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FILED WITH THE DEPARTMENT OF STATE July 14, 2022

ORDINANCE  
NUMBER 2022-032

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING CHAPTER 3-3.5 IMPACT FEES OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION OF EXHIBITS; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of Charlotte County, Florida (the "Board") had previously enacted Chapter 3-3.5, Impact Fees, of the Code of Laws and Ordinances, Charlotte County, Florida (the "Code") on July 1, 1986, which provided for the initial assessment of impact fees in Charlotte County, Florida; and

WHEREAS, on April 17, 2015, the Board amended the Code under Ordinance No. 2015-014, wherein the Board accepted Impact Fee Technical Reports referenced therein as Exhibits A and B; established a new fee schedule; and adopted other necessary amendments; and

WHEREAS, on March 26, 2019, the Board amended the Code under Ordinance No. 2019-006, wherein the Board accepted the Impact Fee Technical Report prepared by Tindale Oliver and referenced therein as Exhibit A; established a new fee schedule; and adopted other necessary amendments; and

WHEREAS, on March 23, 2021, the Board amended the Code under Ordinance No. 2021-011, wherein the Board accepted the Impact Fee Technical Report prepared by Duncan Associates and referenced therein as Exhibit A; established a new fee schedule referenced therein as Exhibit B; and adopted other necessary amendments; and

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK: 5018 PAGE 2109 PAGE: 1 OF 6  
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Rec. Fee: RECORDING \$52.50  
Cashier By: KARENEB

MIN

31           WHEREAS, subsequent to the Board’s adoption of Ordinance No. 2021-  
32 011, the Florida State Legislature enacted amendments to Section 163.31801, Florida  
33 Statutes, known as the “Florida Impact Fee Act,” (“Act”) under House Bill 337 (“HB 337”)  
34 which were signed into law on June 4, 2021 with a retroactive clause to January 1, 2021  
35 for certain subsections; and

36           WHEREAS, in order to comply with HB 337, the Board adopted Ordinance  
37 No. 2021-021 on June 22, 2021, wherein the Board made certain amendments to comply  
38 with HB 337, including the rescission of the fee schedule passed under Ordinance No.  
39 2021-011; and

40           WHEREAS, as provided by the Act, the Board adopted Resolution No.  
41 2021-145 on October 19, 2021, wherein the Board accepted a Demonstrated Need Study  
42 and found that extraordinary circumstances exist to justify setting impact fee rates to an  
43 amount other than the phase-in limitations set forth in Section 163.31801; and

44           WHEREAS, on December 14, 2021, the Board amended the Code under  
45 Ordinance No. 2021-047, wherein the Board established a new fee schedule and adopted  
46 other necessary amendments in response to the Board’s acceptance of the  
47 Demonstrated Need Study; and

48           WHEREAS, as provided by the Act, the Board adopted Resolution No.  
49 2022-057 on May 24, 2022, wherein the Board accepted a second Demonstrated Need  
50 Study and found that extraordinary circumstances exist to justify setting impact fee rates  
51 to an amount other than the phase-in limitations set forth in Section 163.31801; and

52           WHEREAS, the Board affirms its prior finding that the Impact Fee Technical  
53 Report prepared by Duncan Associates (“Duncan Report”) represents the most recent

54 and localized data as required by the Act, and further finds that adopting the Fee Schedule  
55 included in the Duncan Report is necessary to comply with the dual rational nexus test,  
56 among other justifications expressed by Staff; and

57 WHEREAS, the Board now wishes to amend Chapter 3-3.5 of the Code to  
58 modify the impact fee schedule rate and make other necessary amendments which are  
59 shown by adding the underlined language and by ~~deleting the stricken language~~; and

60 WHEREAS, the Board has noticed, advertised, scheduled and held a public  
61 hearing in compliance with Florida Statutes on this proposed Ordinance; and

62 WHEREAS, notice of the effective date of any increase to the impact fee  
63 amount shall be provided as required by the Act; and

64 WHEREAS, the Board finds it to be in the public interest to amend Chapter  
65 3-3.5 of the Code for the purposes expressed herein.

