



Meeting Type Cape Coral City Council - Regular Meeting

Meeting Date September 3, 2025

Agenda Request Form City of Cape Coral

Title

Ordinance 42-25 Public Hearing

Ordinances and Resolutions

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, by repealing in its entirety the City of Cape Coral, Florida, Code of Ordinances, Chapter 2, Administration, Article II, Fees, Division 5 Roads Impact Fee; and by creating Chapter 2, Administration, Article II, Fees, Division 5, Mobility Fees; providing for short title, authority and applicability; providing for intents and purposes; providing for plan, report and study; providing for definitions; providing for imposition of mobility fees; providing for exemption from mobility fees; providing for mobility fee schedule; providing for mobility determination; providing for agreements; providing for credits; providing for mobility fee benefit districts; providing for expenditures; providing for refunds; providing for effect on land use allowances; providing for administrative manual and administrative charges; providing for annual report; providing for review and update; providing for appeals; providing for vested rights; providing for penalty; providing for codification and resolution of conflicting laws; providing for severability and an effective date.

Requested Action Approve or Deny

Summary Explanation and Background

Background. Cape Coral has developed a comprehensive Mobility Plan to support a modern, multimodal transportation system that aligns with current and future land use, development patterns, and infrastructure needs.

This plan is the City's first since transitioning from a road impact fee model to a mobility fee approach, which better supports integrated transportation solutions—including vehicle, bicycle, pedestrian, and transit improvements.

Purpose of the Plan:

1. Establish a clear framework for identifying and funding capacity-enhancing transportation projects.
2. Ensure new development contributes its fair share through area-specific mobility fees.
3. Support smart growth and infill development through tailored investment strategies.
4. Maintain consistency with the Comprehensive Plan and long-range infrastructure objectives.

Staff recommends support for the Mobility Plan as presented. Feedback from the Planning & Zoning Commission will be incorporated prior to Council workshops and final adoption.

Strategic Plan Alignment

Is this a Strategic Decision?

YES

If No, will it harm the intent or success of the Strategic Plan?

NO

If Yes, Priority Goals Supported are listed below:

- ☐ CITY SERVICES AND AMENITIES: DELIVER EXCEPTIONAL CITY SERVICES AND HIGH-QUALITY AMENITIES
- ☐ COMMUNICATION: CULTIVATE AN ENGAGED AND INFORMED COMMUNITY AND WORKFORCE
- ☐ ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL BUSINESSES
- ☐ FISCAL SUSTAINABILITY: MAINTAIN A FINANCIALLY SOUND GOVERNMENT AND HIGH-PERFORMING ORGANIZATION
- ☐ INFRASTRUCTURE: INVEST IN RESILIENT INFRASTRUCTURE
- ☐ ENVIRONMENTAL SUSTAINABILITY: PRESERVE CAPE CORAL'S NATURAL RESOURCES FOR CURRENT AND FUTURE GENERATIONS

Is this a Consultant recommendation? NO

Is this contained in a Master Plan? YES

If yes to either question, please provide details of the name of Consultant or name of the Master Plan when applicable:

Recommendations

Staff recommends the Commission hear the presentation, provide input, and approve.

Source of Additional Information

n/a

Fiscal Impact/Funding Sources(s)/Budget Consideration

Will this action result in a Budget Amendment? n/a

Prepared By Laura H. Dodd, AICP, PTP, CGW

ORDINANCE 42 - 25

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, BY REPEALING IN ITS ENTIRETY THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II, FEES, DIVISION 5 ROADS IMPACT FEE; AND BY CREATING CHAPTER 2, ADMINISTRATION, ARTICLE II, FEES, DIVISION 5, MOBILITY FEES; PROVIDING FOR SHORT TITLE, AUTHORITY AND APPLICABILITY; PROVIDING FOR INTENTS AND PURPOSES; PROVIDING FOR PLAN, REPORT AND STUDY; PROVIDING FOR DEFINITIONS; PROVIDING FOR IMPOSITION OF MOBILITY FEES; PROVIDING FOR EXEMPTION FROM MOBILITY FEES; PROVIDING FOR MOBILITY FEE SCHEDULE; PROVIDING FOR MOBILITY DETERMINATION; PROVIDING FOR AGREEMENTS; PROVIDING FOR CREDITS; PROVIDING FOR MOBILITY FEE BENEFIT DISTRICTS; PROVIDING FOR EXPENDITURES; PROVIDING FOR REFUNDS; PROVIDING FOR EFFECT ON LAND USE ALLOWANCES; PROVIDING FOR ADMINISTRATIVE MANUAL AND ADMINISTRATIVE CHARGES; PROVIDING FOR ANNUAL REPORT; PROVIDING FOR REVIEW AND UPDATE; PROVIDING FOR APPEALS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR PENALTY; PROVIDING FOR CODIFICATION AND RESOLUTION OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, Pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Florida Statute Chapter 166, the City of Cape Coral, Florida, ("City") has broad home rule powers to adopt ordinances to provide for and operate multimodal transportation systems, including bicycle, pedestrian, and transit facilities, roadways, intersections, and regulate the use of shared mobility services and use of new mobility technology within the City; and

WHEREAS, Chapter 163 of the Florida Statutes, requires that all local governments adopt and maintain comprehensive plans to manage growth within their jurisdictions, consisting of several elements as well as a map depicting the future uses of land throughout the jurisdiction and requiring the adoption of land development regulations to regulate growth and development; and

WHEREAS, the City currently has an established roads impact fee system, which has been one part of an overall growth management program in the City; and

WHEREAS, Chapter 2 of the City's Code of Ordinances, implements the concurrency provisions of the City's Comprehensive Plan including for transportation throughout the City; and

WHEREAS, the current City transportation concurrency and proportionate share system is principally focused on vehicular mobility, whereas the mobility plan and mobility fee system emphasize a holistic view on the provision of mobility through walking, biking, transit, motor vehicles and new personal and shared mobility technology; and

WHEREAS, the City is experiencing growth in population and employment from new development that results in an increase in person travel demand and the need to add mobility projects and expand multimodal capacity as part of the City's multimodal transportation system to accommodate the travel demand from that growth; and

WHEREAS, Section 163.3180, Florida Statutes, encourages local governments to develop tools and techniques including adoption of long-term strategies to facilitate development patterns that support multimodal solutions, adoption of area wide service standards that are not dependent on any single road segment function, and establishing 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, Florida Statutes, authorizes local governments to repeal transportation concurrency and to adopt an alternative transportation system; and

WHEREAS, the City intends to adopt a mobility fee system, based on the mobility projects included in a mobility plan, as an alternative transportation system consistent with Section 163.3180, Florida Statutes; and

WHEREAS, the City intends to replace its transportation concurrency, proportionate share, and, per its Code of Ordinances, Chapter 2, Fees, Article II, Fees, Division 5, Roads Impact Fee, with a mobility fee system consistent with the requirements for an alternative transportation system pursuant with Section 163.3180, Florida Statutes; and

WHEREAS, the mobility fee system is a source of revenue paid by new development to offset its person travel demand impact to the City's multimodal transportation system by funding mobility projects identified in a mobility plan that increase multimodal capacity for walking, biking, transit, and driving; and

WHEREAS, imposition of a mobility fee requiring new development within the territorial boundaries of the City to contribute its attributable share of the cost of mobility projects 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 actual amount necessary to offset the person travel demand on multimodal capacity generated by new development; and

WHEREAS, new development generating an increase in personal travel demand shall not be required to pay both proportionate share and a mobility fee upon the effective date of the mobility fee whereby it is assessed on new development; and

WHEREAS, the City, in the Transportation Element of its Comprehensive Plan sets out goals, objectives and policies to develop and maintain a safe, convenient, and efficient multimodal transportation system coordinated with the Future Land Use Plan; and

WHEREAS, the mobility fees imposed 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 163.31801, Florida Statutes, and (4) are consistent with and being imposed in accordance with Section 163.31801, Florida Statutes; and

WHEREAS, the Mayor and City Council have determined that the proposed Ordinance adopting a mobility fee will help to preserve and enhance the rational nexus between the need for person travel demand generated by new development and the mobility fees imposed on that new development; and

WHEREAS, mobility fees shall be assessed on new development within the territorial boundaries of the City; and

WHEREAS, establishment of mobility fee benefit districts to regulate mobility fee expenditures is the best method of ensuring that the mobility projects funded by mobility fees have the rational nexus and benefit to new development for which the mobility fees were paid; and

WHEREAS, mobility fees collected will be deposited into mobility fee special revenue funds for each mobility fee benefit districts and expended for the purposes set forth herein; and

WHEREAS, mobility fees imposed hereunder achieve the goals, objectives and policies of the City of Cape Coral Comprehensive Plan and utilize the tools and techniques encouraged by Section 163.31801, Florida Statutes; and

WHEREAS, the City developed a 2045 Mobility Plan and Mobility Fee Technical Report dated August 2025 prepared by NUE Urban Concepts, LLC, that provided the technical analysis to determine the mobility fee, based on the mobility projects identified in the mobility plan, constitutes a proper factual predicate for imposition and expenditure of the mobility fees; and

WHEREAS, the City shall develop policies and procedures, based upon administrative procedures approved by the Mayor and City Council, for the administration, implementation, and update of the mobility plan and mobility fee to include, but not limited to, assessments, credits, determinations, imposition, off-sets, and studies; and

WHEREAS, Section 163.31801, Florida Statutes, authorizes the Mayor and City Council to make a finding that extraordinary circumstances exist, and upon making such a finding and after holding two publicly noticed workshops, the City is further permitted to immediately implement the mobility fees at the fully calculated rate, without a phase-in of increases, based on documented findings with the Mobility Fee Extraordinary Circumstance Study, prepared by NUE Urban Concepts, LLC, dated July 2025; and

WHEREAS, for the past thirty (30) years the City has experienced extraordinary population growth that exceeds the percentage population growth experienced statewide; and

WHEREAS, the City is projected to continue to experience extraordinary growth that will exceed the State of Florida's population growth projections; and

WHEREAS, the extraordinary growth in population projected for the City will result in an extraordinary need for mobility projects and multimodal capacity to accommodate that growth; and

WHEREAS, the City held two publicly noticed workshops held on July 24, 2025 at 9:00 a.m. and on July 24, 2025 at 1:00 p.m., which were dedicated to sharing about and elaborating on the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in Section 163.31801, Florida Statutes; and

WHEREAS, in order to exceed the phase-in limitations imposed by Section 163.31801, Florida Statutes, the Mayor and City Council must approve this Ordinance by at least a two-thirds vote; and

WHEREAS, after due public notice having been provided, the Mayor and City Council of the City of Cape Coral, Florida, held a public hearing on **August 20, 2025**, and **September 3, 2025**, to consider the adoption of the proposed amendment to its Code of Ordinances; and

WHEREAS, Chapter 2 of the City's Code of Ordinances establishes the mobility fee schedule for the provisions of the City's Code of Ordinances; and

WHEREAS, the Mayor and City Council have determined that it is advisable and in the public interest to amend the City's Code of Ordinances to provide for mobility fee provisions as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. This ordinance shall be referred to as the "City of Cape Coral, Florida, Mobility Fee Ordinance" establishing the procedures for establishing the appropriate fees to be charged to mitigate transportation system impacts resulting from the development of land within the territorial boundaries of the City of Cape Coral, Florida.

