CHAPTER 7. ADDITIONAL REVIEW CRITERIA

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Article 7.1 General

Article 7.2 Traffic Impact Statement

Standards being developed

Article 7.3 Concurrency Management

7.3.1 Purpose and Intent

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

7.3.2 Applicability

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.

7.3.3 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.

7.3.4 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.

E. Solid Waste Facilities

1. Solid Waste Disposal

5.0 pounds per day per permanent resident.

2. Recycling

2.2 pounds per day per permanent resident.

F. Stormwater Management Facilities

1. Flooding

a. New Arterial Roads

Flood-free during a 100-year rainfall event

b. New and Improved Collector Roads

Not less than one lane in each direction shall be above the design high-water elevation from a 25-year, 24-hour rainfall event

c. New Local Roads

Pavement center line shall be at or above the design high-water elevation from a 5-year, 24-hour rainfall event

d. New Parking Facilities

Facility shall have a maximum temporary detention depth of 9.0 inches

e. Other New Development

Developments shall manage a 25-year, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate WMD by either providing individual on-site facilities or a central facility or facilities.

2. Water Quality

a. No discharge from any stormwater management facility shall cause or contribute to a violation of water quality standards in waters of the State as provided for in Federal law, State statute, or County ordinance. Water quality LOS shall be set consistent with the protection of health, safety, and welfare and natural resources functions and values.

1) All stormwater systems for new development and redevelopment shall include features to minimize pollution from oil, suspended solids, nutrients, and other objectionable materials prior to discharge into natural systems. Such features shall be designed to treat the runoff resulting from the first one inch of rainfall or the first 1.5 inches in the case of projects discharging into an Outstanding Florida Water body. Stormwater systems shall include additional measures to reduce floating and suspended solids to a minimum. Higher design criteria for water treatment shall apply if such criteria are necessary to meet and maintain the LOS or to protect water bodies (such as potable surface waters, impaired waters, or Outstanding Florida Waters) which require higher levels of protection. The higher design criteria shall be based on a treatment system which treats 1.5 times the volume required for the selected treatment system or equivalent.

2) New development and redevelopment shall provide mitigation measures and best management practices to control pollutants specific to the pollutant characteristics of the proposed land use consisting of such measures and practices that have been shown to be effective in controlling the specific pollutants characteristic of the type of new development.

3) Mitigation measures and best management practices relating to drainage shall be taken during construction activities to ensure that water quality is not degraded during the land clearing and construction or development. No cutting, clearing, grading, or filling shall be accomplished on any site under development unless appropriate devices have been installed to minimize pollution from objectionable materials, to control erosion, and to remove sediment from surface water runoff. Appropriate techniques shall also be used to stabilize and revegetate disturbed land upon completion of the project.

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

7.3.5 Concurrency Review

A. Concurrency Review Timing

1. All Developments of Regional Impact shall undergo concurrency review during review of the Master or Incremental Development Orders.

2. All other development shall undergo concurrency review as part of the Site Plan Review procedure as established by this Code. A preliminary concurrency review shall occur at Preliminary Site Plan Review and final concurrency review shall occur at Final Site Plan Review.

B. Standards

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

1. The necessary infrastructure is in place.

2. The necessary infrastructure is under construction.

3. The necessary infrastructure will be constructed or the development impacts will be mitigated as part of a development agreement developed pursuant to Chapter 163, F.S.

4. For stormwater management facilities only, the necessary infrastructure meets State and Federal standards.

C. Concurrency Determination

1. Determination

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

a. If a development meets concurrency, a final development order may be issued, provided that the development meets all applicable requirements of this Code and of the Florida Building Code.

b. If a development does not meet concurrency, it shall be denied and no final development order shall be issued.

2. Mitigation

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

a. Construction of new or additional public infrastructure.