66 NOW, THEREFORE, BE IT ORDAINED by the Board of County  
67 Commissioners of Charlotte County, Florida:

68 Section 1. Sec. 3-3.5-3. *Definitions and rules of construction.* of the Code  
69 shall be amended, in part, as follows:

70 (a) *Definitions.* For the purposes of this chapter, the following words shall have the  
71 meanings indicated in this section:

72 *Impact fee schedule* shall mean the schedule of fees assessed against Land  
73 Development Activity or Development Activity at the rates set forth in Exhibit A attached  
74 hereto and incorporated into Ordinance No. ~~2021-047~~ 2022-032 and as may be  
75 updated pursuant to Section 3-3.5-13.

76 Section 2. Sec. 3-3.5-6. *Computation of amount of fees.* of the Code  
77 shall be amended as follows:

78 (a) The Impact Fee Schedule is attached hereto and incorporated herein as Exhibit A  
79 to this ordinance and is calculated at ~~90%~~ 100% for transportation, community parks,  
80 fire/EMS and law/jail; 25% for public buildings; and 0% for libraries and regional

81 ~~parks. for all other categories.~~ Starting in year 2023, The rate shall be subject to  
82 annual indexing as described in section 3-3.5-13. A copy of the Impact Fee  
83 Schedule, as amended from time to time, shall be posted on the Charlotte County  
84 website.

85  
86 Section 3. Severability. If any provision of this Ordinance or the  
87 application thereof to any person or circumstance is held invalid, the invalidity shall not  
88 affect other provisions or applications of this Ordinance which can be given effect without  
89 the invalid provision or applications. To this end, the provisions of this Ordinance are  
90 declared severable.

91 Section 4. Incorporation of Exhibits. All Exhibits attached hereto are  
92 hereby incorporated into, and specifically made a part of, this Ordinance.

93 Section 5. Effective Date. Pursuant to Section 163.31801, Florida  
94 Statutes, this Ordinance shall become effective immediately. A certified copy of this  
95 Ordinance shall be filed with the Department of State of the State of Florida within 10  
96 days of enactment by the Board.


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98 [SIGNATURE PAGE FOLLOWS]

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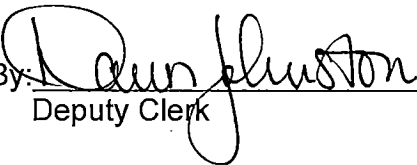
PASSED AND DULY ADOPTED this 12th day of July, 2022.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

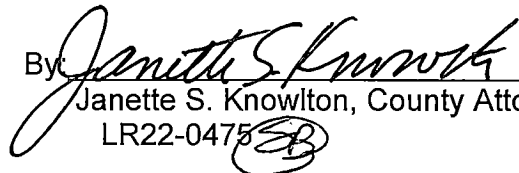

By:   
Christopher G. Constance, Vice-Chairman



ATTEST:  
Roger D. Eaton, Clerk of the  
Circuit Court and Ex-officio  
Clerk of the Board of County  
Commissioners

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Janette S. Knowlton, County Attorney  
LR22-0475 

Charlotte County Assessment Rates:

Board Approval: July 14, 2022

Effective Date: October 12, 2022

EXHIBIT A

Land Use	Unit	Trans- port.	Parks		Fire/EMS		Law/Enf.		Public Bldgs	Unit- corp. Area	City of Punta Gorda	Engle- wood Fire D.	Babcock DRL
			Reg.	Comm. Library	EMS	Fire/EMS	Jail	Law/					
Single-Family, Detached	Dwelling	\$6,289	\$0	\$312	\$77	\$362	\$234	\$573	\$268	\$7,804	\$3,396	\$7,519	\$1,515
Multi-Family (1-2 stories)	Dwelling	\$4,231	\$0	\$246	\$47	\$223	\$175	\$354	\$165	\$5,219	\$2,249	\$5,043	\$988
Multi-Family (3+ stories)	Dwelling	\$3,143	\$0	\$228	\$43	\$204	\$151	\$323	\$151	\$4,049	\$1,737	\$3,888	\$906
Mobile Home Park	Space	\$2,607	\$0	\$249	\$45	\$213	\$168	\$338	\$158	\$3,565	\$1,518	\$3,297	\$958
Recreational Vehicle Park	Space	\$2,607	\$0	\$0	\$45	\$213	\$168	\$338	\$158	\$3,316	\$1,518	\$3,148	\$709
Hotel/Motel	Room	\$1,083	\$0	\$0	\$48	\$229	\$179	\$362	\$170	\$1,844	\$874	\$1,663	\$761
General Retail/Comm./Shop, Ctr	1,000 sq. ft.	\$7,509	\$0	\$0	\$119	\$563	\$442	\$692	\$417	\$9,381	\$4,282	\$8,937	\$1,872
New/Used Auto Sales	1,000 sq. ft.	\$11,144	\$0	\$0	\$87	\$412	\$323	\$652	\$305	\$12,513	\$5,618	\$12,188	\$1,369
Tire Superstore	1,000 sq. ft.	\$5,398	\$0	\$0	\$91	\$431	\$337	\$681	\$318	\$6,828	\$3,121	\$6,488	\$1,430
Supermarket	1,000 sq. ft.	\$14,067	\$0	\$0	\$163	\$768	\$603	\$1,216	\$568	\$16,619	\$7,523	\$16,014	\$2,552
Home Improvement Superstore	1,000 sq. ft.	\$5,299	\$0	\$0	\$100	\$474	\$372	\$751	\$350	\$6,874	\$3,154	\$6,500	\$1,575
Pharmacy/Drug Store	1,000 sq. ft.	\$6,795	\$0	\$0	\$256	\$1,211	\$951	\$1,917	\$895	\$10,818	\$5,092	\$9,863	\$4,023
Furniture Store	1,000 sq. ft.	\$2,295	\$0	\$0	\$31	\$146	\$114	\$230	\$108	\$2,739	\$1,245	\$2,624	\$484
Bank, Walk-in	1,000 sq. ft.	\$7,606	\$0	\$0	\$97	\$461	\$362	\$730	\$341	\$9,138	\$4,147	\$8,774	\$1,532
Bank, Drive-in	1,000 sq. ft.	\$12,825	\$0	\$0	\$86	\$406	\$318	\$642	\$300	\$14,173	\$6,347	\$13,853	\$1,348
Movie Theater	1,000 sq. ft.	\$34,576	\$0	\$0	\$494	\$2,332	\$1,831	\$3,692	\$1,724	\$42,324	\$19,262	\$40,486	\$7,748
Quality Restaurant	1,000 sq. ft.	\$22,969	\$0	\$0	\$262	\$1,236	\$970	\$1,957	\$914	\$27,076	\$12,252	\$26,102	\$4,107
High-Turnover Restaurant	1,000 sq. ft.	\$28,610	\$0	\$0	\$264	\$1,245	\$977	\$1,971	\$921	\$32,747	\$14,750	\$31,766	\$4,137
Fast Food Rest. w/Drive-Thru	1,000 sq. ft.	\$63,451	\$0	\$0	\$294	\$1,388	\$1,089	\$2,197	\$1,026	\$68,062	\$30,327	\$66,968	\$4,611
Gasoline/Service Station	1,000 sq. ft.	\$31,663	\$0	\$0	\$570	\$2,689	\$2,109	\$4,295	\$1,987	\$40,594	\$18,598	\$38,475	\$8,931
Conv. Market w/Gas Pumps	1,000 sq. ft.	\$44,081	\$0	\$0	\$357	\$1,662	\$1,320	\$2,662	\$1,243	\$49,668	\$22,316	\$48,343	\$5,587
Super Conv. Market (D+Pumps)	1,000 sq. ft.	\$46,166	\$0	\$0	\$472	\$2,224	\$1,745	\$3,520	\$1,644	\$53,554	\$24,174	\$51,802	\$7,388
Self-Service Car Wash	Serv. Bay	\$18,142	\$0	\$0	\$147	\$691	\$542	\$1,093	\$511	\$20,437	\$9,182	\$19,893	\$2,295
Marina	Bole	\$1,439	\$0	\$0	\$15	\$74	\$58	\$118	\$55	\$1,686	\$761	\$1,627	\$247
Golf Course	Hole	\$18,219	\$0	\$0	\$194	\$914	\$717	\$1,446	\$675	\$21,254	\$9,602	\$20,534	\$3,035
General Office	1,000 sq. ft.	\$5,228	\$0	\$0	\$57	\$270	\$211	\$427	\$199	\$6,124	\$2,767	\$5,911	\$896
Medical Office/Clinic	1,000 sq. ft.	\$19,479	\$0	\$0	\$128	\$605	\$477	\$917	\$449	\$21,495	\$9,625	\$21,017	\$2,076
Industrial Park	1,000 sq. ft.	\$1,886	\$0	\$0	\$17	\$81	\$64	\$128	\$60	\$2,156	\$971	\$2,091	\$269
Manufacturing	1,000 sq. ft.	\$2,187	\$0	\$0	\$17	\$83	\$66	\$132	\$62	\$2,464	\$1,107	\$2,398	\$277
General Light Industrial	1,000 sq. ft.	\$2,783	\$0	\$0	\$19	\$92	\$73	\$147	\$69	\$3,091	\$1,386	\$3,018	\$308
Warehousing	1,000 sq. ft.	\$977	\$0	\$0	\$12	\$58	\$46	\$93	\$44	\$1,172	\$532	\$1,126	\$185
Mini-Warehouse	1,000 sq. ft.	\$549	\$0	\$0	\$4	\$18	\$14	\$29	\$14	\$610	\$274	\$596	\$81
Nursing Home	1,000 sq. ft.	\$1,734	\$0	\$0	\$27	\$127	\$89	\$201	\$94	\$2,156	\$983	\$2,056	\$422
Elementary School (Private)	1,000 sq. ft.	\$5,203	\$0	\$0	\$88	\$417	\$328	\$661	\$309	\$6,590	\$3,014	\$6,261	\$1,387
Middle School (Private)	1,000 sq. ft.	\$5,574	\$0	\$0	\$90	\$427	\$335	\$677	\$316	\$6,794	\$3,106	\$6,457	\$1,420
High School (Private)	1,000 sq. ft.	\$4,216	\$0	\$0	\$69	\$323	\$252	\$510	\$238	\$5,287	\$2,414	\$5,033	\$1,071
University/Junior College	1,000 sq. ft.	\$12,139	\$0	\$0	\$91	\$431	\$337	\$681	\$318	\$13,569	\$6,087	\$13,229	\$1,430
Church	1,000 sq. ft.	\$2,767	\$0	\$0	\$34	\$158	\$124	\$250	\$117	\$3,292	\$1,492	\$3,168	\$525
Day Care	1,000 sq. ft.	\$7,996	\$0	\$0	\$192	\$904	\$710	\$1,432	\$669	\$11,001	\$5,089	\$10,299	\$3,005
Hospital	1,000 sq. ft.	\$5,571	\$0	\$0	\$55	\$304	\$238	\$480	\$224	\$6,579	\$2,978	\$6,340	\$1,008