Section 2. The Mayor and City Council hereby approve the 2045 Mobility Plan and Mobility Fee Technical Report dated August 2025 prepared by NUE Urban Concepts, LLC.

Section 3. The Mayor and City Council find that Extraordinary Circumstances exist, based on the Mobility Fee Extraordinary Circumstance Study dated July 2025 prepared by NUE Urban Concepts, LLC, to justify setting rates to an amount exceeding the phase-in limitations set forth in Section 163.31801, Florida Statutes.

Section 4. The City of Cape Coral, Florida, Code of Ordinances Chapter 2, Administration, Article II, Fees, Division 5, Roads Impact Fee, is hereby repealed as shown in Exhibit A attached hereto and made a part of.

Section 5. The City of Cape Coral, Florida, Code of Ordinances Chapter 2, Administration, Article II, Fees, Division 5, Mobility Fees, is hereby established as shown in Exhibit B attached hereto and made a part of.

Section 6. Mobility Fee Assessment Areas are shown in Exhibit C attached hereto and made part of.

Section 7. Mobility Fee Benefit Districts are shown in Exhibit D attached hereto and made part of.

Section 8. This ordinance does hereby repeal any ordinances, or portions thereof, in conflict herewith.

Section 9. Should any word, phrase, sentence, section, subsection, or other provision of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then the part so held shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Section 10. The effective date of the amendment to the City’s Code of Ordinances as provided herein shall be January 1, 2026.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS _____ DAY OF _____, 2025.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
STEINKE _____
LEHMANN _____
DONNELL _____

LASTRA _____
KILRAINE _____
LONG _____
KADUK _____


ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2025.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
Ord/Mobility Fee



Ord/Mobility Fee

EXHIBIT A
CHAPTER 2: - ADMINISTRATION
ARTICLE II: - FEES
DIVISION 5. ROADS IMPACT FEE

DIVISION 5. ROADS IMPACT FEE

~~§ 2-24.21 Short title, authority and applicability.~~

- ~~(a) This division shall be known and may be cited as the City of Cape Coral "Roads Impact Fee Ordinance".~~
- ~~(b) The City Council has the authority to adopt this division pursuant to Article VIII of the Constitution of the State of Florida and F.S. Chapter 166.~~
- ~~(c) This division shall apply within the territorial boundaries of the city as they now exist or may exist in the future as a result of expansion or reduction by annexation or contraction of the municipal boundaries.~~

~~§ 2-24.22 Intents and purposes.~~

- ~~(a) This division is intended to implement and be consistent with the City of Cape Coral Comprehensive Plan.~~
- ~~(b) The purpose of this division is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide roads in the city as contemplated by the City of Cape Coral Comprehensive Plan.~~

~~§ 2-24.23 Rules of construction.~~

- ~~(a) The provisions of this division shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.~~
- ~~(b) For the purposes of administration and enforcement of this division, unless otherwise stated in this division, the following rules of construction shall apply to the text of this division:
 - ~~(1) In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table or illustrative table, the text shall control.~~
 - ~~(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.~~
 - ~~(3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.~~
 - ~~(4) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for".~~
 - ~~(5) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.~~
 - ~~(6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either...or", the conjunction shall be interpreted as follows:
 - ~~a. "And" indicates that all the connected terms, conditions, provisions or events shall apply~~
 - ~~b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.~~
 - ~~c. "Either...or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.~~~~~~

- ~~(7) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.~~
- ~~(8) "City Manager" means the City Manager and/or his or her designee.~~
- ~~(9) Any road right-of-way used to define roads impact fee district boundaries may be considered to be within any district it bounds for purposes of using these funds.~~
- ~~(10) The land use types listed in § 2-24.26 below shall have the same meaning as under the city's zoning regulations. A mobile or manufactured home that is not located in a mobile home or recreational vehicle park shall be considered a single family detached dwelling for purposes of road impact fees.~~

~~§ 2-24.24 Definitions.~~

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

~~CAPITAL IMPROVEMENT.~~ Includes transportation planning, preliminary engineering, engineering design studies, land surveys, right of way acquisition, engineering, permitting and construction of all the necessary features for any road construction project that adds capacity to roads that the city determines are functioning as arterial or collector roads or that relieves the capacity on roads that the city determines are functioning as arterial or collector roads, including:

- ~~(1) Construction of new through lanes;~~
- ~~(2) Construction of new turn lanes;~~
- ~~(3) Construction of new bridges;~~
- ~~(4) Construction of new drainage facilities in conjunction with new roadway construction;~~
- ~~(5) Purchase and installation of traffic signalization (including new and upgrading signalization);~~
- ~~(6) Construction of curbs, medians, shoulders, sidewalks and bikelanes in conjunction with new roadway construction;~~
- ~~(7) Relocating utilities to accommodate new roadway construction; and~~
- ~~(8) Services and utilities incidental thereto.~~

~~EXPANSION OF THE CAPACITY OF A ROAD.~~ Applies to all road and intersection capacity enhancements and includes but is not limited to extensions, widening, intersection improvements and upgrading signalization.

~~FEE PAYER.~~ A person commencing a land development activity which generates traffic and which requires the issuance of a building permit.

~~INDEPENDENT FEE CALCULATION STUDY.~~ The traffic engineering and/or economic documentation prepared by a fee payer to allow the determination of the impact fee other than by the use of the table in § 2-24.26 below.

~~LAND DEVELOPMENT ACTIVITY GENERATING TRAFFIC.~~ Any change in land use, or any construction of buildings or structures, or any change in the use of any structure that attracts or produces vehicular trips.

~~LEVEL OF SERVICE.~~ A qualitative measure that represents the collective factors of speed, travel time, traffic interruption, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition. Levels of service vary from "A" to "F." "Level of Service "C" describes a roadway condition of stable flow, but where volume and density levels place restriction on drivers' speed, lane changing and passing.

~~ROAD.~~ The same meaning as set forth in F.S. § 334.03(23).

~~SITE-RELATED IMPROVEMENTS.~~ Capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following:

- ~~(1) Site driveways, roads and alleys;~~
- ~~(2) Right and left turn lanes leading to those driveways;~~
- ~~(3) Traffic control measures for those driveways;~~
- ~~(4) Frontage roads; and~~
- ~~(5) Roads necessary to provide direct access to the development.~~

~~§ 2-24.25 Imposition of roads impact fee.~~

- ~~(a) Any person who, after the effective date of this division, seeks to develop land by applying for the issuance of a building permit to make an improvement to land which will generate additional traffic shall be required to pay a roads impact fee in the manner and amount set forth in this article.~~
- ~~(b) Except as provided in § 2-24.26(a)(5), no building permit for any activity requiring payment of an impact fee pursuant to § 2-24.26 below shall be issued unless and until the roads impact fee hereby required has been paid.~~
- ~~(c) (1) When a structure is moved from one location to another, a roads impact fee will be collected for the new location if the structure constitutes one of the land development uses listed in § 2-24.26 below, regardless of whether roads impact fees have been paid at the old location, unless the use at the new location is a replacement of an equivalent use.~~
~~(2) If the structure moved is replaced by an equivalent use, no roads impact fee is owed for the replacement use. In every case, the burden of proving past payment of roads impact fees or equivalency of use rests with the fee payer.~~

~~§ 2-24.26 Computation of the amount of road impact fee.~~

- ~~(a) Payment by fee schedule.~~
 - ~~(1) At the option of the fee payer, the amount of the fee may be determined by utilizing the following fee schedule:~~

Land Use Type	Unit	Impact Fee
Single family detached	Dwelling	\$3,347
Duplex (two family unit)	Duplex	\$4,695
Multi family	Dwelling	\$2,347
Mobile home/RV park	Pad	\$1,747
Time share	Dwelling	\$2,347
Hotel/motel	Room	\$2,520
Retail/shopping center	1000 square feet	\$5,709
Bank	1,000 square feet	\$9,060
Car wash, self service	Stall	\$1,897

Convenience store w/gas sales	1,000-square feet	\$12,679
Golf course (open to public)	Acre	\$971
Movie theater	1,000-square feet	\$8,369
Restaurant, sit-down	1,000-square feet	\$7,329
Restaurant, fast food	1,000-square feet	\$14,384
Office, general	1,000-square feet	\$2,634
Office, medical	1,000-square feet	\$8,634
Hospital	1,000-square feet	\$4,200
Nursing home	1,000-square feet	\$1,458
Church	1,000-square feet	\$1,664
Day care center	1,000-square feet	\$4,629
Elementary/secondary school (private)	1,000-square feet	\$802
Industrial park	1,000-square feet	\$2,310
Warehouse	1,000-square feet	\$1,646
Mini-warehouse	1,000-square feet	\$572

- (2) If a building permit is requested for a building with mixed uses, then the fee shall be determined through using the above schedule by apportioning the space committed to uses specified on the schedule.
- (3) If the type of development activity for which a building permit is applied is not specified on the above fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule. The City Manager shall be guided in the selection of a comparable type by the latest version of the Institute of Transportation Engineers Trip Generation, An ITE Informational Report. If the City Manager determines that there is no comparable type of land use on the above fee schedule, then the City Manager shall determine the fee by:
- Using traffic generation statistics contained in the latest version of the Institute of Transportation Engineers Trip Generation, An ITE Informational Report (a copy of said report shall be maintained on file in the City Clerk's Office); and
 - Applying the formula set forth in subsection (b) below.

