

CHAPTER 7. CONCURRENCY MANAGEMENT

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Article 7.1 General

The purpose and intent of this Article is to ensure that adequate public facilities and services are available concurrent with the impacts of development.

Concurrency review shall be conducted on all Developments of Regional Impact and all development that requires Site Plan Review. Any modification or extension of a final development order shall require an updated concurrency review.

Article 7.2 Concurrency Standards

7.2.1 Exemptions from Concurrency

A. School Concurrency

The following forms of development are exempt from Public School Facilities concurrency only:

1. Any development calculated to generate less than one student.
2. Any development subject to a restrictive covenant limiting the age of residents to 18 years and older.
3. Development that has been authorized as a DRI pursuant to Chapter 380, F.S., as of July 1, 2005, except that any Notice of Proposed Change, or application of an exchange (equivalency matrix) that increases residential density shall be subject to review for school concurrency at the time of the Notice of Proposed Change.

B. Other Concurrency

Development may be exempt from concurrency for other public facilities if it is established that the site has vested rights, determined through the Determination of Vested Rights provisions of this Code.

7.2.2 LOS Standards

Levels of service (LOS) shall be maintained for seven categories of public infrastructure, as detailed below. No development order shall be issued if such development would result in a reduction in the level of service below the adopted LOS standards.

A. Transportation Facilities

1. Arterial Roads

Level of Service D.

2. Collector Roads

Level of Service D.

3. Florida Intrastate Highway System (FIHS), Strategic Intermodal System (SIS), or Transportation Regional Incentive Program (TRIP) Funded Roads

a. Within the Urban or Transitioning Area

Level of Service C.

b. Within the Rural Area

Level of Service B.

B. Potable Water Service Facilities

225 gallons per day per Equivalent Residential Connection (ERC).

C. Sanitary Sewer Service Facilities

190 gallons per day per ERC.

D. Public School Facilities

1. Elementary Schools

95 percent of Florida Inventory of School Houses (FISH) capacity.

2. Middle Schools

100 percent of FISH capacity.

3. High Schools

100 percent of FISH capacity.

- 1 **E. Solid Waste Facilities**
- 2 1. **Solid Waste Disposal**
- 3 5.0 pounds per day per permanent resident.
- 4 2. **Recycling**
- 5 2.2 pounds per day per permanent resident.
- 6 **F. Stormwater Management Facilities**
- 7 1. **Flooding**
- 8 a. **New Arterial Roads**
- 9 Flood-free during a 100-year rainfall event
- 10 b. **New and Improved Collector Roads**
- 11 Not less than one lane in each direction shall be above the design high-water
- 12 elevation from a 25-year, 24-hour rainfall event
- 13 c. **New Local Roads**
- 14 Pavement center line shall be at or above the design high-water elevation
- 15 from a 5-year, 24-hour rainfall event
- 16 d. **New Parking Facilities**
- 17 Facility shall have a maximum temporary detention depth of 9.0 inches
- 18 e. **Other New Development**
- 19 Developments shall manage a 25-year, 24-hour rainfall event distributed in
- 20 accordance with methodologies approved by the appropriate WMD by either
- 21 providing individual on-site facilities or a central facility or facilities.
- 22 2. **Water Quality**
- 23 a. No discharge from any stormwater management facility shall cause or
- 24 contribute to a violation of water quality standards in waters of the State as
- 25 provided for in Federal law, State statute, or County ordinance. Water quality
- 26 LOS shall be set consistent with the protection of health, safety, and welfare
- 27 and natural resources functions and values.
- 28 1) All stormwater systems for new development and redevelopment shall
- 29 include features to minimize pollution from oil, suspended solids,
- 30 nutrients, and other objectionable materials prior to discharge into
- 31 natural systems. Such features shall be designed to treat the runoff
- 32 resulting from the first one inch of rainfall or the first 1.5 inches in the
- 33 case of projects discharging into an Outstanding Florida Water body.
- 34 Stormwater systems shall include additional measures to reduce floating
- 35 and suspended solids to a minimum. Higher design criteria for water
- 36 treatment shall apply if such criteria are necessary to meet and maintain
- 37 the LOS or to protect water bodies (such as potable surface waters,
- 38 impaired waters, or Outstanding Florida Waters) which require higher
- 39 levels of protection. The higher design criteria shall be based on a
- 40 treatment system which treats 1.5 times the volume required for the
- 41 selected treatment system or equivalent.
- 42 2) New development and redevelopment shall provide mitigation measures
- 43 and best management practices to control pollutants specific to the
- 44 pollutant characteristics of the proposed land use consisting of such
- 45 measures and practices that have been shown to be effective in
- 46 controlling the specific pollutants characteristic of the type of new
- 47 development.
- 48 3) Mitigation measures and best management practices relating to drainage
- 49 shall be taken during construction activities to ensure that water quality

1 is not degraded during the land clearing and construction or
2 development. No cutting, clearing, grading, or filling shall be
3 accomplished on any site under development unless appropriate devices
4 have been installed to minimize pollution from objectionable materials, to
5 control erosion, and to remove sediment from surface water runoff.
6 Appropriate techniques shall also be used to stabilize and revegetate
7 disturbed land upon completion of the project.

- 8 b. New and existing industrial activities (as defined in the National Pollutant
9 Discharge Elimination System regulations for stormwater) shall develop and
10 implement a Storm Water Pollution Prevention Plan (SW3P) for such activity
11 as required by any FDEP permit process.

12 **7.2.3 Concurrency Review**

13 **A. Concurrency Review Timing**

- 14 1. All Developments of Regional Impact shall undergo concurrency review during
15 review of the Master or Incremental Development Orders.
16 2. All other development shall undergo concurrency review as part of the Site Plan
17 Review procedure as established by this Code. A preliminary concurrency review
18 shall occur at Preliminary Site Plan Review and final concurrency review shall occur
19 at Final Site Plan Review.