All fees include a 2.55% administrative fee

\* County fees payable in the City of Punta Gorda are set out in Charlotte County Ordinance Sec.3-3.5-5(e) and will be collected by the City of Punta Gorda. Additional fees assessed by the City of Punta Gorda will apply.

\*\* County fees payable within the limits of the Englewood Fire District are set out in Charlotte County Ordinance Sec. 3-3.5-5(f). Fire impact fees are paid directly to the Englewood Fire District.

For more information, please contact them directly on 941.474.3311 or visit their website at www.englewood-fire.com. A receipt confirming payment of the Englewood Fire District will be required for CO.

\*\*\*County fees payable within the limits of Babcock Ranch are set out in Charlotte County Ordinance Sec.3-3.5-5(g). County transportation fees are not assessed within Babcock Ranch. Additional fees assessed by Babcock Ranch may apply.



## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**

Governor

**CORD BYRD**

Secretary of State

July 15, 2022

Roger D. Eaton  
Clerk of the Circuit Court  
County Comptroller  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Dawn Johnston

Dear Roger Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2022-032, which was filed in this office on July 14, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh



PUBLISHER'S AFFIDAVIT OF  
PUBLICATION STATE OF FLORIDA  
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Melinda Prescott, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

07/01/2022

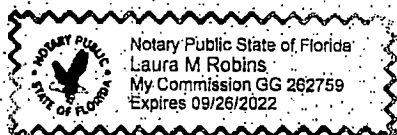
as well as being posted online at [www.yoursun.com](http://www.yoursun.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com). Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Melinda Prescott*  
(Signature of Affiant)

Sworn and subscribed before me this 1<sup>st</sup>  
day of July, 2022

*Laura M. Robins*  
(Signature of Notary Public)

Personally known X OR      Produced  
Identification



The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING CHAPTER 3-3.5 IMPACT FEES OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION OF EXHIBITS; AND PROVIDING FOR AN EFFECTIVE DATE.**

A public hearing on this ordinance will be held at 10:00 AM, or as soon thereafter as it may be heard, on the 12th day of July, 2022, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

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

BOARD OF COUNTY  
COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to [David.Lyles@CharlotteCountyFL.gov](mailto:David.Lyles@CharlotteCountyFL.gov).

Reference No: 071222-A  
Published: July 1, 2022  
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