- (4) Except as provided in § 2-24.26(a)(5), when there is a change of use, redevelopment, or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the latest version of the Institute of Transportation Engineers Trip Generation, An ITE Informational Report.
- (5) The City of Cape Coral hereby establishes a Change in Use for Existing Buildings Program by which, until April 30, 2015, unless extended for an additional period of time at the sole discretion of City Council through a resolution, the City of Cape Coral will not assess additional roads impact fees related to one or more changes of use within existing buildings provided they meet the following criteria:
- a. The change of use is located in a lawfully existing building which has had a certificate of occupancy for non-residential uses or a certificate of use for a model home site use issued prior to the creation of this program. The city will not assess additional roads impact fees related to a change of use for a non-residential use within such lawfully existing building regardless of the number of times the use may change within the effective period of the Change in Use for Existing Buildings Program. In the event an application for a building permit related to a proposed change of use was submitted to the city prior to the establishment of the Change in Use for Existing Buildings Program, but the building permit has not been issued at the time the program is established, then the change in use will be eligible for participation in this program and shall not be assessed additional roads impact fees provided that all other criteria for participation in the program are met.
 - b. The applicable roads impact fees for the existing building must have been paid in full at the time the building was constructed or, if deferred at the time of construction, the roads impact fee related to the building or any part thereof, such as a unit, in which the change of use is proposed to locate must be paid in full prior to the issuance by the city of a building permit for the new use. Alternatively, the existing building is eligible if it was constructed and any uses in it were located there prior to the date the city began imposing roads impact fees so that no impact fees have ever been charged for the building or any of its uses prior to the establishment of the Change in Use for Existing Buildings Program.
 - c. The existing building is not being expanded and shall not be expanded prior to the date the Change in Use for Existing Buildings Program terminates, except as follows:
 - 1. Interior renovation of the existing building is allowed regardless of whether such interior renovation increases the occupiable space or allowable occupancy of the building.
 - 2. Expansion of the building through means other than interior renovation, such as by the construction of one or more additional floors or by the construction of one or more additional rooms beyond the footprint of the existing building, is allowed, but the expansion shall not be eligible for participation in the Change in Use for Existing Buildings Program and shall be fully assessed roads impact fees based on the area and use of the expansion. Furthermore, in the event a new building is constructed on the same site as the existing building which qualified for and participates in the Change in Use for Existing Buildings Program, such new building is not eligible to participate in the Change in Use for Existing Buildings Program and shall be fully assessed roads impact fees based on the area and use of such building.
 - d. The change of use must be consistent with the zoning of the property and other land development regulations. Nothing in this subsection shall be construed as to permit a change in use as to zoning or a waiver of any other land development regulations.
- (6) Following the expiration of the Change in Use for Existing Buildings Program, when a change of use, redevelopment, or modification of an existing use which requires the issuance of a building permit occurs in a building which had previously participated in the Change in Use for Existing Buildings Program, the city shall not issue a building permit except upon the payment of an impact fee based

upon the net increase in the impact fee for the new use as compared to the previous use pursuant to § 2-24.26(a)(4), with the following provisions:

- a. If the proposed change of use is within the same category of non-residential use as the last use for which the city had issued a certificate of use in the building and for which the city had not assessed an increase in road impact fees pursuant to the Change in Use for Existing Buildings Program, then no additional impact fee shall be assessed.
- b. For purposes of calculating the net increase in the impact fee for the new use as compared to the "previous use" for buildings which had participated in the Change in Use for Existing Buildings Program and which do not qualify for non-assessment of increased road impact fees pursuant to § 2-24.26(a)(6)a., the "previous use" shall be the last use in the building or unit for which impact fees had been paid and which is now the site of the new proposed use.
- c. In the event the building had been expanded through means other than interior renovation during its participation in the Change in Use for Existing Buildings Program as provided in § 2-24.26(a)(5)(c)2. and been assessed and paid roads impact fees related to such expansion, the change of use, redevelopment, or modification of an existing use in the expansion area which requires the issuance of a building permit shall be assessed an impact fee in accordance with § 2-24.26(a)(4) based upon the net increase in the impact fee for the new use in the expansion area as compared to earlier use(s) in the expansion area for which roads impact fees have been paid.

(b) ~~Other determination.~~ If a fee payer shall opt not to have the impact fee determined according to subsection (a) above, then the fee payer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a building permit is sought. The traffic engineering and/or economic documentation submitted, which will require a preapplication meeting with the City Manager shall show the basis upon which the independent fee calculation was made including the following:

(1) ~~Traffic engineering studies:~~

- a. ~~Documentation of trip generation rates appropriate for the proposed land development activity;~~
- b. ~~Documentation of trip length appropriate for the proposed land development activity; and~~
- c. ~~Documentation of primary trip percentage data appropriate for the proposed land development activity.~~

(2) ~~Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development activity.~~

(3) ~~This documentation shall be prepared and presented by qualified professionals in their respective fields.~~

- a. ~~The following formula shall be used by the City Manager to determine the impact fee per unit of development:~~

~~Impact Fee = VMT x Net Cost/VMT~~

b. ~~Where:~~

1. ~~VMT = Vehicle mile of travel = ADT x % NEW x LENGTH x ADJUST ÷ 2;~~
2. ~~ADT = Trip ends during average weekday;~~
3. ~~% NEW = Percent of trips that are primary trips, as opposed to passby or diverted link trips;~~
4. ~~LENGTH = Average length of a trip on the major roadway system;~~
5. ~~ADJUST = Adjustment factor to calibrate national travel demand factors to local conditions;~~
6. ~~÷ 2 = Avoids double-counting trips for origin and destination~~

7. ~~NET COST/VMT = COST/VMT - CREDIT/VMT~~
8. ~~COST/VMT = COST/LANE MILE ÷ AVG LANE CAPACITY;~~
9. ~~COST/LANE MILE = Average cost to add a new lane mile to the major roadway system;~~
10. ~~AVG LANE CAPACITY = Average daily capacity of a lane;~~
11. ~~CREDIT/VMT = \$/GAL ÷ MPG x 365 x NPV + DEBT CREDIT/VMT;~~
12. ~~\$/GAL = Capacity expanding funding for roads per gallon of gasoline consumed;~~
13. ~~MPG = Miles per gallon, average for U.S. motor vehicle fleet;~~
14. ~~365 = Days per year (used to convert daily VMT to annual VMT);~~
15. ~~NPV = Net present value factor; and~~
16. ~~DEBTCREDIT/VMT = Net present value per VMT of future principal payments on outstanding debt for past capacity improvements to the major road system.~~

~~(c) In lieu of the payment of the roads impact fee set forth in subsection (a) above or as prepared and submitted by the payer under subsection (b) above, at the option of the payer, the payer may submit evidence to the City Council indicating that the roads impact fee set by the ordinance or as determined through subsections (a) and (b) above is not applicable to the payer's particular case. Based upon convincing and competent evidence, the City Council may thereafter adjust the roads impact fee as appropriate for the particular payer.~~

§ 2-24.27 Payment of fee.

- ~~(a) The person applying for the issuance of a building permit, shall pay the roads impact fee payable to the city.~~
- ~~(b) All funds collected shall be properly identified and promptly transferred for deposit into the road impact fee trust fund to be held in a separate account as determined by this article and used solely for the purposes specified herein.~~
- ~~(c) (1) In lieu of all or part of the roads impact fee, the City Council may accept the offer by a fee payer to construct all or part of a road construction project shown in the City of Cape Coral Comprehensive Plan or appropriate to the implementation thereof.~~
 - ~~(2) This offer shall not include site related improvements. The construction must be in accordance with city or state design standards whichever is applicable.~~
 - ~~(3) The fee payer shall submit a project description and engineering and construction cost estimate. The City Manager shall submit a recommendation to the City Council. If the City Council accepts such an offer, the city shall credit the cost of this construction against the road impact fee otherwise due.~~
 - ~~(4) The portion of the fee represented by the roads construction shall be deemed paid when the construction is completed and accepted by the city, county or state for maintenance or when the fee payer posts security as provided below for the costs of the construction.~~
 - ~~(5) Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with the City Clerk made payable to the City of Cape Coral in an amount approved by the City Manager equal to 110% of the full cost of the construction. If the road construction project will not be constructed within one year of the acceptance of the offer by the City Council, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the city attorney's office prior to acceptance of the security by the City Council.~~

§ 2-24.28 Roads impact fee trust fund established.

- ~~(a) There are hereby established a roads impact fee trust fund.~~

~~(b) Funds withdrawn from this account must be used in accordance with the provisions of § 2-24.29 below.~~

~~§ 2-24.29 Use of funds.~~

- ~~(a) Funds collected from roads impact fees shall be used for the purpose of capital improvements to and expansion of road improvements in the city. Those improvements shall be of the type as are made necessary by the new development.~~
- ~~(b) No funds shall be used for periodic or routine maintenance as defined in F.S. § 334.03(19) and (24).~~
- ~~(c) All funds shall be used exclusively for capital improvements or expansion within the city from which funds were collected. Funds shall be expended in the order in which they are collected.~~
- ~~(d) Each fiscal year the City Manager shall present to the City Council a proposed capital improvement program for roads, assigning funds, including any accrued interest, from the roads impact fee trust funds to specific road improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal year shall be retained in the roads impact fee trust fund until the next fiscal period except as provided by the refund provisions of this article.~~
- ~~(e) The city shall be entitled to retain three percent of all impact fee funds it collects as an administrative fee to offset the costs of administering this article.~~

~~§ 2-24.30 Refund of fee paid.~~

- ~~(a) If a building permit expires and no construction has been commenced, then the fee payer shall be entitled to a refund of the impact fee paid as a condition for its issuance except that the city shall retain 6% of the funds as an administrative fee to offset the costs of collection and refund.~~
- ~~(b) Any funds not expended or encumbered by the end of the calendar quarter immediately following ten years from the date the roads impact fee was paid shall, upon application of the fee payer within 180 days of that date, be returned to the fee payer without interest.~~

~~§ 2-24.31 Exemptions and credits.~~

- ~~(a) Exemptions. The following shall be exempted from payment of the roads impact fee:~~
 - ~~(1) Alterations or expansion of an existing building where no additional units are created, the use is not changed, and where no additional vehicular trips will be produced over and above that produced by the existing use;~~
 - ~~(2) The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land; and~~
 - ~~(3) The replacement of a building or structure with a new building or structure of the same use provided that no additional trips will be produced over and above those produced by the original use of the land.~~
- ~~(b) Credits.~~
 - ~~(1) No credit shall be given for site related improvements.~~
 - ~~(2) All non-site related roadway improvements and/or non-site related right-of-way dedications required under a city development approval, may entitle the fee payer to a credit. Only those off-site improvements and/or right-of-way dedications deemed appropriate and beneficial to the overall level of service and/or roadway capacity will be eligible for credits. The city shall determine the estimated or actual cost of non-site related roadway improvements by using actual cost or the engineer's estimate. The value of right-of-way dedications shall be determined by a certified appraisal performed by an appraiser who is acceptable to the city. The appraisal shall be at the expense of the property owner. For developments that are not going to obtain building permits at the time the improvements or~~

dedications are made, estimates of anticipated impact fee amounts shall be used to determine the amount of impact fee credits and the method by which those credits were determined shall be contained in a development agreement or PDP development order. The amount of impact fee credits granted for any property shall not exceed the anticipated road impact fees to be collected from that property.