20 **B. Standards**

21 For a development to be found in compliance with concurrency, it must be established
22 that LOS standards will be met for all impacted public infrastructure. Compliance will be
23 established if one of the following conditions applies:

- 24 1. The necessary infrastructure is in place.
25 2. The necessary infrastructure is under construction.
26 3. The necessary infrastructure will be constructed or the development impacts will be
27 mitigated as part of a development agreement developed pursuant to Chapter 163,
28 F.S.
29 4. For stormwater management facilities only, the necessary infrastructure meets
30 State and Federal standards.

31 **C. Concurrency Determination**

32 1. **Determination**

33 When concurrency evaluation has been completed, a decision shall be made as to
34 whether a proposed development meets concurrency.

- 35 a. If a development meets concurrency, a final development order may be
36 issued, provided that the development meets all applicable requirements of
37 this Code and of the Florida Building Code.
38 b. If a development does not meet concurrency, it shall be denied and no final
39 development order shall be issued.

40 2. **Mitigation**

41 A development that fails to meet concurrency due to insufficient capacity in one or
42 more categories of public infrastructure may mitigate the lack of concurrency
43 through a development agreement developed pursuant to Chapter 163, F.S., using
44 one or more of the following methods:

- 45 a. Construction of new or additional public infrastructure.
46 b. Proportionate fair-share contribution paid to the department, agency, or
47 organization responsible for operating and maintaining the affected public
48 infrastructure in an amount sufficient to pay for the construction of new or
49 additional public infrastructure to absorb the increased demand produced by
50 the proposed development.

- 1 c. Any other form of mitigation deemed appropriate by the department, agency,
2 or organization responsible for operating and maintaining the affected public
3 infrastructure.

4 **D. Period of Validity**

5 A determination of concurrency shall be valid for the life of the final development order.
6 Upon expiration of the final development order, a determination of concurrency shall also
7 expire.

8 **7.2.4 Concurrency Tracking**

9 **A. General**

10 To maintain accurate information regarding the ability of infrastructure providers to meet
11 demand from proposed development, the County shall track baseline, committed,
12 reserved, and available capacity for all categories of public infrastructure subject to
13 concurrency review.

14 **B. Capacity Calculation**

15 1. **Baseline Capacity**

16 Baseline capacity shall be calculated by considering the permitted capacity of the
17 public infrastructure and adding any future capacity increases through projects
18 included in the first three years of the most recently adopted 5-Year Capital
19 Improvements Plan.

20 2. **Committed Capacity**

21 Committed capacity shall be calculated by considering the annual average daily
22 demand upon the public infrastructure.

23 3. **Reserved Capacity**

24 Reserved capacity shall be calculated by considering the amount of capacity of the
25 public infrastructure that has been reserved in advance of approval of any final
26 development order, in accordance with the provisions of this Article.

27 4. **Available Capacity**

28 Available capacity shall be calculated by subtracting the committed capacity and
29 the reserved capacity from the baseline capacity of the public infrastructure.

30 **C. Capacity Reservation**

31 1. Any department, agency, or organization that operates and maintains public
32 infrastructure subject to concurrency review may reserve available capacity prior to
33 approval of a final development order. This reservation shall be done in a manner
34 deemed appropriate by the operator of the public infrastructure.

35 2. Whenever available capacity of public infrastructure has been reserved, the
36 department, agency, or organization that operates and maintains the affected
37 public infrastructure shall notify the County of this reservation, in writing, so that
38 the reservation may be properly taken into account during concurrency tracking.

39 3. When any development applies for a final development order with the intention of
40 using reserved capacity to meet concurrency, the application shall be accompanied
41 by written authorization to use reserved capacity from the department, agency, or
42 organization that operates and maintains the affected public infrastructure.

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1 **Article 7.3 Traffic Impact Statement**

2 **Standards being developed**

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2 **Article 7.4 Proportionate Fair-Share Contributions**

3 **7.4.1 Purpose**

4 The purpose and intent of this Article is to establish a method that allows a proposed
5 development to be approved despite deficient public infrastructure through the contribution of
6 payments for the construction of infrastructure improvements to alleviate the existing
7 deficiencies.

8 **7.4.2 General Requirements**

9 **A. Use of Proportionate Fair-Share**

10 Proportionate fair-share contributions may only be made for public infrastructure
11 categories for which the County has developed calculation methodologies.
12 Methodologies have been developed for the following categories:

- 13 1. Transportation.

14 **B. Fair-Share Agreements**

15 A proportionate fair-share agreement is a binding contract between the County and an
16 owner or developer of land where the owner or developer is authorized to proceed with a
17 proposed development even though there is insufficient public infrastructure capacity to
18 adequately serve the demand produced by the proposed development based upon the
19 adopted Level of Service standards. Proportionate fair-share agreements contain
20 provisions for authorized fair-share payments or improvements. Multi-party
21 proportionate fair-share agreements may be developed to facilitate collaboration among
22 multiple applicants for shared facility improvements. All agreements will be approved by
23 the BCC and recorded with the Clerk of the Circuit Court.

24 **7.4.3 Process**

25 The following steps will be used in the application of Proportionate Fair-Share:

- 26 **A.** If necessary public infrastructure improvements are already scheduled in the County's
27 Capital Improvements Program (CIP) the applicant shall make a proportionate fair-share
28 payment in order to satisfy concurrency.
- 29 **B.** In the event that the funds adopted in the CIP, in combination with the fair-share
30 payment, are insufficient to achieve concurrency for infrastructure associated with the
31 proposed development, the applicant may fund the balance of the costs for the needed
32 improvements. If the balance of the costs needed for the improvements cannot be
33 funded and the infrastructure cannot be made to meet concurrency, the proportionate-
34 fair-share contribution shall not be accepted and the application shall not be approved.
35 The value of the improvement would be based on an engineer's certified cost estimate
36 provided by the applicant or another method approved by the County.
- 37 **C.** At the County's discretion, as an alternative to making a proportionate fair-share
38 contribution, the applicant may make necessary authorized infrastructure improvements.
39 These improvements must meet the County design standards and construction
40 requirements. The applicant must demonstrate the financial ability to complete the
41 project through performance bond.
- 42 **D.** An applicant may also satisfy concurrency by contributing infrastructure improvements
43 that would create additional capacity on deficient portions even if the proposed
44 development is not along infrastructure identified within the five-year CIP. If the
45 improvement or contribution is not reflected in the CIP but it is determined to be
46 financially feasible pursuant to Chapter 163.3180(16)(b)(1), F.S., consistent with the
47 Comprehensive Plan, and in compliance with the provisions of this Section, then it may
48 be added in the next regularly scheduled update of the CIP. These improvements must
49 meet the County design standards and construction requirements. The applicant must
50 demonstrate the financial ability to complete the project through performance bond.