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

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

D. Period of Validity

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

7.3.6 Concurrency Tracking

A. General

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

B. Capacity Calculation

1. Baseline Capacity

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

2. Committed Capacity

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

3. Reserved Capacity

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

4. Available Capacity

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

C. Capacity Reservation

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

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

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

Article 7.4 Archaeological and Historical Resource Review

7.4.1 Purpose

The purpose and intent of this Article is to identify sites that may contain archaeological and historical resources so that encourage the preservation of historic resources within the County by requiring added review when such a resource undergoes or may be impacted by development.

7.4.2 Applicability

Historical preservation review shall be conducted on all historic resources listed on the National Register of Historic Places, the Florida Master Site File List, any Local Historic Register, and any site designated as having a High or Medium probability of containing archaeological resources according to the County's Archaeological Predictive Model when those sites are included in any application for development.

7.4.3 Historic Preservation Review

A. Historic Preservation Report

Upon the completion of historic preservation review, a report shall be issued detailing the findings and conclusions of the review, and making recommendations for preserving the affected historic resources. Such report shall not be binding.

B. Period of Validity

A historic preservation report shall be valid for the life of the final development order, including any extensions that may be granted. Upon expiration of the final development order, a historic preservation report shall also expire. A re-application for development approval shall require a new historic preservation review.

Article 7.5 Transfer of Density Units

7.5.1 Intent

The intent and purpose of this Article is to provide a mechanism to increase density in areas targeted for development by transferring density from areas inappropriate for development.

7.5.2 Applicability

A. This Article shall apply within the unincorporated areas of Charlotte County.

B. This Article shall not apply within the City of Punta Gorda boundaries as they existed on July 15, 2004. This Article shall apply to areas annexed to the City of Punta Gorda after July 15, 2004 or to any new municipality incorporated within Charlotte County.

7.5.3 Determination of Base Density

Base Density is the maximum number of units that may be developed on a lot given the method of calculation defined in the Comprehensive Plan. The items below modify the calculation of Base Density for a Sending Zone.

A. Base Density shall not include units that have been sold, transferred, or limited by easements, deed restrictions, equitable servitudes, restrictive covenants, special exceptions, existing development, this Code, or similar measures.

B. Base Density for property designated as a Wildlife Corridor Critical Linkage, depicted on FLUM Series Map #22, and as Agriculture or Burnt Store Limited Development on the Future Land Use Map is one unit per five acres, gross.

C. Base Density for property designated as a Wildlife Corridor Critical Linkage, depicted on FLUM Series Map #22, and as Rural Estate Residential on the Future Land Use Map is two units per five acres, gross.

7.5.4 Sending Zone

A. Criteria

In order for property to qualify as an SZ, the proposed SZ must contain at least one Density Unit and it must comply with one of the following criteria:

1. The proposed SZ contains an environmentally sensitive resource.

2. The proposed SZ contains an historic or archeological resource.

3. The proposed SZ is designated with a Resource Conservation or Preservation Future Land Use Map category.

4. The proposed SZ is located within the one-half mile setback of the Shell and Prairie Creek Watershed Overlay District or within Tippen Bay or Long Island Marsh, as depicted on FLUM Series Map #4.

5. The proposed SZ is located within the Prime Aquifer Recharge Area, as depicted on FLUM Series Map #6.

6. The proposed SZ is located within a Public Water System Wellhead Protection Area, as depicted on FLUM Series Map #7.

7. The proposed SZ is located within the Coastal High Hazard Area, as depicted on FLUM Series Map #14.

8. The proposed SZ is designated as a Wildlife Corridor Critical Linkage, as depicted on FLUM Series Map #22.

9. The proposed SZ is located within a Managed Neighborhood, as depicted on FLUM Series Map #2.

10. The proposed SZ is located within the Rural Service Area, as depicted on FLUM Series Map #3, and contains a bona fide Agricultural Use or substandard platted lots.

B. Special Provisions

1. The more restrictive of the SZ criteria shall apply as the purpose for severing Density Units from a lot.

2. Density Units shall only be certified in whole units. A fractional unit shall not entitle the petitioner to an additional Density Unit.

