

CAPITAL IMPROVEMENTS – GOALS, OBJECTIVES AND POLICIES

PURPOSE

The Capital Improvements Element (CIE) guides the efficient use of public and private funds invested in roads, schools and other public facilities. This investment contributes to the quality of life in Charlotte County and it also affects the timing and location of growth and redevelopment within the County.

To protect the health, safety and welfare of citizens, the State of Florida mandates that local governments establish standards and maintain capacity for seven types of public facilities. These include: 1) roads, 2) sanitary sewer, 3) solid waste, 4) drainage, 5) potable water [including both a) adequate supply and b) treatment and distribution capacity], 6) parks and recreation, and 7) public schools. The capacity standards by which adequate facilities are measured are called Level of Service (LOS) standards. School LOS is set by the Charlotte County School Board; all other LOS standards are set by the County's Board of County Commissioners, in cooperation with State agencies or directly by the Florida Department of Transportation for certain roadways. The system for achieving and maintaining LOS for public facilities is known as Concurrency Management. Concurrency management is implemented through the CIE and the County's Land Development Regulations.

A key product of the CIE is a capital budget, called the CIE Schedule, which is a balanced, multi-year spending plan setting the priority and timing for the construction of projects required to maintain concurrency. The first year of the CIE Schedule becomes part of the County's Annual Operating Budget through its Capital Improvements Program. The CIE is evaluated and updated annually.

All references to any ordinances, statutes or regulations contained herein shall, unless otherwise noted, be deemed to be those in effect as of the date of adoption of this element and thereafter as amended, renumbered or otherwise revised.

GOALS, OBJECTIVES AND POLICIES

CIE GOAL 1: TIMELY DEVELOPMENT OF INFRASTRUCTURE

Manage growth and redevelopment to ensure that required public facilities are in place when needed.

CIE Objective 1.1: Making Necessary Improvements

To ensure existing deficiencies are corrected, to accommodate desired future growth and to replace obsolete or worn-out facilities.

CIE Policy 1.1.1: Level of Service (LOS) Standards for Required Public Facilities

The County shall adopt, and through its Concurrency Management System, achieve and maintain LOS standards for:

1. roads,
2. sanitary sewer,
3. solid waste,
4. drainage,
5. potable water including both
 - a. adequate supply and
 - b. treatment and distribution capacity,
6. parks and recreation, and
7. public schools.

The established LOS standards for required public facilities are set by policy within individual elements. Table CIE-1 of the CIE Data and Analysis summarizes the County’s adopted LOS standards and identifies the Element in which the standard is found.

CIE Policy 1.1.2: Optional Public Facilities

The County may establish LOS standards for other optional public facilities; however, no additional public facility LOS standards subject to CIE requirements are contemplated at this time. Examples of such facilities include police, fire and EMS.

CIE Policy 1.1.3: Coordination with Jurisdictions

The County shall coordinate LOS standards with neighboring jurisdictions to ensure that standards are appropriate across jurisdictional boundaries.

CIE Policy 1.1.4: Denial of Development Orders

The County shall deny a development order when the issuance of that order will cause LOS to fall below adopted standards consistent with CIE Policy 1.1.6. Exceptions to this rule are permitted provided they are alternatives prescribed in 163.3180, F.S., accepted by the County, and set forth in this Plan.

CIE Policy 1.1.5: De Minimis Impacts

Consistent with 163.31280, F.S., the County shall allow De Minimis Impact and shall maintain sufficient records to ensure that the 110 percent criterion is not exceeded. The County shall submit an annual De Minimis Report in accordance with 163.3180, F.S. The County adopts and incorporates this report as CIE Appendix I.

CIE Policy 1.1.6: Concurrency Management System

The County shall maintain a Concurrency Management System consistent with the provisions of 163.3180, F.S. to ensure that issuance of a development order or permit is conditioned upon the availability of public facilities and services necessary to serve new development. Within one year of the effective date of this comprehensive plan, the existing County regulations governing concurrency will be updated to ensure that:

1. The County shall achieve and maintain the adopted LOS for: roads, sanitary sewer, solid waste, drainage, potable water including adequate supply and treatment and distribution capacity, parks and recreation, and public schools.
2. The issuance of a development order or development permit is conditioned upon the availability of public facilities and services necessary to serve new development as follows:
 - a. Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the County of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the County shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the County of a certificate of occupancy or its functional equivalent. The County may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.
 - b. Consistent with the public welfare, and except as otherwise provided in 163.3180, F.S., parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the County of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or acquired by the County prior to issuance by the County of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the County's approval to commence construction.
 - c. Consistent with the public welfare, and except as otherwise provided in 163.3180, F.S., transportation facilities needed to serve new development shall be in place or under actual construction

within 3 years after the County approves a building permit or its functional equivalent that results in traffic generation.