1 **7.4.4 Administration**

2 Once a proportionate fair-share agreement has been approved, the applicant has three years
3 from the date the first building permit is issued to complete the infrastructure improvements,
4 or any applicable phase thereof, for the project that is the subject of the Agreement.

- 5 **A.** The following events constitute a material default under the terms of a proportionate
6 fair-share agreement:
- 7 1. Failure to make a proportionate fair-share payment in accordance with this Article.
 - 8 2. Failure to commence or complete authorized improvements in accordance with the
9 proportionate fair-share agreement.
- 10 **B.** If an applicant is found in default of the terms in the proportionate fair-share agreement,
11 then the agreement is null and void.
- 12 **C.** Proportionate fair-share payments shall be due prior to the issuance of any building
13 permit.
- 14 **D.** If payment is submitted more than 12 months after the date the agreement is signed,
15 then the proportionate fair-share cost shall be recalculated at the time of payment, and
16 adjusted accordingly. Additional proportionate fair-share payments may be required for
17 any change to an approved development.
- 18 **E.** An applicant may withdraw an application for a proportionate fair-share agreement at
19 any time prior to the execution of the agreement. Such a request shall be submitted to
20 the County in writing. The application fee and the advertising costs paid to the County
21 are not refundable. If a proportionate fair-share agreement is cancelled for any reason
22 all development approvals mentioned in the agreement that have not been satisfied shall
23 expire immediately. Payment made pursuant to this Article is non-refundable.

24 **7.4.5 Proportionate Fair-Share Calculation Methodologies**

25 **A. Transportation**

26 1. **Calculation**

27 The Fair-Share obligation shall be calculated using the following equation:

28 Proportionate Fair-Share = (DTV/ΣMSV) * CC

29 Where:

30 DTV = Total number of peak hour trips from the proposed development at
31 complete build-out, as established by the required traffic study

32 ΣMSV = Change in the two-way peak hour maximum service volume due to
33 road improvements

34 CC = Current cost of construction of transportation improvements, at the time
35 of payment at the anticipated cost in the year it will be incurred.

36 2. **Impact Radius**

37 The zone of influence will be evaluated based upon project size with the impact
38 radius varying depending on trip generation. A development generating 250 to
39 1,000 trips per day will have an impact radius of one-half mile. A development
40 generating 1,000 trips or more per day will have an impact radius of one mile.
41 Developments of Regional Impact (DRI) will be governed by the current DRI
42 process.

43 3. **Update of Traffic Model**

44 The County shall periodically update its traffic model for use in the administration
45 of the fair-share program periodically.

46 **7.4.6 Impact Fee Credits**

- 47 **A.** Proportionate fair-share contributions should not be confused with impact fees. Standard
48 impact fees for a category of public infrastructure are for impacts on the entire system.
49 Proportionate fair-dhare contributions are to address specific concurrency.

- 1 **B.** Proportionate fair-share contributions may be applied as a credit against impact fees to
2 the extent that all or a portion of the proportionate fair-share mitigation is used to
3 address the same capital infrastructure improvements contemplated by the County's
4 impact fees.
- 5 **C.** Impact fee credits for proportionate fair-share payments will be determined during final
6 site plan review. If an applicant chooses to construct any County-approved off-site road
7 improvements in lieu of making a proportionate fair-share payment, the value of which
8 exceeds the amount of the fair-share payment, the applicant shall be entitled to road
9 impact fee credits equal to the value of the improvements constructed.

10 **7.4.7 Concurrency Districts**

11 The proportionate fair-share program establishes four concurrency districts as shown in Figure
12 7-X. The proportionate fair-share payments will be collected to assist in the funding of
13 improvement projects on the deficient infrastructure impacted by the proposed development
14 as identified in the concurrency districts. When the proposed development affects more than
15 one district the County will determine how the proportionate fair-share funds will be allocated
16 among the affected districts.

17 **7.4.8 Appropriation of Fair-Share Funds**

18 The Proportionate Fair-Share revenues shall be placed in the appropriate project account for
19 funding of scheduled improvements in the Charlotte County CIE and CIP or as otherwise
20 established in terms of the Proportionate Fair-Share Agreement. At the discretion of the Board
21 of County Commissioners, the revenues may be used for operational improvements prior to
22 construction of capacity projects.

23

Article 7.5 Impact Fees

7.5.1 Purpose

The purpose of this Article is to establish standards for the calculation of impact fees on all development within the County, consistent with the rational nexus test as established by the Florida Supreme Court, in order for development to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts from the proposed development.

The methodology and analysis establishing the impact fees in this Article are based upon the *Technical Memorandum on the Methods of Updating Charlotte County Impact Fees*, dated May 28, 2009.

7.5.2 Applicability

Impact fees shall be assessed on all development that requires a building permit, with the following exceptions:

- A. Additions to existing single-family dwellings.
- B. The reconstruction of single-family dwellings, including manufactured homes.
- C. The re-use of vacant non-residential structures or vacant units in a multi-tenant non-residential structure, provided that the impact fees owed by the new use would be equal to or less than the amount of impact fees already paid by previous uses in the same structure or unit.