3. An SZ may be used for mitigation or for relocation of protected plant or animal species, as such use or relocation may be allowed by Federal and State regulations, provided the terms of the Conservation Easement are satisfied.

4. Sending Zones qualifying under criteria A, 1 to 7 above, shall be placed under a Conservation Easement and no density shall be retained.

5. Sending Zones qualifying under criterion A, 8 above, shall be placed under a Conservation Easement, which may substitute, in part, as an agricultural easement when the property is under active agricultural use and it is intended that those uses will continue. The active agricultural uses may not be intensified or expanded. Any environmentally sensitive resources on the property must be protected. If the property owner choose not to manage any non-agricultural lands for wildlife, the County or appropriate State or non-profit agency shall be granted rights to manage those non-agricultural and non-residential portions of the property for wildlife as may be appropriate. No density shall be retained on the property except that one unit may be retained if in support of an active agricultural use.

6. Sending Zones qualifying under criterion A, 9 above, shall be placed under a Conservation Easement and no density shall be retained on the property except that owners of one acre of contiguous lots may retain one unit of density.

7. Sending Zones qualifying under criterion A, 10 above, shall be placed under a Conservation Easement, which may substitute, in part, as an agricultural easement when the property is under active agricultural use and it is intended that those uses will continue. Any environmentally sensitive resources must be protected. No density shall be retained on the property except that one unit of density per 30 acres of active agricultural use, up to a maximum of 5 units, may be retained in support of an active agricultural use. This density may only be used by the property owner, family members of the property owner, or a land manager.

7.5.5 Receiving Zone

A. Criteria

In order for property to qualify as an RZ, the proposed RZ must comply with one of the following criteria and also not be prohibited as listed in D, 2 below:

1. It must be located within the Urban Service Area and designated as one of the following on FLUM Series Map #2.

- **a.** Emerging Neighborhood.
- **b.** Maturing Neighborhood.
- **c.** Economic Corridors and Centers.
- **d.** Revitalizing Neighborhood.

2. It must be located within the Rural Settlement Overlay District, as depicted on FLUM Series Map #8.

3. It must be located in the Rural Service Area and be designated as Rural Community Mixed Use on FLUM Series Map #1.

B. Prohibited Receiving Zones

Any property meeting any one of the criteria below shall be prohibited from being designated an RZ.

1. Property designated as Resource Conservation or Preservation on the Future Land Use Map.

2. Property containing environmentally sensitive resources or historical or archeological resources. If only a portion of the property contains these resources, that portion not containing the resources may receive density if it meets the criteria of an RZ. A Conservation Easement is required over the resource and a 100 foot undeveloped buffer. Historical resources to be integrated into a development do not need to be buffered.

3. Property within the Prime Aquifer Recharge Area, as depicted on FLUM Series Map #6.

4. Property within the one-half mile setback of the Shell and Prairie Creek Watershed Overlay District and within Tippen Bay or Long Island Marsh, as depicted on FLUM Series Map #4.

5. Property within a Public Systems Wellhead Protection Area, as depicted on FLUM Series Map #7.

6. Property on any barrier island.

C. Special Provisions

1. Receiving Zones in the Coastal High Hazard Area may only receive density from a Sending Zone also located within the Coastal High Hazard Area, subject to the following criteria:

a. Density from the Category 1 Hurricane Storm Surge Zone shall not be transferred into a Tropical Storm Surge zone.

b. Density from an AE flood zone shall not be transferred into a VE flood zone or be used for density in a building which is partially located within a VE flood zone.

c. No transfers of density from a less restrictive flood zone, i.e. lower FEMA flood elevation, to a more restrictive flood zone, i.e. higher FEMA flood elevation, may occur west of the Myakka River or west of Burnt Store Road and within the Burnt Store Area Overlay District, as depicted on FLUM Series Map #8.

d. Any property located within the Charlotte Harbor Community Redevelopment Area is permitted to receive density from any Sending Zone located within the CHCRA or from any property located in any Coastal High Hazard Area throughout the County with no restrictions based on storm surge or flood zone designations

2. Receiving Zones in the Rural Service Area may only receive Certified Density from Sending Zones also located in the Rural Service Area.