- (3) ~~Impact fee credits shall be granted only after acceptance of the right of way dedication, acceptance by the city of the completed roadway improvements, or the posting of security to ensure the construction~~
- (4) ~~Road impact fee credits may, at the option of the property owner, be in transferable form. Transferable credits may be sold, assigned or otherwise conveyed by the holder thereof. Credits may be used by any bona fide holder thereof to pay for or otherwise offset road impact fees required by this article, provided, however, that road impact fee credits issued for commercial developments may only be used to pay for impact fees due for commercial development. In instances where impact fee credits are issued for mixed use developments, the amount of commercial impact fees shall be allocated based on the number of trips projected to be generated by the commercial uses in the mixed use development. Changes in the amount of impact fees charged under this article shall not affect the dollar value of impact fee credits which have been issued. Impact fee credits must be used within fifteen years of the date they are created. Credits not used during this period shall be canceled by the city. Transferred impact fee credits may not be used to satisfy any concurrency requirements.~~
- (5) ~~Credits not claimed by the fee payer at the time creditable improvements are constructed or when right of way is dedicated shall be deemed waived.~~
- (6) ~~Once used, credits shall be canceled by the city and shall not be re-established even if the permit for which they were used expires without construction.~~

§ 2-24.32 Review of fee structure.

- (a) ~~The road impact fee structure shall be reviewed by the City Council every three years. Beginning on September 1, 2005, the city shall commence a three year road impact fee update cycle. In accordance with this cycle, the City Manager shall prepare a comprehensive re-analysis of the road impact fees and present the study and revised ordinance to the City Council prior to September 1, 2008.~~
- (b) ~~In each of the two mid-cycle years (between the formal three-year updates), the City Manager will prepare and present to the City Council for approval, modification or denial, automatically adjusted road impact fees to account for cost inflation. If approved by City Council, the first automatic update of the fees shall become effective on September 1, 2006. The City Manager shall calculate adjustments to the road impact fee rates based upon the percentage change in the Engineering News-Record construction cost index for the preceding 12 month period, and the percentage change in the city wide total just land value established by the Lee County property appraiser's office. The construction cost index factor shall be weighted 75% and the land cost factor shall be weighed 25% in determining the weighted percentage adjustment to be applied to the road impact fees.~~

DIVISION 5. MOBILITY FEES

§ 2-24.21 Short title, authority and applicability.

- (a) This division shall be known and may be cited as the City of Cape Coral " Mobility Fee Ordinance".
- (b) The City Council has the authority to adopt this division pursuant to Article VIII of the Constitution of the State of Florida and F.S. Chapter 166.
- (c) This division shall apply within the territorial boundaries of the city as they now exist or may exist in the future as a result of expansion or reduction by annexation or contraction of the municipal boundaries.

§ 2-24.22 Intents and purposes.

- (a) This division is intended to establish the Cape Coral Mobility Fee system to serve as an alternative transportation system, consistent with F.S. Section 163.3180, that replaces transportation concurrency, proportionate share, and road impact fees with a mobility fee, based on mobility projects identified in the Mobility Plan, allows new development in compliance with the Comprehensive Plan to share in the burdens of growth and to equitably mitigate its off-site impact to the multimodal transportation system through payment of a mobility fee.
- (b) The purpose of this division is to ensure new development pays an attributable share of the reasonably anticipated costs of mobility projects that are needed to accommodate the growth in person travel demands created by new development consistent with the needs requirement of the dual rational nexus test.
- (c) The imposition, exemption, determination, credits, collection, expenditure, administration, implementation, maintenance, and update of the mobility plan and mobility fee shall be collectively referred to as the Cape Coral Mobility Fee system.
- (d) The imposition of a mobility fee, assessed at building permit application, in an amount based upon the most recently adopted mobility fee schedule maintained by the City, will allow new development to equitably mitigate its impact to the City's multimodal transportation system, through a one-time payment of the mobility fee, that is proportional and reasonably connected to the person travel demand generated by new development, at the time of building permit issuance.
- (e) The mobility fee schedule is intended to reflect a mobility fee rate per applicable unit of measure in an amount that is based on the person travel demand attributable to new development, the person miles of capacity needed to serve that new development, and the cost of mobility projects established in the Mobility Plan.

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- (f) The expenditure of mobility fees on mobility projects, identified in the Mobility Plan, will be prioritized by the City Council through the annual update of the Capital Improvement Program.
- (g) Mobility fees are intended to be expended within the mobility fee benefit district in which they are collected to ensure that new development receives a mobility benefit from the mobility fees that it paid consistent with the benefits requirement of the dual rational nexus test.

§ 2-24.23 Plan, report and study.

- (a) The Cape Coral 2045 Mobility Plan (herein “Mobility Plan”) dated August 2025 and prepared by NUE Urban Concepts, LLC and DDEC, LLC, has been reviewed and approved by the City Council and is incorporated into this division. This incorporation includes the mobility projects established in the Mobility Plan intended to provide the multimodal capacity needed to accommodate projected person travel demand increases from new development. The mobility projects serve as the basis for calculation of the mobility fee. The Mobility Plan shall be utilized by the City as a resource to recommend mobility projects for funding. The City Council will further prioritize the funding of mobility projects through the annual update of the Capital Improvements Program.
 - (b) The Cape Coral 2045 Mobility Fee Technical Report (herein “Technical Report”) dated August 2025 and prepared by NUE Urban Concepts, LLC, has been reviewed and approved by the City Council and is incorporated into this division. This incorporation includes, but is not limited to, the following: the increases in person miles of travel based on projected growth, the most recent and localized data used to calculate the mobility fee, the methodology for calculating the mobility fee, the multimodal capacity assigned to mobility projects and the subsequent person miles of capacity provided by those mobility projects, the cost of mobility projects, the roughly proportional person travel demand for land uses in the mobility fee schedule, and the mobility fee rates assigned to various land use categories, and the basis of the assumptions, conclusions, and findings in such report as to the basis of the mobility fee. The Technical Report demonstrates the technical analysis and detailed methodology supporting the mobility fees.
 - (c) The Cape Coral Mobility Fee Extraordinary Circumstances Study dated July 2025 and prepared by NUE Urban Concepts, LLC, has been reviewed and approved by the City Council and is incorporated into this division. This incorporation includes the findings based on the extraordinary population growth of Cape Coral, the need for mobility plan projects to accommodate that growth, and the extraordinary construction cost inflation since the City last updated its road impact fee. The Extraordinary Circumstances Study establishes the findings of extraordinary circumstances to adopt mobility fees at the fully calculated rates, without a phase-in of the updated mobility fee rates, detailed in The City of Cape Coral Mobility Fee Technical Report dated August 2025.
 - (d) The Mobility Plan, the Technical Report, and the Extraordinary Circumstances Study are maintained by and available upon request from the City Clerk’s Department.
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§ 2-24.24 Definitions.

Article 11 of the Land Development Code includes definitions for mobility fee specific terms used in this ordinance. The Technical Report also includes definitions of mobility terms used in the Mobility Plan and Technical Report, which are incorporated herein. Any defined terms in the Technical Report shall not supersede conflicting definitions in the Land Development Code for non-mobility fee purposes.

§ 2-24.25 Imposition of mobility fees.

The mobility fee imposed by the City shall apply to all building permit applications from new development that result in an increase in person travel demand.

- (a) *Imposition.* There is hereby imposed upon all new development a mobility fee assessed at the time of building permit application. Mobility fees shall be assessed at the mobility fee rate in effect at the time of application. The total mobility fee shall be assessed for all new development included as part of the building permit application.
- (b) *Payment.* The mobility fee shall be paid at the time of building permit issuance. No building permit requiring payment of a mobility fee shall be issued until said mobility fee has been paid except as otherwise herein provided. The obligations for payment of mobility fees shall run with the new development for which the building permit is requested. An applicant may voluntarily elect to pay the mobility fee at any time between the official assessment of mobility fees and the issuance of the building permit. To avoid the time and cost of processing refunds, the mobility fee shall not be paid prior to official assessment of mobility fees for a building permit application.
- (c) *Unpaid fees.* If mobility fees are owed, no new development building permits may be issued while the mobility fee remains unpaid. The City may authorize the initiation of any action as permitted by law or equity to collect the unpaid fees.
- (d) *Calculation.* The mobility fee shall be calculated based on the assessment area in which the development is located, the type of land use, and the applicable unit of measure detailed on the mobility fee schedule multiplied by the total number of units.
- (e) *Change in use.* A change in use that results in a more intense land use shall be required to pay the difference in mobility fees based on the current development and the proposed development. The determination of mobility fees shall be based on the assessment area, the existing and proposed land use, the unit of measure, and the total number of units.
- (f) *Change in size.* An increase in square footage for a land use where the unit of measure is illustrated per square foot or per 1,000 square feet will most likely result in an increase in person travel demand and a mobility fee assessment. A decrease in size will likely not result in a mobility fee assessment, unless there is also a change in use to a more intense land use that increases person travel demand. There may be limited instances where an increase in square footage, such as enclosing an HVAC system or constructing a mechanical room or complying with an order from the Fire Marshall that inadequate space is being provided at a place of assembly to meet fire code requirements.