7.5.3 Calculation of Fees

- A. Impact fees shall be assessed according to the zone in which the property is located, designated in Figure 4-X.

1. Urban Zone

The Urban Zone shall include the area from the Gulf of Mexico on the west to the eastern border of the Urban Service Area excluding the area within the Englewood Fire District, and including the area outside of the Urban Service Area north of CR 74 and west of the abandoned railroad line, including Sections 01, 12, 13, 24, 25, and 36 of Township 40, Range 24.

Land Use Type	Roads	Library	Parks	Police	Fire & EMS	Public Buildings	Total
Residential:							
Single-Family Detached	\$2,188	\$169	\$851	\$98	\$217	\$479	\$4,002
Single-Family Attached	\$1,340	\$169	\$851	\$98	\$217	\$479	\$3,154
Multi-Family	\$1,537	\$113	\$569	\$66	\$145	\$320	\$2,750
Manufactured Home	\$1,140	\$120	\$602	\$70	\$154	\$339	\$2,425
Non-Residential:							
Walk-in Bank per 1,000 sf	\$5,400	\$0	\$0	\$123	\$269	\$594	\$6,386
Drive-through Bank per Lane	\$3,550	\$0	\$0	\$134	\$296	\$653	\$4,633
Self-Storage per 1,000 sf	\$431	\$0	\$0	\$7	\$15	\$34	\$487
Hotel per Room	\$1,523	\$0	\$186	\$76	\$167	\$369	\$2,321
Movie Theater per 1,000 sf	\$2,588	\$0	\$0	\$583	\$1,284	\$2,827	\$7,282
Place of Worship per 1,000 sf	\$648	\$0	\$0	\$37	\$82	\$181	\$948
Day Care Center per 1,000 sf	\$1,109	\$0	\$0	\$80	\$176	\$387	\$1,752
Quality Restaurant per 1,000 sf	\$3,908	\$0	\$0	\$309	\$680	\$1,498	\$6,395
High-Turnover Sit-Down Restaurant per 1,000 sf	\$6,904	\$0	\$0	\$385	\$848	\$1,868	\$10,005
Automobile Sales per 1,000 sf	\$4,524	\$0	\$0	\$162	\$357	\$786	\$5,829
Office less than 100,000 sf per 1,000 sf	\$734	\$0	\$0	\$63	\$136	\$301	\$1,234
Office 100,000 – 199,999 sf per 1,000 sf	\$783	\$0	\$0	\$55	\$123	\$271	\$1,232

Office 200,000 – 399,999 sf per 1,000 sf	\$999	\$0	\$0	\$54	\$120	\$264	\$1,437
Office 400,000 sf or more per 1,000 sf	\$1,183	\$0	\$0	\$51	\$113	\$249	\$1,596
Medical Office per 1,000 sf	\$2,244	\$0	\$0	\$85	\$188	\$413	\$2,930
Hospital per 1,000 sf	\$1,455	\$0	\$0	\$92	\$204	\$449	\$2,200
Nursing Home per 1,000 sf	\$505	\$0	\$0	\$41	\$90	\$198	\$834
General Industrial per 1,000 sf	\$1,412	\$0	\$0	\$35	\$76	\$166	\$1,689
Warehouse/Storage per 1,000 sf	\$1,005	\$0	\$0	\$17	\$39	\$86	\$1,147
Retail less than 100,000 sf per 1,000 sf	\$1,374	\$0	\$0	\$69	\$151	\$332	\$1,926
Retail 100,000 – 199,999 sf per 1,000 sf	\$2,731	\$0	\$0	\$95	\$210	\$463	\$3,499
Retail 200,000 – 399,999 sf per 1,000 sf	\$3,501	\$0	\$0	\$129	\$284	\$625	\$4,539
Retail 400,000 sf or more per 1,000 sf	\$4,333	\$0	\$0	\$119	\$261	\$575	\$5,288
Pharmacy with Drive-Through per 1,000 sf	\$1,596	\$0	\$0	\$63	\$137	\$302	\$2,098
Fast Food Restaurant per 1,000 sf	\$4,494	\$0	\$0	\$385	\$848	\$1,868	\$7,595
Bread/Donut/Bagel Shop per 1,000 sf	\$2,552	\$0	\$0	\$141	\$310	\$684	\$3,687
Service Station per Fueling Station	\$918	\$0	\$0	\$24	\$53	\$117	\$1,112
Convenience Retail per 1,000 sf	\$4,007	\$0	\$0	\$309	\$681	\$1,500	\$6,497

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2. **Urban Zone (Englewood Fire District)**

The Urban Zone (Englewood Fire District) shall include the area of the County included within the Englewood Fire District.

Land Use Type	Roads	Library	Park s	Police	Fire & EMS	Public Buildings	Total
Residential:							
Single-Family Detached	\$2,188	\$169	\$851	\$98	\$65	\$479	\$3,850
Single-Family Attached	\$1,340	\$169	\$851	\$98	\$65	\$479	\$3,002
Multi-Family	\$1,537	\$113	\$569	\$66	\$43	\$320	\$2,648
Manufactured Home	\$1,140	\$120	\$602	\$70	\$45	\$339	\$2,316
Non-Residential:							
Walk-in Bank per 1,000 sf	\$5,400	\$0	\$0	\$123	\$80	\$594	\$6,197
Drive-through Bank per Lane	\$3,550	\$0	\$0	\$134	\$88	\$653	\$4,425
Self-Storage per 1,000 sf	\$431	\$0	\$0	\$7	\$4	\$34	\$476
Hotel per Room	\$1,523	\$0	\$186	\$76	\$49	\$369	\$2,203
Movie Theater per 1,000 sf	\$2,588	\$0	\$0	\$583	\$380	\$2,827	\$6,378
Place of Worship per 1,000 sf	\$648	\$0	\$0	\$37	\$25	\$181	\$891
Day Care Center per 1,000 sf	\$1,109	\$0	\$0	\$80	\$52	\$387	\$476
Quality Restaurant per 1,000 sf	\$3,908	\$0	\$0	\$309	\$202	\$1,498	\$5,917
High-Turnover Sit-Down Restaurant per 1,000 sf	\$6,904	\$0	\$0	\$385	\$251	\$1,868	\$9,408
Automobile Sales per 1,000 sf	\$4,524	\$0	\$0	\$162	\$106	\$786	\$5,578
Office less than 100,000 sf per 1,000 sf	\$734	\$0	\$0	\$63	\$40	\$301	\$1,138
Office 100,000 – 199,999 sf per 1,000 sf	\$783	\$0	\$0	\$55	\$37	\$271	\$1,146
Office 200,000 – 399,999 sf per 1,000 sf	\$999	\$0	\$0	\$54	\$36	\$264	\$1,353