3. Receiving Zones located west of the Myakka River may only receive Certified Density from Sending Zones located west of the Myakka River.

7.5.6 Providing for County Ownership of Sending Zones

A. A petitioner may request that the County purchase or assume ownership, through donation, of an SZ. The request must be expressed during the pre-application meeting. The request will be reviewed by all necessary County departments, committees, and boards. The review will consider the costs and benefits associated with the acquisition.

B. If the County agrees to assume ownership, the petitioner is not required to supply a Conservation Easement.

7.5.7 Conservation Easement Requirements

A. The easement shall be prepared by the County.

B. The easement shall contain such provisions as required by Chapter 704.06, F.S., except for allowing the retention of certain density units as applicable.

C. The easement shall be granted to the County, or jointly to the County and a State agency or non-profit environmental group, subject to County approval.

D. The form of each easement shall be reviewed by the County Attorney. Once the draft is approved, the easement shall be signed by the petitioner and held in escrow pending the approval of the CSZ.

Article 7.6 Earthmoving

Standards being developed

Article 7.7 Proportionate Fair-Share Contributions

7.7.1 Purpose

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

7.7.2 General Requirements

A. Use of Proportionate Fair-Share

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

1. Transportation.

B. Fair-Share Agreements

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

7.7.3 Process

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

A. If necessary public infrastructre improvements are already scheduled in the County's Capital Improvements Program (CIP) the applicant shall make a proportionate fair-share payment in order to satisfy concurrency.

B. In the event that the funds adopted in the CIP, in combination with the fair-share payment, are insufficient to achieve concurrency for infrastructure associated with the proposed development, the applicant may fund the balance of the costs for the needed improvements. If the balance of the costs needed for the improvements cannot be funded and the infrastructure cannot be made to meet concurrency, the proportionate-fair-share contribution shall not be accepted and the application shall not be approved. The value of the improvement would be based on an engineer's certified cost estimate provided by the applicant or another method approved by the County.

C. At the County's discretion, as an alternative to making a proportionate fair-share contribution, the applicant may make necessary authorized infrastructure improvements. These improvements must meet the County design standards and construction requirements. The applicant must demonstrate the financial ability to complete the project through performance bond.

D. An applicant may also satisfy concurrency by contributing infrastructure improvements that would create additional capacity on deficient portions even if the proposed development is not along infrastructure identified within the five-year CIP. If the improvement or contribution is not reflected in the CIP but it is determined to be financially feasible pursuant to Chapter 163.3180(16)(b)(1), F.S., consistent with the Comprehensive Plan, and in compliance with the provisions of this Section, then it may be added in the next regularly scheduled update of the CIP. These improvements must meet the County design standards and construction requirements. The applicant must demonstrate the financial ability to complete the project through performance bond.

7.7.4 Administration

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

A. The following events constitute a material default under the terms of a proportionate fair-share agreement:

1. Failure to make a proportionate fair-share payment in accordance with this Article.

2. Failure to commence or complete authorized improvements in accordance with the proportionate fair-share agreement.

B. If an applicant is found in default of the terms in the proportionate fair-share agreement, then the agreement is null and void.

C. Proportionate fair-share payments shall be due prior to the issuance of any building permit.

D. If payment is submitted more than 12 months after the date the agreement is signed, then the proportionate fair-share cost shall be recalculated at the time of payment, and adjusted accordingly. Additional proportionate fair-share payments may be required for any change to an approved development.

E. An applicant may withdraw an application for a proportionate fair-share agreement at any time prior to the execution of the agreement. Such a request shall be submitted to the County in writing. The application fee and the advertising costs paid to the County are not refundable. If a proportionate fair-share agreement is cancelled for any reason all development approvals mentioned in the agreement that have not been satisfied shall expire immediately. Payment made pursuant to this Article is non-refundable.