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- (g) *Change in unit of measure.* An increase in the number of units associated with a unit of measure other than square footage will most likely result in an increase in person travel demand and a mobility fee assessment. An increase in the number of rooms for overnight lodging or addition of a drive-thru lane for a fast-food restaurant would result in a mobility fee assessment. Reduction or removal of a unit of measure is addressed under mobility fee offsets.
- (h) *Refund.* If there is a change in size, use, or unit of measure that results in a decrease in person travel demand based on the existing use of land, the applicant shall not be entitled to a refund. The applicant may receive an offset to be applied against the assessed mobility fee for the proposed land use as part of redevelopment of an existing development.
- (i) *Abandoned structures.* A structure or use that is inactive and has been abandoned or vacant for a period of more than four (4) years shall not be considered an existing or active use for purposes of calculating mobility fee offsets. Thus, person travel demand associated with the structure or use is no longer captured in the collected travel demand data that serves as a component to determine the need for mobility projects. The burden of demonstrating the existence of a use or structure shall be upon the applicant where an offset request is made.
- (j) *Prior payment.* For structures and uses considered to be active, any previous payment of road impact fees or mobility fees may be credited against the appropriate mobility fees owed as a result of a change of use or re-establishing a use of land or structure that has been abandoned or vacant. The burden of demonstrating the amount of road impact fee or mobility fee paid shall be upon the applicant where an offset request is made.
- (k) *Request for credit or offset.* Any request for credit or offsets of a mobility fee shall be made prior to submittal of a building permit application and shall be resolved prior to issuance of a building permit application, unless otherwise stated in a written agreement between the applicant and the City Manager or designee. Any credits or offsets not so claimed shall be deemed waived by the applicant. Credits would have been issued in exchange for construction of an off-site improvement or mobility project and would be documented in an agreement between the City and a development entity. Offsets are based on existing uses of land and development on that land that may be redeveloped. Credits and offsets may be further detailed in an administrative manual or administrative procedures established by the City.
- (l) *Administration.* The City Manager or designee, in consultation with the City Attorney, shall administer, implement, maintain, and update the Mobility Fee system on behalf of the City and shall have the authority to act regarding the imposition of the fee, payment of the fee, determination of credit or off-set utilization, or other such action to ensure that the imposition of mobility fee meets all legal and statutory requirements and to address unique circumstances that may arise from time to time that are not expressly addressed herein.

§ 2-24.26 Exemption from mobility fees.

A general exemption from liability for mobility fee assessment applies to all active building permits which were subject to payment of a road impact fees. All exempt developments shall have valid unexpired building permits as of the date of effective date of the Mobility Fee Ordinance. Any building permit application for a building permit in process as of the effective date of the Mobility Fee

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Ordinance shall also be exempt from mobility fee assessments, provided that a building permit is issued within one year of the effective date of the Mobility Fee Ordinance. The following specific types of new development will be exempt from liability for mobility fee assessments after the effective date, unless otherwise administratively determined to be subject to mobility fees:

- (a) *Modifications.* Additions, remodeling, rehabilitation, or other improvements to an existing residential structure, provided there is no increase in the square footage of a dwelling unit for residential land uses; or
- (b) *Rebuilding.* Rebuilding of a damaged or destroyed structure, provided there is no increase in the square footage for residential or non-residential uses, or increase in the number of units of measure for land uses where mobility fees are assessed on a unit other than square feet;
- (c) *Change of use.* A change in use that does not generate additional person travel demand; or
- (d) *Amenities and ancillary uses.* Development amenities and ancillary uses not available to the public and accessory structures that do not result in an increase in person travel demand and are not accessible to the public.
- (e) *Governmental entity.* A federal, state, county, municipal, or governmental entity structure, excluding community development districts or special districts. Public and charter schools for pre-K to 12th grade are exempt from mobility fees per Florida Statute; community colleges, colleges, and universities are not exempt.
- (f) *Timing.* Any claim of exemption must be made no later than the time of application for a building permit.
- (g) *Administration.* The City Manager or designee shall have the authority to act regarding declaring or revoking an exemption of the mobility fee to address unique circumstances that may arise from time to time that are not expressly addressed herein. Any request for exemptions shall be supported by substantial and competent evidence provided by the applicant at the time of the request.

§ 2-24.27 Mobility fee schedule.

- (a) Any person who shall initiate any new development that results in an increase in person travel demand, except as otherwise provided for herein, shall pay a mobility fee, based on the applicable assessment area, land use, and unit of measure, as set forth in the most recently adopted mobility fee schedule. The most recently adopted mobility fee schedule shall be maintained by the City Clerk's Department. The mobility fee schedule is provided in Table 2-24-1:

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CAPE CORAL MOBILITY FEE SCHEDULE: SOUTH CAPE CORE (SCC) ASSESSMENT AREA (SEPTEMBER 2025) 固					
Land Use Categories (Dark Grey), Use Classifications, & Representative Uses (In Parentheses)	Unit of Measure (UM)	January 1, 2026 South Cape Core Mobility Fee	January 1, 2027 South Cape Core Mobility Fee	January 1, 2028 South Cape Core Mobility Fee	January 1, 2029 South Cape Core Mobility Fee
Residential & Lodging Uses					
Attainable Housing (Value of \$350,000 or less)	per dwelling	\$2,774	\$2,774	\$2,774	\$2,774
Single-Family Detached	per dwelling	\$3,765	\$4,184	\$4,602	\$5,021
Multi-Family Residential (Apartments, 2 or more attached units, Attached, Condo, Timeshare)	per dwelling	\$2,640	\$2,934	\$3,227	\$3,521
Hotel & Overnight Accommodations (B&B, Condo Hotel, Hotel, Motel)	per room	\$2,729	\$2,938	\$3,148	\$3,357
Mobile Residence (Manufactured Home, Mobile Home Park, Recreational Vehicle, Travel Trailer)	per space or lot	\$1,965	\$2,184	\$2,402	\$2,621
Commercial & Retail Uses					
Local Retail [Non-Chain or Franchisee] (Goods, Merchandise, Personal Services, Restaurant, Retail)	per 1,000 sq. ft.	\$4,715	\$4,715	\$4,715	\$4,715
Multi-Tenant Retail (Goods, Merchandise, Personal Services, Restaurant, Retail/Shopping Center, Supermarket)	per 1,000 sq. ft.	\$6,423	\$7,136	\$7,850	\$8,564
Sit Down Restaurant	per 1,000 sq. ft.	\$8,076	\$8,824	\$9,571	\$10,318
Free-Standing Retail (Auto, Banks, Discount, Grocery, Home Improvement, Pharmacy, Sit Down Restaurant, Superstore, Wholesale)	per 1,000 sq. ft.	\$9,689	\$10,318	\$10,318	\$10,318
Car Wash, Self Service	Per stall	\$2,134	\$2,371	\$2,608	\$2,846
Convenience Store w/gas sales	per 1,000 sq. ft.	\$14,264	\$15,849	\$17,434	\$19,019
Convenience Retail (Car Wash, Convenience Store w/out gas sales, Gas Station, Fast Food, Quick Service Restaurant)	per 1,000 sq. ft.	\$15,729	\$17,074	\$18,419	\$19,763
Institutional Uses					
Cultural & Assembly (Arts, Center, Civic, Club, Cultural, Lodge, Place of Assembly, Church/Place of Worship)	per 1,000 sq. ft.	\$1,872	\$2,080	\$2,288	\$2,496
Long Term Care (Assisted Living, Continuing Care Facility, Community or Group Home, Nursing Home/Facility)	per 1,000 sq. ft.	\$1,640	\$1,823	\$2,005	\$2,187
Elementary/secondary school (private)	per 1,000 sq. ft.	\$902	\$1,003	\$1,103	\$1,203
Private Education (Family Day Care, Day Care Center, Pre-K)	per 1,000 sq. ft.	\$2,800	\$2,800	\$2,800	\$2,800
Office Uses					
General Office	per 1,000 sq. ft.	\$2,963	\$3,293	\$3,622	\$3,951
Hospital	per 1,000 sq. ft.	\$4,694	\$5,187	\$5,187	\$5,187
Office (General, Higher Education, Medical Office, Professional Services)	per 1,000 sq. ft.	\$5,187	\$5,187	\$5,187	\$5,187
Medical (Clinic, Dental, Free Standing Emergency Room, Emergency Care, Medical, Veterinary)	per 1,000 sq. ft.	\$9,422	\$10,211	\$10,211	\$10,211
Recreational Uses					
Marina (wet berths, dry slips, ancillary repair, yacht club)	per berth plus per 10 slips	\$222	\$445	\$667	\$889
Golf Course (Publicly accessible)	per acre	\$1,073	\$1,176	\$1,278	\$1,380
Entertainment, Outdoor (Amusement, Campground, Commercial Recreation Outdoor, Multi-Purpose, Tennis, Pickleball, Water Slide Park)	per acre	\$2,041	\$4,083	\$6,124	\$8,166
Entertainment, Indoor (Arcade, Commercial Recreation Indoor, Gym, Multi-Purpose, Movie Theater)	per 1,000 sq. ft.	\$8,772	\$9,174	\$9,174	\$9,174
Industrial Uses					
Warehouse	per 1,000 sq. ft.	\$1,791	\$1,935	\$1,935	\$1,935
Mini warehouse	per 1,000 sq. ft.	\$626	\$679	\$733	\$786
Industrial (Assembly, Brewing, Distilling, Distribution, Fabrication, Flex Space, Heavy, Light, Manufacturing, Nursery, Outdoor Storage, Processing, Self-Service Storage, Trades, Industrial Park, Utilities)	per 1,000 sq. ft.	\$1,935	\$1,935	\$1,935	\$1,935
Port & Terminal					
General Aviation Airport (small private and corporation airport)	per employee	\$1,959	\$3,918	\$5,876	\$7,835
Vertiports & Transport Hubs	per space plus per alight / boarding zone	\$509	\$1,017	\$1,526	\$2,035