Office 400,000 sf or more per 1,000 sf	\$1,183	\$0	\$0	\$51	\$34	\$249	\$1,517
Medical Office per 1,000 sf	\$2,244	\$0	\$0	\$85	\$55	\$413	\$2,797
Hospital per 1,000 sf	\$1,455	\$0	\$0	\$92	\$60	\$449	\$2,056
Nursing Home per 1,000 sf	\$505	\$0	\$0	\$41	\$27	\$198	\$771
General Industrial per 1,000 sf	\$1,412	\$0	\$0	\$35	\$23	\$166	\$1,636
Warehouse/Storage per 1,000 sf	\$1,005	\$0	\$0	\$17	\$11	\$86	\$1,119
Retail less than 100,000 sf per 1,000 sf	\$1,374	\$0	\$0	\$69	\$45	\$332	\$1,820
Retail 100,000 – 199,999 sf per 1,000 sf	\$2,731	\$0	\$0	\$95	\$63	\$463	\$3,352
Retail 200,000 – 399,999 sf per 1,000 sf	\$3,501	\$0	\$0	\$129	\$84	\$625	\$4,339
Retail 400,000 sf or more per 1,000 sf	\$4,333	\$0	\$0	\$119	\$77	\$575	\$5,104
Pharmacy with Drive-Through per 1,000 sf	\$1,596	\$0	\$0	\$63	\$41	\$302	\$2,002
Fast Food Restaurant per 1,000 sf	\$4,494	\$0	\$0	\$385	\$251	\$1,868	\$6,998
Bread/Donut/Bagel Shop per 1,000 sf	\$2,552	\$0	\$0	\$141	\$92	\$684	\$3,469
Service Station per Fueling Station	\$918	\$0	\$0	\$24	\$15	\$117	\$1,074
Convenience Retail per 1,000 sf	\$4,007	\$0	\$0	\$309	\$202	\$1,500	\$6,018

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3. **Rural Zone 1**

Rural Zone 1 shall include the area east of Rural Zone 2, excluding the area of the Babcock Ranch DRI.

Land Use Type	Roads	Library	Parks	Police	Fire & EMS	Public Buildings	Total
Residential:							
Single-Family Detached	\$11,277	\$169	\$851	\$98	\$217	\$479	\$13,091
Single-Family Attached	\$6,907	\$169	\$851	\$98	\$217	\$479	\$8,721
Multi-Family	\$7,911	\$113	\$569	\$66	\$145	\$320	\$9,124
Manufactured Home	\$5,881	\$120	\$602	\$70	\$154	\$339	\$7,166
Non-Residential:							
Walk-in Bank per 1,000 sf	\$32,748	\$0	\$0	\$123	\$269	\$594	\$33,734
Drive-through Bank per Lane	\$21,513	\$0	\$0	\$134	\$296	\$653	\$22,596
Self-Storage per 1,000 sf	\$2,207	\$0	\$0	\$7	\$15	\$34	\$2,263
Hotel per Room	\$9,242	\$0	\$186	\$76	\$167	\$369	\$10,040
Movie Theater per 1,000 sf	\$15,673	\$0	\$0	\$583	\$1,284	\$2,827	\$20,367
Place of Worship per 1,000 sf	\$39,42	\$0	\$0	\$37	\$82	\$181	\$4,242
Day Care Center per 1,000 sf	\$6,720	\$0	\$0	\$80	\$176	\$387	\$7,363
Quality Restaurant per 1,000 sf	\$23,666	\$0	\$0	\$309	\$680	\$1,498	\$26,153
High-Turnover Sit-Down Restaurant per 1,000 sf	\$41,817	\$0	\$0	\$385	\$848	\$1,868	\$44,918
Automobile Sales per 1,000 sf	\$27,414	\$0	\$0	\$162	\$357	\$786	\$28,719
Office less than 100,000 sf per 1,000 sf	\$4,431	\$0	\$0	\$63	\$136	\$301	\$4,931
Office 100,000 – 199,999 sf per 1,000 sf	\$4,738	\$0	\$0	\$55	\$123	\$271	\$5,187
Office 200,000 – 399,999 sf per 1,000 sf	\$6,049	\$0	\$0	\$54	\$120	\$264	\$6,487
Office 400,000 sf or more per 1,000 sf	\$7,163	\$0	\$0	\$51	\$113	\$249	\$7,576