7.7.5 Proportionate Fair-Share Calculation Methodologies

A. Transportation

1. Calculation

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

$$\text{Proportionate Fair-Share} = (DTV/\sum MSV) * CC$$

Where:

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

∑MSV = Change in the two-way peak hour maximum service volume due to road improvements

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

2. Impact Radius

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

3. Update of Traffic Model

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

7.7.6 Impact Fee Credits

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

B. Proportionate fair-share contributions may be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the County's impact fees.

C. Impact fee credits for proportionate fair-share payments will be determined during final site plan review. If an applicant chooses to construct any County-approved off-site road improvements in lieu of making a proportionate fair-share payment, the value of which exceeds the amount of the fair-share payment, the applicant shall be entitled to road impact fee credits equal to the value of the improvements constructed.

7.7.7 Concurrency Districts

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

7.7.8 Appropriation of Fair-Share Funds

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

Article 7.8 Impact Fees

7.8.1 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.

7.8.2 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.

7.8.3 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	$999	$0	$0	$54	$120	$264	$1,437

1,000 sf							
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

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	Parks	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	$1,183	$0	$0	$51	$34	$249	$1,517

1,000 sf							
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

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	$24270	$0	$0	$309	$681	$1,500	$26,760

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

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
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

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%

7.8.4 Non-Residential Economic Development Incentive Deferment

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.

7.8.5 Non-Residential Impact Fee Installment Payment Program

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. The applicant shall pay an initial installment of one-third of the total assessed impact fees at the time of the approval and execution of the agreement and issuance of the Certificate of Occupancy.

2. The applicant shall acknowledge that the subject property is specially benefited by the improvements to the property and the installment payments shall be special assessments levied as non-ad valorem assessments against the subject property pursuant to the Uniform Assessment Collection Act, Chapter 197.3632 and 197.3635, F.S., as amended.

3. The amount of the annual special assessment and the installment payment term of the agreement, not to exceed four years. In the event an applicant enters into the agreement after the deadline to place the assessement on the applicant's upcoming tax bill for that year, the assessment will be placed on the tax bill for the following year.

4. The interest rate to be charged, set at five percent annually, which shall begin to accrue at the time of approval of the installment payment agreement. Interest shall accrue from the effective date of the agreement, regardless of the established payment schedule.

5. An acknowledgement, agreement, and admission by the applicant that:

a. The applicable impact fee study provides a fair and reasonable allocation between the cost of the impact imposed by the assessed development and the special benefit to the assessed development from haing its growth impact mitigated.

b. The notice-by-mail provisions of the Uniform Assessment Collection Act have been waived.

6. The names and addresses of the applicant and owners (if different from the applicant) and Parcel ID Number of the assessed property.

C. The agreement shall be signed by the applicant and owner (if different from the applicant), and witnessed by a Notary Public.

D. The installment payment agreement shall be a covenant that runs with the land and shall be recorded with the Clerk of the Circuit Court at the applicant's expense.

E. The yearly assessment resolution shall be the resolution for the fiscal year in which an annual assessment is imposed or reimposed hereunder for the purposes of paying the impact fee installment payment.

F. Prior to May 1 of each fiscal year, the applicant shall have the right to pay the outstanding and unpaid balance owed without a prepayment penalty.

G. Pursuant to the Uniform Assessment Collection Act, non-ad valorem assessments levied pursuant to this Section shall remain liens, coequal with the lien of all State, County, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid.

H. For purposes of this Section, the following conditions shall apply:

1. The applicant must be the legal owner of the property or designated agent of the owner, and shall provide written and notarized proof of authorization from the owner when requesting to pay impact fees under this Section.

2. The applicant must be current on property taxes on the subject property and any other real property owned in Charlotte County.

3. The applicant may not be in bankruptcy nor can the property be an asset in any bankruptcy proceeding.

4. The subject property may not be in foreclosure and may not have any Federal income tax lien, judgement lien, or similar liens encumbering it.