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CAPE CORAL MOBILITY FEE SCHEDULE: SOUTH CAPE (SC), CENTRAL CAPE (CC) & NORTH CAPE (NC) ASSESSMENT AREAS (SEPTEMBER 2025)					
Land Use Categories (Dark Grey), Use Classifications, & Representative Uses (In Parentheses)	Unit of Measure (UM)	January 1, 2026 SC, CC, NC Mobility Fee	January 1, 2027 SC, CC, NC Mobility Fee	January 1, 2028 SC, CC, NC Mobility Fee	January 1, 2029 SC, CC, NC Mobility Fee
Residential & Lodging Uses					
Attainable Housing (Value of \$350,000 or less)	per dwelling	\$3,685	\$4,024	\$4,024	\$4,024
Single-Family Detached	per dwelling	\$3,765	\$4,184	\$4,602	\$5,021
Multi-Family Residential (Apartments, 2 or more attached units, Attached, Condo, Timeshare)	per dwelling	\$2,640	\$2,934	\$3,227	\$3,521
Hotel & Overnight Accommodations (B&B, Condo Hotel, Hotel, Motel)	per room	\$2,835	\$3,150	\$3,465	\$3,780
Mobile Residence (Manufactured Home, Mobile Home Park, Recreational Vehicle, Travel Trailer)	per space or lot	\$1,965	\$2,184	\$2,402	\$2,621
Commercial & Retail Uses					
Local Retail [Non-Chain or Franchisee] (Goods, Merchandise, Personal Services, Retail)	per 1,000 sq. ft.	\$5,790	\$5,871	\$5,871	\$5,871
Retail/Shopping Center	per 1,000 sq. ft.	\$6,423	\$7,136	\$7,850	\$8,564
Multi-Tenant Retail (Goods, Merchandise, Personal Services, Restaurant, Retail, Supermarket, Retail/Shopping Center)	per 1,000 sq. ft.	\$6,423	\$7,136	\$7,850	\$8,564
Sit Down Restaurant	per 1,000 sq. ft.	\$8,245	\$9,161	\$10,077	\$10,994
Free-Standing Retail (Auto, Bank, Discount, Grocery, Home Improvement, Pharmacy, Superstore, Wholesale)	per 1,000 sq. ft.	\$10,007	\$10,954	\$11,901	\$12,848
Car Wash, Self Service	Per stall	\$2,134	\$2,371	\$2,608	\$2,846
Convenience Store w/gas sales	per 1,000 sq. ft.	\$14,264	\$15,849	\$17,434	\$19,019
Convenience Retail (Car Wash, Convenience Store w/out gas sales, Gas Station, Fast Food, Quick Service Restaurant)	per 1,000 sq. ft.	\$16,182	\$17,980	\$19,778	\$21,576
Institutional Uses					
Cultural & Assembly (Arts, Center, Civic, Club, Cultural, Lodge, Place of Assembly, Church/Place of Worship)	per 1,000 sq. ft.	\$1,872	\$2,080	\$2,288	\$2,496
Long Term Care (Assisted Living, Continuing Care Facility, Community or Group Home, Nursing Home/Facility)	per 1,000 sq. ft.	\$1,640	\$1,823	\$2,005	\$2,187
Elementary/secondary school (private)	per 1,000 sq. ft.	\$902	\$1,003	\$1,103	\$1,203
Private Education (Family Day Care, Day Care Center, Pre-K)	per 1,000 sq. ft.	\$3,229	\$3,229	\$3,229	\$3,229
Office Uses					
General Office	per 1,000 sq. ft.	\$2,963	\$3,293	\$3,622	\$3,951
Medical Office	per 1,000 sq. ft.	\$6,067	\$6,067	\$6,067	\$6,067
Hospital	per 1,000 sq. ft.	\$4,667	\$5,134	\$5,600	\$6,067
Office (General, Higher Education, Medical Office, Professional Services)	per 1,000 sq. ft.	\$6,067	\$6,067	\$6,067	\$6,067
Medical (Clinic, Dental, Free Standing Emergency Room, Emergency Care, Medical, Veterinary)	per 1,000 sq. ft.	\$9,524	\$10,415	\$11,305	\$12,196
Recreational Uses					
Marina (wet berths, dry slips, ancillary repair, yacht club)	per berth plus per 10 slips	\$292	\$584	\$876	\$1,169
Golf Course (Publicly accessible)	per acre	\$1,092	\$1,214	\$1,335	\$1,457
Entertainment, Outdoor (Amusement, Campground, Commercial Recreation Outdoor, Multi-Purpose, Tennis, Pickleball, Water Slide Park)	per acre	\$2,682	\$5,365	\$8,047	\$10,730
Entertainment, Indoor (Arcade, Commercial Recreation Indoor, Gym, Multi-Purpose, Movie Theater)	per 1,000 sq. ft.	\$9,290	\$10,212	\$11,133	\$12,055
Industrial Uses					
Warehouse	per 1,000 sq. ft.	\$1,800	\$1,955	\$2,109	\$2,263
Mini warehouse	per 1,000 sq. ft.	\$626	\$679	\$733	\$786
Industrial (Assembly, Brewing, Distilling, Distribution, Fabrication, Flex Space, Heavy, Light, Manufacturing, Nursery, Outdoor Storage, Processing, Self-Service Storage, Trades, Warehouse, Utilities, Industrial Park)	per 1,000 sq. ft.	\$2,263	\$2,263	\$2,263	\$2,263
Port & Terminal					
General Aviation Airport (small private and corporation airport)	per employee	\$2,291	\$4,582	\$6,873	\$9,164
VertiPorts & Transport Hubs	per space plus per alight / boarding zone	\$595	\$1,190	\$1,785	\$2,380

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- (b) Assessment Area. There are four (4) Mobility Fee Assessment Areas with varying mobility fee rates. The four areas are as follows: (1) South Cape Core; (2) Southeast Infill; (3) Central Transitional; and (4) North Cape Reserve. The mobility fee assessed on new development shall be based on the assessment area in which the new development is located and the specific land uses established on the mobility fee schedule. The four areas are illustrated on the Mobility Fee Assessment Areas map. The map is included in the Technical Report, is attached as Exhibit "C" to the Mobility Fee Ordinance, is maintained and available upon request from the City Clerk's Department.

§ 2-24.28 Mobility fee determination.

- (a) Determination. The mobility fee per land use shall be determined using the closest land use category on the mobility fee schedule.
- (b) Closest Use Determination. In the event a new development involves a land use not contemplated under the mobility fee land use categories on the mobility fee schedule, the mobility fee shall be determined utilizing the closest land use category based on the ITE Trip Generation Report.
- (c) Mixed-Use. In the event new development involves a mixture of land uses, the mobility fee shall be based on each separate mobility fee land use classification.
- (d) Assessment. The mobility fee shall be determined using the appropriate assessment area, land use category, land use classification, unit of measure, and mobility fee rate established on the mobility fee schedule.
- (e) Additive mobility fee. The total mobility fee for non-residential land uses with an additive mobility fee shall be based on the mobility fee assessed based on square footage and the mobility fee assessed based on the applicable unit of measure such as bay, lane, position, or stall.
- (f) Alternative land use. In the event an applicant disagrees with the mobility fee assessment based on the proposed land use, the applicant may submit an alternative land use determination application consistent with the criteria established in the administrative manual.
- (g) Alternative mobility study. In the event an applicant believes that the cost to mitigate the impact of new development is less than the mobility fee established in the mobility fee schedule, the applicant may submit an alternative mobility fee study application.
- (h) Prior Approved Development. New development activity approved prior to the effective date of the mobility fee that entered into a developer agreement or other agreement with the City that exempted the new development from some or all of a proportionate fair share or road impact fee payment shall be required to mitigate its impact as required in the agreement.
- (i) City Determination. The City Manager or designee, in consultation with the City Attorney, shall have the authority to act regarding determination of use, request to reconsider determinations, use of credit or off-sets, acceptance of alternative studies, payment of the fee, timing of payment, updates of the fee that result in a reduction, and to address unique circumstances that may arise from time to time that are not expressly addressed herein. A fee adjustment may be granted upon the submittal of an independent mobility or traffic impact study, which shall be completed and prepared by a certified/qualified professional, at the applicant's sole expense. Such study
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must be reviewed and approved by the City Manager, or designee, to determine the eligibility of a potential fee adjustment.

§ 2-24.29 Agreements.

- (a) Request. In lieu of the payment of mobility fees, an applicant may request to enter into a developer agreement to advance a mobility project identified in the mobility plan or capital improvements program.
- (b) Impact. New development activity shall be presumed to generate the maximum impact generated by the most intensive use permitted under the applicable land use consistent with the Comprehensive Plan or development order approvals.
- (c) Credit account. A mobility fee credit account may be established against which mobility fees assessments from new development within the overall proposed development would be debited against at a time period defined in the agreement; or
- (d) Benefit district. A development specific benefit district may be established in which subsequent new development would pay the assessed mobility fee, and the development would be reimbursed from the mobility fees collected within the benefit district at time periods defined in the agreement.
- (e) Application. The City Manager or designee shall create and implement an administrative manual or administrative procedures which shall detail the application requirements for the agreement, as well as the schedule and approval process.
- (f) Administration. The City Manager or designee, in consultation with the City Attorney, shall determine the process, requirements, and time frame for agreements until such time as an administrative manual or administrative procedures are developed.

§ 2-24.30 Credits.

- (a) Road impact fee credits. Development with road impact fee credits granted prior to the effective date of the mobility fee ordinance shall draw down on those credits based on the last effective road impact fee schedule, unless otherwise provided for in an agreement, until such time as all credits are utilized. Once all road impact fee credits are used, any subsequent new development where road impact fee credits are not available shall pay the mobility fee in effect at the time of building permit application.
 - (b) Request. An applicant may request credit against any assessed mobility fee in an amount equal to the cost of mobility projects or contributions of land, money, or services for mobility projects contributed, paid for, or committed to by the applicant or his predecessor in interest.
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- (c) Capital improvements program. Only mobility projects included in the mobility plan or capital improvements program are eligible for mobility fee credits. An applicant may request that the City add a mobility project to the Capital Improvements Program.
- (d) Application. The administrative manual or administrative procedures shall detail the application requirements for the agreement, as well as the schedule, approval process, and use of the credit.
- (e) Plan and code requirements. Mobility projects required to meet minimum comprehensive plan or land development code requirements are not eligible for mobility fee credit. Site related access improvements such as turn lanes, sidewalks, bike lanes, or traffic signals are not eligible for mobility fee credit.
- (f) Administration. The City Manager or designee shall determine eligibility, the process, requirements, and time frame for credit applications, credit request, granting of credit for advancing mobility projects or dedicating right-of-way beyond that required to facilitate access to and from the development until such time as an administrative manual or administrative procedures are developed.