CIE Policy 1.1.7: Capital Improvements Program

The County shall prepare, maintain, and annually update a Capital Improvements Program (CIP) and Capital Improvements Schedule to guide the use of finite resources for concurrency and non-concurrency related expenditures.

CIE Policy 1.1.8: Financially Feasible CIE Schedule

The County shall develop a financial plan, pursuant to 163.3177 F.S. The Schedule shall provide that the necessary improvements are funded to ensure that: existing deficiencies are corrected, future growth is accommodated, and obsolete or worn-out facilities are replaced so that LOS standards are maintained pursuant to 163.3177 F.S. This financial plan shall be called the Concurrency Related Capital Improvements Schedule or CIE Schedule. The CIE Schedule is hereby adopted and is found in CIE Appendix II.

CIE Policy 1.1.9: Agency and Plan Coordination

The County shall consult with local planning agencies, the Florida DOT, local cities and counties, utilities, the County School Board, and other agencies, as needed, in preparing its CIE Schedule. Capital planning shall incorporate improvement needs identified through the applicable County department analyses, the Metropolitan Planning Organization (MPO) Transportation Improvement Program, MPO Long Range Transportation Plan, Water Supply Facilities Work Plan, the Water Management Districts’ Regional Plans, private and public utility providers, and any other mandated plan.

CIE Policy 1.1.10: School District Facilities Work Plan

The County shall rely on Charlotte County Public Schools’ financially feasible 5-Year District Facilities Work Program, which achieves and maintains adopted school LOS standards, to demonstrate the satisfaction of school concurrency requirements. The County hereby adopts the Charlotte County Public Schools’ 5-Year Work Program and incorporates it as CIE Appendix III.

CIE Objective 1.2: Protecting Existing Investment

To protect public investment in existing public facilities.

CIE Policy 1.2.1: Protecting Required Public Facilities

The County shall invest in existing public facilities required as part of the CIE as a priority to avoid infrastructure capacity backlogs, protect existing capital investment, and minimize ongoing operation and maintenance costs.

CIE Policy 1.2.2: Prioritizing Improvement Funding

The County shall ensure that concurrency project funding occurs in the following order:

1. Repair or replace worn-out or obsolete facilities.
2. Correct existing deficiencies or backlog.
3. Accommodate desired future growth.

CIE Objective 1.3: Accommodating Future Growth

To ensure that new development pays for its share of impacts.

CIE Policy 1.3.1: Pro Rata Share

The County shall require new development to pay its pro rata share of the cost of the improvements needed to maintain concurrency (i.e., adopted LOS).

CIE Policy 1.3.2: Backlog and Repair Exclusion

The County shall not require new development to pay for facility backlog, facility deficiencies, or for the repair or replacement of worn-out facilities.

CIE Policy 1.3.3: Revenue Sources

The County shall continue to assess impact fees, utility connection charges and other capacity fees to fund new capacity.

CIE Policy 1.3.4: Enforceable Agreements

The County shall require developers to guarantee development of necessary improvements, through the use of enforceable development agreements.

CIE Policy 1.3.5: Full Cost Disclosure

The County shall require projects of significant land area or economic impact to present a complete picture of the development costs, when costs are expected to be borne by local citizens and/or by other developers. Costs and revenue sources shall be presented in a clear and concise manner to ensure that the County Planning and Zoning Board and County Commission understand the full financial impact of their land use decisions.

CIE Objective 1.4: Maintaining the CIE Program

To ensure that concurrency-related needs are a priority through the County Capital Budgeting process.

CIE Policy 1.4.1: Monitoring and Reporting

The County shall assign the Concurrency Manager, with the support of the Budget and Administrative Services department, to prepare the annual update of CIE and its CIE Schedule to ensure adherence to adopted LOS standards.

CIE Policy 1.4.2: CIE Annual Update

The County shall update its CIE and the CIE Schedule annually.

CIE Policy 1.4.3: Land Development Regulations

The County shall continue to monitor and implement the County’s Concurrency Management System and provide a program to ensure that development orders are issued in a manner consistent with State Statute.

CIE Policy 1.4.4: Operating Department Responsibilities

The County shall require operating departments to ensure that current and future capacity needs are identified, and solutions developed for the infrastructure needs and types of facilities they operate.

CIE Policy 1.4.5: Planning Lead Times

The County shall ensure that improvement needs are identified with sufficient lead time to ensure that needs and revenue sources are successfully programmed to meet concurrency requirements.

CIE Objective 1.5: Limiting Coastal High Hazards

To limit public expenditures that subsidize or encourage new land development in Coastal High Hazard Areas.

