

## ORDINANCE 25-76

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

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**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 mobility funding 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 EC Study as defined and described below in more detail; and

**WHEREAS**, the City’s mobility fee system is an alternative mobility funding 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, but does not apply these limitations to a jurisdiction that establishes extraordinary growth and new development, resulting in extraordinary circumstances pursuant to Section 163.31801(6)(g); and

**WHEREAS**, the City has complied with all procedures and requirements set forth in Section 163.31801(6)(g), Florida Statutes, that are effective as of the effective date of this ordinance, and has demonstrated extraordinary circumstances establishing the need to exceed the phase in-limitations of Section 163.31801(6), Florida Statutes, including but not limited to conducting a demonstrated-need study justifying the increase contained within (“EC Study”) attached as **Exhibit “D”**; and

**WHEREAS**, the EC Study shows that City is experiencing extraordinary rates and amounts of growth and new development, resulting in extraordinary circumstances that necessitate the addition and expansion of multimodal transportation facilities for a variety of modes to meet the extraordinary growth in the person travel demands of new development and redevelopment as evidenced by the following findings contained in the EC Study:

- Prior growth in population is at a higher rate than the State of Florida.
- Projected growth in population rates will be higher than the State of Florida.
- Projected growth in population has increased significantly between the adoption of the Phase Two Mobility Plan and mobility fee adopted in 2022 and the proposed 2050 Mobility Plan and Mobility Fee.
- Projected growth in vehicle miles of travel has increased significantly between the adoption of the Phase Two Mobility Plan and mobility fee adopted in 2022 and the proposed 2050 Mobility Plan and Mobility Fee.
- There has been an extraordinary increase in the number of needed roadway capacity projects, corridor studies and the cost of the mobility plan intended to meet new growth between the adoption for the Phase Two Mobility Plan and mobility fee adopted in 2022 and the 2050 Mobility Plan and Mobility Fee.
- There has been an extraordinary increase in the number of corridor studies needed to identify parallel roadway capacity projects necessary to meet new growth between the adoption of the Phase Two Mobility Plan and mobility fee adopted in 2022 and the proposed 2050 Mobility Plan and Mobility Fee.
- There has been an extraordinary increase in the cost of the mobility plan between the adoption of the Phase Two Mobility Plan and mobility fee adopted in 2022 and the proposed 2050 Mobility Plan and Mobility Fee.

- Statewide inflation for transportation facilities over the past three years exceeded 100%, consistent with the construction cost increased experienced by Port St. Lucie between adoption of the Phase Two Mobility Plan and mobility fee in 2022 and the proposed 2050 Mobility Plan and Mobility Fee.
- National inflation for transportation facilities continues to exceed 10% a year and have increased almost 40% between adoption of the Phase Two Mobility Plan and mobility fee in 2022 and the proposed 2050 Mobility Plan and Mobility Fee.
- The City of Port St. Lucie has identified over \$500 million in reasonably anticipated revenue over the next 25 years to help offset the cost of the mobility fee increase. Only \$150 million of the cost is currently programmed for expenditure.
- The proposed 2050 Mobility Plan identifies a documented need for mobility projects to serve the travel demand of new development that exceeds two billion dollars as of the date of the EC Study.

**WHEREAS**, the EC Study also shows that imposition of a mobility fee, requiring future development and growth within the City to contribute its fair share of the cost of extraordinary growth-necessitated multimodal transportation system facilities, is necessary and reasonably related to the public health, safety, and welfare of the people of the City, provided that the mobility fee does not exceed the amount necessary to offset the demand on multimodal person capacity and facilities generated by new development and redevelopment; 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, EC Study 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, 2025 Technical Report and EC Study, 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 EC Study; 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 extraordinary 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 Council has noticed, advertised, scheduled and held public workshops and 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, EC Study, 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, 2025 Technical Report and EC Study.**

That the 2050 Mobility Plan attached hereto as **Exhibit “A”**, 2025 Technical Report attached hereto as **Exhibit “B”** and EC Study attached hereto 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, entitled, “Mobility Fees” of the Code 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 Revision 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 March 9, 2026.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, on this \_\_\_\_\_ day of December 2025.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

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

ATTEST:

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Sally Walsh, City Clerk

APPROVED AS TO FORM:

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Richard Berrios, City Attorney