Medical Office per 1,000 sf	\$13,608	\$0	\$0	\$85	\$188	\$413	\$14,294
Hospital per 1,000 sf	\$8,825	\$0	\$0	\$92	\$204	\$449	\$9,570
Nursing Home per 1,000 sf	\$3,068	\$0	\$0	\$41	\$90	\$198	\$3,397
General Industrial per 1,000 sf	\$8,341	\$0	\$0	\$35	\$76	\$166	\$8,618
Warehouse/Storage per 1,000 sf	\$5,921	\$0	\$0	\$17	\$39	\$86	\$6,063
Retail less than 100,000 sf per 1,000 sf	\$8,306	\$0	\$0	\$69	\$151	\$332	\$8,858
Retail 100,000 - 199,999 sf per 1,000 sf	\$16,548	\$0	\$0	\$95	\$210	\$463	\$17,316
Retail 200,000 - 399,999 sf per 1,000 sf	\$21,203	\$0	\$0	\$129	\$284	\$625	\$22,241
Retail 400,000 sf or more per 1,000 sf	\$26,249	\$0	\$0	\$119	\$261	\$575	\$27,204
Pharmacy with Drive-Through per 1,000 sf	\$9,664	\$0	\$0	\$63	\$137	\$302	\$10,166
Fast Food Restaurant per 1,000 sf	\$27,193	\$0	\$0	\$385	\$848	\$1,868	\$30,294
Bread/Donut/Bagel Shop per 1,000 sf	\$15,436	\$0	\$0	\$141	\$310	\$684	\$16,571
Service Station per Fueling Station	\$5,544	\$0	\$0	\$24	\$53	\$117	\$5,738
Convenience Retail per 1,000 sf	\$24,270	\$0	\$0	\$309	\$681	\$1,500	\$26,760

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4. **Rural Zone 2**

Rural Zone 2 shall include the area east of the Urban Service Area west to SR 31, excluding the area north of CR 74 and east of Sections 01, 12, 13, 24, 25, and 36 of Township 40, Range 24.

Land Use Type	Roads	Library	Parks	Police	Fire & EMS	Public Buildings	Total
Residential:							
Single-Family Detached	\$10,412	\$169	\$851	\$98	\$217	\$479	\$12,226
Single-Family Attached	\$6,369	\$169	\$851	\$98	\$217	\$479	\$8,183
Multi-Family	\$7,313	\$113	\$569	\$66	\$145	\$320	\$8,526
Manufactured Home	\$5,425	\$120	\$602	\$70	\$154	\$339	\$6,710
Non-Residential:							
Walk-in Bank per 1,000 sf	\$30,244	\$0	\$0	\$123	\$269	\$594	\$31,230
Drive-through Bank per Lane	\$19,866	\$0	\$0	\$134	\$296	\$653	\$20,949
Self-Storage per 1,000 sf	\$2,040	\$0	\$0	\$7	\$15	\$34	\$2,096
Hotel per Room	\$8,531	\$0	\$186	\$76	\$167	\$369	\$9,329
Movie Theater per 1,000 sf	\$14,475	\$0	\$0	\$583	\$1,284	\$2,827	\$19,169
Place of Worship per 1,000 sf	\$3,637	\$0	\$0	\$37	\$82	\$181	\$3,937
Day Care Center per 1,000 sf	\$6,204	\$0	\$0	\$80	\$176	\$387	\$6,847
Quality Restaurant per 1,000 sf	\$21,861	\$0	\$0	\$309	\$680	\$1,498	\$24,348
High-Turnover Sit-Down Restaurant per 1,000 sf	\$38,630	\$0	\$0	\$385	\$848	\$1,868	\$41,731
Automobile Sales per 1,000 sf	\$25,320	\$0	\$0	\$162	\$357	\$786	\$26,625
Office less than 100,000 sf per 1,000 sf	\$4,090	\$0	\$0	\$63	\$136	\$301	\$4,590
Office 100,000 - 199,999 sf per 1,000 sf	\$4,374	\$0	\$0	\$55	\$123	\$271	\$4,823
Office 200,000 - 399,999 sf per 1,000 sf	\$5,592	\$0	\$0	\$54	\$120	\$264	\$6,030
Office 400,000 sf or more per 1,000 sf	\$6,615	\$0	\$0	\$51	\$113	\$249	\$7,028

Medical Office per 1,000 sf	\$12,568	\$0	\$0	\$85	\$188	\$413	\$13,254
Hospital per 1,000 sf	\$8,152	\$0	\$0	\$92	\$204	\$449	\$8,897
Nursing Home per 1,000 sf	\$2,833	\$0	\$0	\$41	\$90	\$198	\$3,162
General Industrial per 1,000 sf	\$7,695	\$0	\$0	\$35	\$76	\$166	\$7,972
Warehouse/Storage per 1,000 sf	\$5,473	\$0	\$0	\$17	\$39	\$86	\$5,615
Retail less than 100,000 sf per 1,000 sf	\$7,675	\$0	\$0	\$69	\$151	\$332	\$8,227
Retail 100,000 - 199,999 sf per 1,000 sf	\$15,294	\$0	\$0	\$95	\$210	\$463	\$16,062
Retail 200,000 - 399,999 sf per 1,000 sf	\$19,586	\$0	\$0	\$129	\$284	\$625	\$20,624
Retail 400,000 sf or more per 1,000 sf	\$24,243	\$0	\$0	\$119	\$261	\$575	\$25,198
Pharmacy with Drive-Through per 1,000 sf	\$8,927	\$0	\$0	\$63	\$137	\$302	\$9,429
Fast Food Restaurant per 1,000 sf	\$25,122	\$0	\$0	\$385	\$848	\$1,868	\$28,223
Bread/Donut/Bagel Shop per 1,000 sf	\$14,259	\$0	\$0	\$141	\$310	\$684	\$15,394
Service Station per Fueling Station	\$5,122	\$0	\$0	\$24	\$53	\$117	\$5,316
Convenience Retail per 1,000 sf	\$22,421	\$0	\$0	\$309	\$681	\$1,500	\$24,911

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5. **Babcock DRI Zone**

The Babcock DRI Zone shall include that area contained within the Babcock Ranch Development of Regional Impact.