CIE Policy 1.5.1: Limiting Expenditures

The County shall continue to deny the use of public funding for capital improvements in Coastal High Hazard Areas, unless such expenditures replace deficient or worn-out facilities; provide open space or recreational facilities; address a public health, safety, or welfare issue; or the project can only be located in such area due to its intrinsic nature.

CIE GOAL 2: EFFICIENT RESOURCE USE

Use resources efficiently based on sound budgeting and financial management practices.

CIE Objective 2.1: Capital Improvements Planning

To use the County Capital Improvements Plan (CIP) and Capital Improvements Element (CIE) budgeting process to ensure efficient use of resources, while maintaining adopted LOS.

CIE Policy 2.1.1: Consistency with Comprehensive Plan

The County shall ensure that capital improvement project selection and capital expenditures are consistent with the Goals, Objectives and Policies of this Plan.

CIE Policy 2.1.2: CIE Schedule Use

The County shall use the CIE Schedule to establish priorities which reduce deficiencies, maintain existing infrastructure and facility capacity needs, and meet future demand to maintain concurrency. Only concurrency-related projects may be listed in the Schedule. The Schedule is found in CIE Appendix II.

CIE Policy 2.1.3: Project Priorities

The County shall evaluate project priorities with local budgetary impact in mind for the CIE Schedule and subsequently for the CIP, giving priority to the needs of existing development, as follows:

1. Elimination of public hazards (i.e., hazardous conditions).
2. Elimination of existing capacity deficiencies (e.g., existing backlog).
3. Improved efficiency/cost effectiveness of County operations.
4. Appropriate level of funding for maintenance, reconstruction, or safety projects on existing facilities.
5. Local needs based upon projected growth patterns (i.e., address reasonable expectations for future backlog).
6. Accommodation of new development and redevelopment demands.
7. Funds to achieve compliance with statutory or regulatory requirements.

CIE Policy 2.1.4: CIE Schedule in Annual Budget

The County shall incorporate the CIE Schedule into the County Capital Improvements Plan and the first year of the Capital Improvements Plan shall become part of the Annual Operating Budget.

CIE Policy 2.1.5: Appropriate Expenditure

The County shall use its Capital Improvements Program (i.e., its CIE and CIP) to pay for costs such as the acquisition of land, costs to construct buildings, structures and facilities, and to pay the costs of acquiring equipment.

CIE Policy 2.1.6: Public/Private Partnership

The County shall use both public and private investment to achieve and maintain adopted LOS standards.

CIE Policy 2.1.7: Funding Sources

The County shall continue to use a variety of funding sources for projects, such as ad valorem tax, impact fees, gas taxes, and Municipal Service Benefit Units. The County will identify funding sources for repayment of debt and interest.

CIE Objective 2.2: Debt Financing Guidelines

To limit fiscal expenditures by constraining debt funding.

CIE Policy 2.2.1: Use of Debt

The County may issue debt for the purpose of constructing and acquiring capital improvements and for the replacement and maintenance of existing capital facilities.

CIE Policy 2.2.2: Debt Affordability Measures

The County will examine the following statistical measures to determine debt capacity and compare these ratios to the standards municipal rating agency median for counties of comparable size and historical ratios to determine debt affordability:

- Debt per capita;
- Debt per personal income;
- Debt to taxable property value; and /or
- Debt service payments as a percentage of revenues.

CIE Policy 2.2.3: Debt Limits

The County will keep outstanding debt within the limits prescribed by state statute at levels consistent with its creditworthiness, best practices, needs and affordable objectives.

CIE Policy 2.2.4: Limit to Useful Life

The County shall continue to limit debt financing to the useful life of the infrastructure or facility.

CIE Policy 2.2.5: Alternative Funding Sources

The County shall continue to limit debt financing by seeking alternative funding sources.

CIE Policy 2.2.6: Repayment Sources

The County may employ user fees, utility charges, or other revenue sources to repay debt.

CIE Objective 2.3: Fiscal Constraints

To properly restrain spending.

CIE Policy 2.3.1: Operating Costs

The County shall not acquire or construct a public facility if it is unable to provide for subsequent annual operation and maintenance costs.

CIE Policy 2.3.2: Property Value

The County shall continue to use property appraisals when acquiring real estate for facility construction, in accordance with Florida Statutes.

CIE Policy 2.3.3: Types of Costs

The County shall ensure that capital improvement projects required by the comprehensive plan will consist of physical improvements, including land acquisition, buildings, structures, facilities, and equipment which address specific LOS requirements.

CIE Policy 2.3.4: Minimum Cost to Schedule

The County shall have no lower limit for the inclusion of concurrency-related project costs in the CIE Schedule or the CIP budget.

CIE Policy 2.3.5: Limitation on Fee Use

The County shall limit its use of impact fees to the construction and acquisition of new capacity (e.g., impact fees shall not be used for maintenance of existing capacity).