinance and implement the proposed 2050 Mobility Plan, 2025 Technical Report, Mobility Fee Administrative Manual and Code Revisions.

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

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

Section 2. Adopting 2050 Mobility Plan and 2025 Technical Report and Mobility Fee Administrative Manual. That the 2050 Mobility Plan attached hereto as **Exhibit "A"**, the 2025 Technical Report attached hereto as **Exhibit "B"** and the Mobility Fee Administrative Manual attached as **Exhibit "D"** are hereby adopted by the City Council.

Section 3. Amending Article II of Section 159 of Title XV of the Code of Ordinances. That Article II of Section 159 of Title XV, entitled, "Mobility Fees" of the Code of Ordinances of Port St. Lucie, Florida, is hereby amended to read as set forth in **Exhibit "C"** attached hereto and made a part hereof.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. That it is the intention of the City Council and it is hereby ordained that the Code Revisions shall become and be made a part of the City's Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. That this Ordinance shall become effective on December 31st, 2026.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, on this ____ day of October 2026.

CITY COUNCIL

CITY OF PORT ST. LUCIE

By: _____

Shannon M. Martin, Mayor

ATTEST:

_____

Sally Walsh, City Clerk

APPROVED AS TO FORM:

_____

Richard Berrios, City Attorney