Land Use Type	Roads	Library	Parks	Police	Fire & EMS	Public Buildings	Total
Residential:							
Single-Family Detached	\$0	\$169	\$851	\$98	\$217	\$479	\$1,814
Single-Family Attached	\$0	\$169	\$851	\$98	\$217	\$479	\$1,814
Multi-Family	\$0	\$113	\$569	\$66	\$145	\$320	\$1,213
Manufactured Home	\$0	\$120	\$602	\$70	\$154	\$339	\$1,285
Non-Residential:							
Walk-in Bank per 1,000 sf	\$0	\$0	\$0	\$123	\$269	\$594	\$986
Drive-through Bank per Lane	\$0	\$0	\$0	\$134	\$296	\$653	\$1,083
Self-Storage per 1,000 sf	\$0	\$0	\$0	\$7	\$15	\$34	\$56
Hotel per Room	\$0	\$0	\$186	\$76	\$167	\$369	\$798
Movie Theater per 1,000 sf	\$0	\$0	\$0	\$583	\$1,284	\$2,827	\$4,694
Place of Worship per 1,000 sf	\$0	\$0	\$0	\$37	\$82	\$181	\$300
Day Care Center per 1,000 sf	\$0	\$0	\$0	\$80	\$176	\$387	\$643
Quality Restaurant per 1,000 sf	\$0	\$0	\$0	\$309	\$680	\$1,498	\$2,487
High-Turnover Sit-Down Restaurant per 1,000 sf	\$0	\$0	\$0	\$385	\$848	\$1,868	\$3,101
Automobile Sales per 1,000 sf	\$0	\$0	\$0	\$162	\$357	\$786	\$1,305
Office less than 100,000 sf per 1,000 sf	\$0	\$0	\$0	\$63	\$136	\$301	\$500
Office 100,000 - 199,999 sf per 1,000 sf	\$0	\$0	\$0	\$55	\$123	\$271	\$449
Office 200,000 - 399,999 sf per 1,000 sf	\$0	\$0	\$0	\$54	\$120	\$264	\$438
Office 400,000 sf or more per 1,000 sf	\$0	\$0	\$0	\$51	\$113	\$249	\$413
Medical Office per 1,000 sf	\$0	\$0	\$0	\$85	\$188	\$413	\$686

7.5.4 Non-Residential Economic Development Incentive Deferment

Hospital per 1,000 sf	\$0	\$0	\$0	\$92	\$204	\$449	\$745
Nursing Home per 1,000 sf	\$0	\$0	\$0	\$41	\$90	\$198	\$329
General Industrial per 1,000 sf	\$0	\$0	\$0	\$35	\$76	\$166	\$277
Warehouse/Storage per 1,000 sf	\$0	\$0	\$0	\$17	\$39	\$86	\$142
Retail less than 100,000 sf per 1,000 sf	\$0	\$0	\$0	\$69	\$151	\$332	\$552
Retail 100,000 - 199,999 sf per 1,000 sf	\$0	\$0	\$0	\$95	\$210	\$463	\$768
Retail 200,000 - 399,999 sf per 1,000 sf	\$0	\$0	\$0	\$129	\$284	\$625	\$1,038
Retail 400,000 sf or more per 1,000 sf	\$0	\$0	\$0	\$119	\$261	\$575	\$955
Pharmacy with Drive-Through per 1,000 sf	\$0	\$0	\$0	\$63	\$137	\$302	\$502
Fast Food Restaurant per 1,000 sf	\$0	\$0	\$0	\$385	\$848	\$1,868	\$3,101
Bread/Donut/Bagel Shop per 1,000 sf	\$0	\$0	\$0	\$141	\$310	\$684	\$1,135
Service Station per Fueling Station	\$0	\$0	\$0	\$24	\$53	\$117	\$194
Convenience Retail per 1,000 sf	\$0	\$0	\$0	\$309	\$681	\$1,500	\$2,490

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- B. If the proposed development unit includes fractional units, the fee shall be computed to the appropriate fraction.
- C. County impact fees shall be assessed against development within the City of Punta Gorda using the following percentages of the Urban Zone fees:

Roads	44%
Library	100%
Parks	65%
Police	50%
Fire	0%
EMS	100%
Public Buildings	100%

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7.5.4 Non-Residential Economic Development Incentive Deferment

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- A. Any non-residential development that is defined as an economic development project pursuant to Chapter 1-7 of the Charlotte County Code of Laws and Ordinances, and has entered into a program agreement as defined in that Chapter, may be eligible to defer the payment of assessed impact fees for up to ten years based on the terms of the program agreement.
- B. The deferment program shall only inure to the benefit of the original owner of the development or other parties intended to benefit under the program agreement, and shall be secured by a lien on the property and such additional security as called for in the program agreement.
- C. The provisions of this Code requiring payment of impact fees prior to the final building inspection and issuance of the Certificate of Occupancy shall not apply to impact fees deferred under this Section.
- D. An interest rate of five percent annually shall accrue from the time of approval of the program agreement until the deferred impact fees are paid.

7.5.5 Non-Residential Impact Fee Installment Payment Program

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- A. An applicant with a non-residential development may choose to pay any assessed impact fees in installments rather than in one lump sum at the time of issuance of the Certificate of Occupancy by entering into an agreement with the County.
- B. The installment payment agreement shall include the following requirements:

- 1 1. The applicant shall pay an initial installment of one-third of the total assessed
2 impact fees at the time of the approval and execution of the agreement and
3 issuance of the Certificate of Occupancy.
- 4 2. The applicant shall acknowledge that the subject property is specially benefited by
5 the improvements to the property and the installment payments shall be special
6 assessments levied as non-ad valorem assessments against the subject property
7 pursuant to the Uniform Assessment Collection Act, Chapter 197.3632 and
8 197.3635, F.S., as amended.
- 9 3. The amount of the annual special assessment and the installment payment term of
10 the agreement, not to exceed four years. In the event an applicant enters into the
11 agreement after the deadline to place the assessement on the applicant's upcoming
12 tax bill for that year, the assessment will be placed on the tax bill for the following
13 year.
- 14 4. The interest rate to be charged, set at five percent annually, which shall begin to
15 accrue at the time of approval of the installment payment agreement. Interest shall
16 accrue from the effective date of the agreement, regardless of the established
17 payment schedule.
- 18 5. An acknowledgement, agreement, and admission by the applicant that:
 - 19 a. The applicable impact fee study provides a fair and reasonable allocation
20 between the cost of the impact imposed by the assessed development and the
21 special benefit to the assessed development from haing its growth impact
22 mitigated.
 - 23 b. The notice-by-mail provisions of the Uniform Assessment Collection Act have
24 been waived.
- 25 6. The names and addresses of the applicant and owners (if different from the
26 applicant) and Parcel ID Number of the assessed property.
- 27 C. The agreement shall be signed by the applicant and owner (if different from the
28 applicant), and witnessed by a Notary Public.
- 29 D. The installment payment agreement shall be a covenant that runs with the land and shall
30 be recorded with the Clerk of the Circuit Court at the applicant's expense.
- 31 E. The yearly assessment resolution shall be the resolution for the fiscal year in which an
32 annual assessment is imposed or reimposed hereunder for the purposes of paying the
33 impact fee installment payment.
- 34 F. Prior to May 1 of each fiscal year, the applicant shall have the right to pay the
35 outstanding and unpaid balance owed without a prepayment penalty.
- 36 G. Pursuant to the Uniform Assessment Collection Act, non-ad valorem assessments levied
37 pursuant to this Section shall remain liens, coequal with the lien of all State, County,
38 district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until
39 paid.
- 40 H. For purposes of this Section, the following conditions shall apply:
 - 41 1. The applicant must be the legal owner of the property or designated agent of the
42 owner, and shall provide written and notarized proof of authorization from the
43 owner when requesting to pay impact fees under this Section.
 - 44 2. The applicant must be current on property taxes on the subject property and any
45 other real property owned in Charlotte County.
 - 46 3. The applicant may not be in bankruptcy nor can the property be an asset in any
47 bankruptcy proceeding.
 - 48 4. The subject property may not be in foreclosure and may not have any Federal
49 income tax lien, judgement lien, or similar liens encumbering it.

7.5.6 Refund of Fees Paid

- 51 A. Any funds not expended by the end of the calendar quarter immediately following six
52 years from the date on which the permit for development was issued shall be returned to
53 the applicant with interest at the rate of four percent per year. However, for deferred

1 impact fees or impact fees paid in installments, as allowed in this Article, the six-year
2 limit shall not begin until the date final payment of all outstanding impact fees are paid.

- 3 **B.** The Board of County Commissioners may one time, by resolution, extend the time limit
4 for refund for up to three additional years. Such an extension shall be made upon a
5 finding that within the three-year period certain capital improvements are planned to be
6 constructed that will be of direct benefit to the development against which the impact
7 fees were assessed.

8 **7.5.7 Use of Funds**

- 9 **A.** All funds collected from impact fees shall be used solely for the purpose of capital
10 improvements and administrative expenses not to exceed the actual costs necessary for
11 the administration and implementation of this Article and not for maintenance or
12 operations.

- 13 **B.** The amount of the fees expended for roads, parks, or any other particular type of capital
14 facility shall be in reasonable proportion to the extent to which the need for such type of
15 facility was used as a basis for the fee, as shown in the technical report.

- 16 **C.** Impact fee revenues and expenditures shall be accounted for in a separate accounting
17 fund.

- 18 **D.** In the case of road impact fees being computed by an independent impact analysis, the
19 County may require a traffic impact statement and shall use the road impact component
20 of the fee as shown in the technical report, adjusted as follows:

- 21 1. If the County finds on the basis of generally recognized principles of traffic
22 engineering that the new lane-miles of traffic per unit to be generated by the
23 development is likely to be substantially different than shown in the technical
24 report, the amount of the road impact component of the fee shall be varied in
25 proportion to the extent to which the lane-miles per unit projected for the proposed
26 development varies from the line-miles per unit shown for the most nearly
27 compatible development.

- 28 2. When the applicant undertakes a Traffic Impact Statement, a draft shall be
29 submitted to the County for a determination. If the Traffic Impact Statement is
30 prepared in connection with a fee agreement by which terms the fee will be paid at
31 the time of discretionary action by the Board of County Commissioners, the Traffic
32 Impact Statement shall be submitted to the Board of County Commissioners for
33 review.

- 34 3. If the Traffic Impact Statement covers less than the entire development, credit shall
35 be given on a pro rata basis for those contributions, payments, or construction
36 accepted and received by the County under the provisions of this Article.

- 37 **E.** In the case of components other than the road impact component, the independent
38 impact analysis shall address each of the assumptions used in preparing the County
39 impact fee or component thereof as explained in the impact fee technical report. The
40 independent impact analysis shall provide substantial competent evidence of
41 assumptions or calculations used in place of those in the technical report to compute the
42 fee or component thereof.

43 **7.5.8 Automatic Update of Fee Schedule**

- 44 **A.** The impact fee schedules established in this Article, shall be adjusted annually.

- 45 **B.** The adjusted fee shall be equal to:

- 46 1. The percentage change in the Construction Cost Index, published by McGraw-Hill,
47 between January of the prior year and January of the current year multiplied by
48 0.667; plus

- 49 2. The percentage change in the average just value per parcel for vacant residential
50 land within Charlotte County, as reported by the Charlotte County Property
51 Appraiser, between January of the prior year and January of the current year
52 multiplied by 0.333.

- 53 **C.** For the purpose of this Section the initial index to be referenced is January of the last
54 year when the impact fees were updated with cost or demographic data.

- 1 **D.** If the Construction Cost Index is changed so that the base year is different, the index
2 shall be converted in accordance with the conversion factor published by McGraw-Hill.
- 3 **E.** If the Construction Cost Index is discontinued or revised to make it unusable, the
4 Consumer's Price Index, published by the Bureau of Labor Statistics or such other index
5 or computation shall be used in order to obtain substantially the same result as would be
6 obtained if the Construction Cost Index had not been discontinued or revised.
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