§ 2-24.31 Mobility fee benefit districts.

- (a) Benefits test. The establishment of mobility fee benefit districts is the best method of ensuring that the mobility fees paid by new development are expended on mobility projects that provide a mobility benefit to the new development as required in the benefits test of the dual rational nexus test.
 - (b) Expenditure. Mobility fee benefit districts provide a clearly defined boundary for the expenditure of mobility fee revenue. Establishing mobility fee benefit districts ensures that funds paid by new development are spent on mobility projects to accommodate person travel demand within the benefit district, providing a reasonable nexus between the expenditure of mobility fee revenue and the new development for which the mobility fees are paid.
 - (c) Establishment. There are two (2) mobility fee benefit districts established. The first benefit district, herein “south benefit district”, includes all portions of the City south of Pine Island Road, bounded by Trafalgar Parkway, Santa Barbara Blvd S, and Hancock Bridge Parkway. The second benefit district, herein “north benefit district”, includes all portions of the City on the north side of and encompassing Pine Island Road. The map is included in the Technical Report, is attached as Exhibit “D” to the Mobility Fee Ordinance and is maintained and available upon request from the City Clerk’s Department.
 - (d) New development. The City may elect to establish a benefit district for new development that agrees to advance construction of a mobility project. The benefit district may extend beyond the boundaries of the new development where an advanced mobility project provides a mobility benefit to adjacent areas.
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- (e) Special revenue funds. The City shall establish a special revenue fund for each mobility fee benefit district. Collected mobility fees shall be deposited into the applicable special revenue fund. Mobility fees shall not be deposited into general revenue funds. Special revenue funds shall be established where a municipality elects to participate in the City's mobility fee system or where the City enters into an agreement with a new development to establish a new benefit district.
- (f). Expenditure outside benefit district. In recognition that person travel demand along certain corridors provides a mobility benefit beyond the limits of a mobility fee benefit district, the following are instances in which mobility fees may be expended from multiple benefit districts:
- (1) District boundary. The City may spend mobility fees on corridors from adjacent benefit districts if the corridors form a boundary between benefit districts.
 - (2) Traverse boundary. The City may spend mobility fees from adjacent benefit districts where a mobility project traverses or is planned to traverse the boundary of one or more benefit districts.
 - (3) Crossings. Multimodal crossings (overpass and underpass), transit vehicles and service, new bridges, or interchanges, over either Interstate 75, Caloosahatchee River or its tributaries, that connect with new mobility projects or to the existing multimodal transportation system may utilize funds from both benefit districts.
 - (4) Connectivity. Mobility projects that connect to the existing multimodal transportation system that will facilitate mobility across benefit district boundaries may utilize funds from both districts.
 - (5) Regional travel. Mobility projects that extend outside municipal limits that facilitate regional travel may utilize funds from benefit districts that receive a mobility benefit.
 - (6) Finding. The City shall be required to make a finding that a mobility project provides a mobility benefit to new development within multiple benefit districts. The finding shall be required to demonstrate how the use of funds meets the benefits requirement of the dual rational nexus test.
 - (7) Review. The City Attorney shall review and concur, if consistent with the benefits requirement of the dual rational nexus test, with a finding that a mobility fee may be expended in a different benefit district than the one from which it was collected, before the finding can be considered for review and approval by the City Manager or designee.

§ 2-24.32 Expenditures.

- (a) Expenditure of funds. Mobility fees are intended to fund mobility project expenses, such as planning, design, and construction. Amounts on deposit in mobility fee special revenue funds
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shall be expended by the City for the advancement or construction of mobility projects or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the expenses for mobility projects, or portions thereof, that are:

- (1) *Location.* Located in the mobility fee benefit district from which the funds were collected;
- (2) *Planned project.* Included in the mobility plan or capital improvement program; and
- (3) *Benefit.* Beneficial to new development in terms of enhanced mobility.
- (4) *Timing.* Mobility fees shall be expended based on a first in, first out basis.
- (b) *Prohibition.* The amounts on deposit in the mobility fee fund shall not be used for periodic or routine maintenance as defined in F.S. § 334.03 (18) and (23).
- (c) *Use of funds.* Funds withdrawn from these accounts must be expended on eligible mobility project expenses.
- (d) *Administration.* The administration and implementation of the mobility fee system may be funded by mobility fees in an amount not to exceed that actual cost to administer and implement the mobility fee system.

§ 2-24.33 Refunds.

- (a) *Time frame for expenditure.* Mobility fees collected shall be returned to the then present owner of the new development if the mobility fees have not been encumbered or spent by the end of the calendar quarter immediately following seven (7) years from the date the fees were collected, or if the development for which the fees were paid never commenced.
- (b) *Expenditure of funds.* Mobility fees collected shall be deemed to be encumbered or expended on a “first in, first out” basis.
- (c) *Refund process.* A landowner may request a refund of mobility fees not expended within the time frame for expenditure of funds. Request shall be reviewed by the City Manager or designee and approved if mobility fees have not been expended within the time frame for expenditure of funds or as provided for in refund process and procedures.

§ 2-24.34 Effect on land use allowances.

- (a) *Comprehensive Plan.* The listing of a land use in the mobility fee schedule is solely for purposes of establishing the applicable mobility fee rate to be assessed per land use, and such listing does not mean that the land use is permitted or available under applicable Comprehensive Plan requirements. In addition, the listing of the land use in the mobility fee schedule shall not be considered evidence that the land use is appropriate in any land use classification.
 - (b) *Land Development Code.* The payment of mobility fees does not ensure nor grant compliance with the City's land development code, including regulations relating to zoning, zoning districts, allowable uses, transportation corridor management, access management, substandard roads, secondary access, timing, and phasing, and, where applicable, development of regional impact review.
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§ 2-24.35 Administrative manual and administrative charges.

- (a) Administrative manual. The City shall prepare either a mobility fee administrative manual or administrative procedures that addresses day to day administration and the implementation and update of the mobility plan and fee. The administrative manual or administrative procedures shall address assessments, credit and off-set request, fee and land use determinations, special studies, fee expenditures and monitoring. Until such time as an administrative manual or administrative procedures are approved, determinations related to the mobility fee system shall be made by the City Manager or designee, in consultation with the City Attorney.
- (b) Service charge. The City shall impose a mobility fee administrative charge of up to 3% to ensure that the City's general fund does not bear the full burden of administering and implementing the mobility fee system, provided that the administrative charges does not exceed the City's actual costs of administration and implementation of the mobility fee system. Mobility fee administrative charges shall be in addition to the imposed mobility fee and shall account for future updates of the mobility plan and mobility fee in the administrative charge determination, along with any required application fees for special studies or credit request.

§ 2-24.36 Annual report.

The City shall comply with all audit requirements of F.S. § 218.39. The City shall include in its annual capital improvement program update, an accounting of mobility projects funded by mobility fees. The annual budget shall indicate mobility fee revenues and expenditures. Audits of the City performed pursuant to F.S. § 218.39, shall include an affidavit from the Finance Director of the City addressing requirements of F.S. § 163.31801.

§ 2-24.37 Review and update.

- (a) Mobility plan and fee update. The mobility plan and mobility fee shall be updated by the City at least once every five (5) years from the date of the last adoption. The five (5) year time frame shall account for the 90-day notice period for any increase as required by Florida Statute. The update shall commence no later than four (4) years after the date of last adoption. If a full re-evaluation and update are not complete within the required time period, the last adopted mobility fee shall remain in effect until the update is complete.
- (b) City initiated update. The City Manager or designee may authorize City initiated updates of the mobility plan or mobility fee to ensure that mobility fees meet legal and statutory requirements. The administrative manual or administrative procedures shall provide further detail on factors that would potentially require that the City move forward with a City initiated update.

§ 2-24.37 Appeals.

- (a) If an applicant is dissatisfied with one or more of the following decisions of the City Manager or designee, the applicant may appeal the decision in writing to the City's Special Magistrate(s):
 - (1) Imposition. The requirement to pay a mobility fee per 2.24.25;

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- (2) Exemption. That a proposed new development does not qualify for an exemption per 2.24.26;
- (3) Determination. The assessed mobility fee per 2.24.28;
- (4) Refunds. The refund or refunded amount of mobility fees per 2.24.33;
- (5) Notice of appeal. The applicant shall file a notice of appeal with the City's Special Magistrate within thirty (30) calendar days of any final decision in which the applicant does not concur.
- (b) Evidence. As part of the appeal, the applicant shall submit in writing the specific decision being appealed and shall provide documentation detailing the reasons why the applicant believes the decision is incorrect. The applicant shall also provide in writing the desired final outcome and shall provide evidence in support of that decision. Technical documentation submitted as evidence shall be prepared by either a licensed professional engineer, a certified planner, or an impact fee consultant with experience administering, implementing, or developing impact fees or mobility fees.
- (c) Date of hearing. The appeal hearing before the Special Magistrate shall be held within 60 working days of the receipt of the notice of appeal.
- (d) Hearing. The Special Magistrate shall base its decision on any appeal on the applicable standards and criteria established for the mobility fee system established per division 5 and the evidence presented at a properly advertised public hearing.
- (e) Examiner actions. The Special Magistrate may uphold or revoke, in whole or in part, the determination being appealed.
- (f) Payment of mobility fees. A development order approval will not be issued unless the mobility fee is paid in full, regardless of an appeal by an applicant. Any reduction of mobility fees or an exemption from mobility fees resulting from a successful appeal shall be by refund of any excess amount where a mobility fee is reduced, or the full amount where an applicant is exempt, paid at the time of the issuance of the building permit with the refund to be paid within 60 days. No interest will be paid on a refund of any such overpayment or payment.

§ 2-24.38 Vested rights.

It is not the intent of the mobility fee system to abrogate, diminish, or modify the rights of any persons that have vested rights pursuant to a valid governmental act of the City. An applicant may petition the City's Special Magistrate(s) for a vested rights determination which would exempt the applicant from

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the provisions of the mobility fee system. The City Manager, or designee, shall evaluate the petition and submit a recommendation to the Special Magistrate based on one (1) of the following:

- (a) *Valid act.* A valid, unexpired governmental act of the City, authorizing the building for which applicant seeks a certificate of occupancy.
- (b) *Investment backed expectation.* Expenditures or obligations made or incurred in reliance upon the authorizing act are reasonably equivalent to the assessed mobility fee.
- (c) *Prior approvals.* That it would be inequitable to deny the applicant the opportunity to occupy a previously approved building under the conditions of the previous approval by requiring the applicant to comply with the provisions of the mobility fee system.

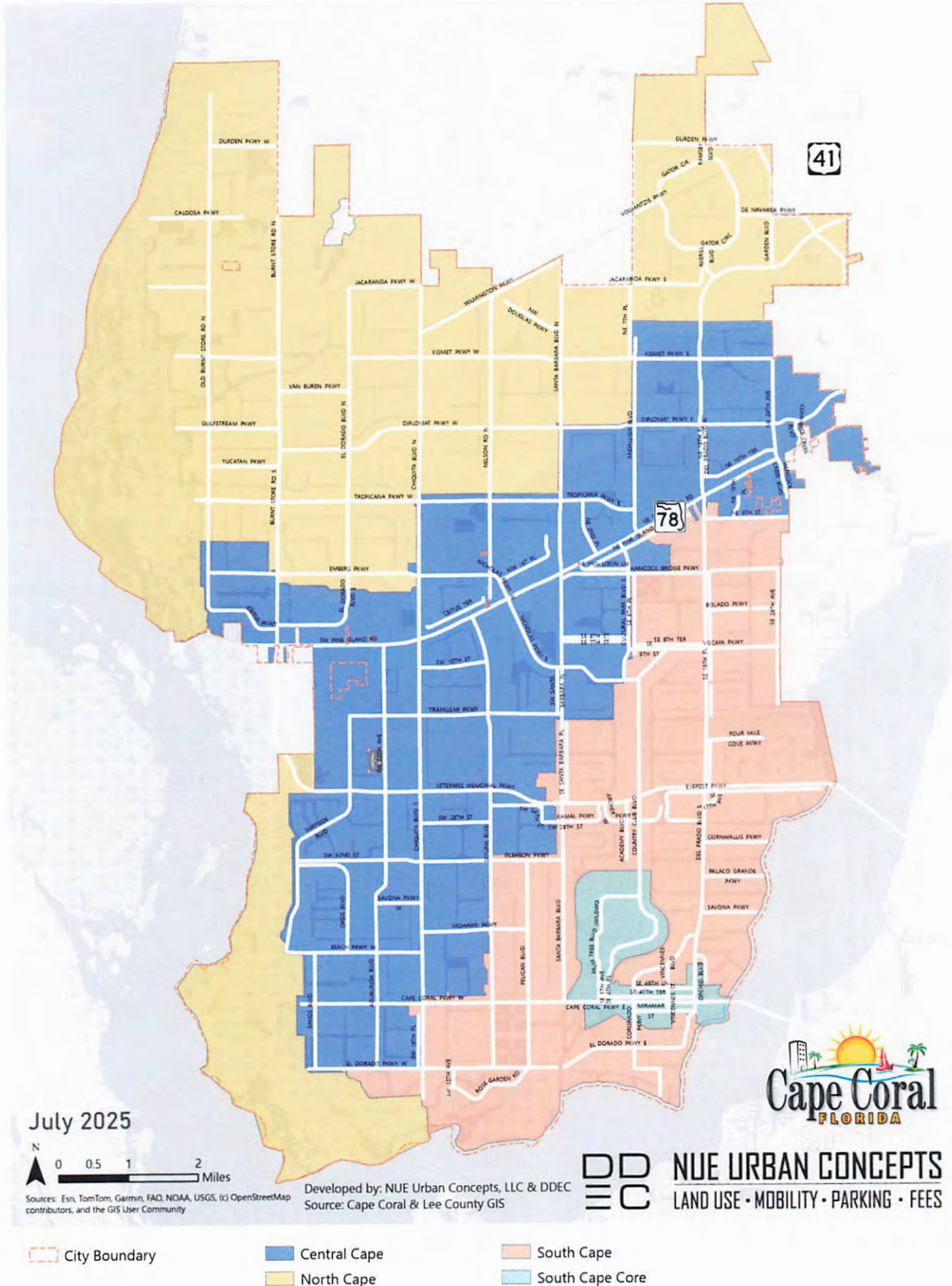
§ 2-24.39 Penalty.

Violations of division 5.0 will be enforceable by all legally available remedies, including but not limited to code enforcement proceedings consistent with this code and Florida Statute Chapter 162.

ASSESSMENT AREAS

EXHIBIT C

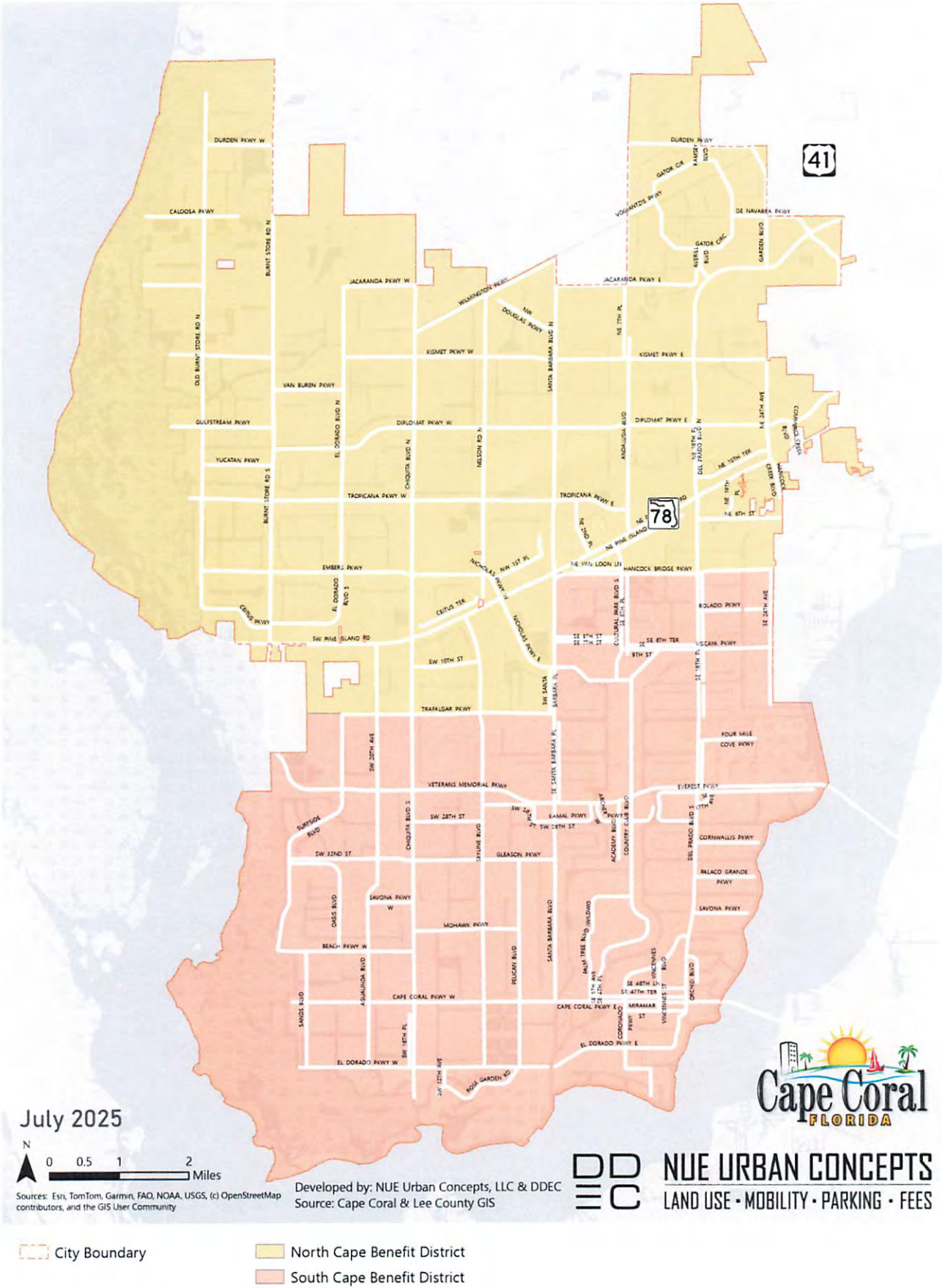
City of Cape Coral Mobility Fee



BENEFIT DISTRICTS

EXHIBIT D

City of Cape Coral Mobility Fee



Public Works Transportation Division Staff Report

Ordinance 42-25

Review Date: August 20, 2025

Prepared by: Laura H. Dodd, AICP, PTP, CGW, Principal Transportation Planner

Recommendation: Approval

Request: Repeal and replace Code of Ordinances, Chapter 2, Fees, Article II, Fees, Division 5, Roads Impact Fee, with a mobility fee system consistent with the requirements for an alternative transportation system pursuant with Section 163.3180, Florida Statutes

BACKGROUND

The Mobility Fee Ordinance establishes a modernized, legally defensible framework for funding multimodal transportation infrastructure needed to support continued growth and development within the City. In contrast to traditional road impact fees, the mobility fee structure is designed to be more flexible, equitable, and aligned with the City's adopted land use vision and transportation goals.

This ordinance is the culmination of extensive technical analysis, stakeholder engagement, and policy coordination. It reflects a shift toward integrated mobility planning—accounting for vehicular, bicycle, pedestrian, and transit infrastructure—and ensures that new development contributes its fair share toward the cost of necessary improvements.

Ordinance 42-25 represents a district-based structure calibrated to reflect geographic variations in infrastructure needs and costs. It is supported by a detailed methodology report, a legally required dual rational nexus test, and a schedule of fees. Adoption of the ordinance positions the City to better manage growth, leverage state and federal funding, and advance capital investments that enhance safety, access, and connectivity.

PROPOSED CHANGE

The proposed amendment repeals and replaces the City's existing Road Impact Fee system with a mobility plan and fee framework. This transition is driven by data-supported needs and reflects a shift to a modernized approach that better supports long-term infrastructure investments.

SUMMARY OF CHANGES

Ordinance 42-25 is a City initiated text amendment involving the repeal and replacement of Road Impact Fees and creating Mobility Fees.

The amendment proposes the following changes:

1. Repeals: Eliminates the Roads Impact Fee ordinance (Code of Ordinances, Chapter 2, Article II, Division 5).
2. Replaces with: Establishes a new Mobility Fee Ordinance under the same code section to align with modern multimodal planning and Florida Statutes §163.3180.