7.8.6 Refund of Fees Paid

A. Any funds not expended by the end of the calendar quarter immediately following six years from the date on which the permit for development was issued shall be returned to the applicant with interest at the rate of four percent per year. However, for deferred impact fees or impact fees paid in installments, as allowed in this Article, the six-year limit shall not begin until the date final payment of all outstanding impact fees are paid.

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

7.8.7 Use of Funds

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

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

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

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

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

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

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

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

7.8.8 Traffic Impact Statement

A. The traffic impact statement shall project to what extent the roads serving or expected to serve the proposed project will meet the level of service requirements of the county's comprehensive plan. The projection shall consider a planning horizon through the year 2025.

B. In determining the effects of a proposed project on the level of service the TIS shall consider the following:

1. Traffic characteristics and levels of service of existing major thoroughfares directly affected by the proposed project;

2. Trip generation and origin-destination projections for the proposed project;

3. Impacts of the proposed project on affected major thoroughfares including anticipated changes in the level of service;

4. Impacts of previously approved projects affecting the same major thoroughfares as the proposed project;

5. Radius of development influence;

6. Effects of phasing of the proposed development, including relationships to any thoroughfare plans and capital improvements program of the county and to the five-year work program of the Florida Department of Transportation;

7. Effects of roadway alterations to be made as part of the proposed project, including intersection improvements, turn lanes, signalization, median and other improvements;

8. Impacts of increased through traffic movement and traffic from potential developments permitted and traffic from potential developments contemplated under the comprehensive plan.

C. The TIS shall address each of the policies of transportation element of the Charlotte County comprehensive plan.

D. The following methods of evaluation and standards shall be used in preparing the TIS unless the county administrator or his designee finds that, because of circumstances unique to the proposed development and roadway system servicing the proposed development, other methods or standards provide a more accurate means to evaluate the status of the major thoroughfares affected by the proposed project:

1. Total traffic generated by the project shall be computed using the rates published in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation and Informational Report unless documentation is supplied justifying the use of different rates. Where ITE rates are not available, the feepayer may conduct a count study to determine the actual trip generation rates for similar uses in Charlotte County utilizing the trip generation rate methodology approved by the Institute of Transportation Engineers.

2. Traffic assignments shall be made for each link within the project's radius of development influence in conformance with good traffic engineering principles. Average daily trips shall be based on data for travel during the first quarter of the calendar year.

3. The TIS shall use an analysis of peak-hour intersection capacities to determine whether the standard is met. The analysis shall contain detailed intersection analyses (including calculations) for all intersections within the radius of development influence. Where detailed intersection capacity analysis is provided, the most recent edition of the Highway Capacity Manual shall be referenced and used as documentation. When or if new editions become available, such new editions shall be referenced.

4. The county administrator or his designee may require that both a lane analysis and the intersection analysis be provided if he has reason to believe that at one (1) or more affected intersections the sum of peak-hour critical lane volumes is expected to exceed one thousand two hundred (1,200) vehicles per hour.

5. The TIS shall cover the radius of development influence of a proposed development, which shall include an area of five (5) road miles from the

perimeter of the development, but excluding roads on which traffic assignments from the proposed project do not exceed the following:

Design Type	Average Daily Trips During First Calendar Quarter
2-lane (two-way)	590
4-lane (undivided)	1,020
4-lane (divided)	1,395
6-lane (divided)	2,135
8-lane (divided	2,760
4-lane expressway	2,280
6-lane expressway	3,420
8-lane expressway	4,560

6. The project's radius of development influence shall be measured as road miles from the proposed project, not as a geometric radius. Where the radius of the development influence crosses a county or municipal boundary of an adjoining governmental body, the TIS shall include applicable information from that governmental body, if available, as would be required as if the study were being conducted totally within the boundaries of the unincorporated area of the county. Beyond the five-mile perimeter, all roads must be included which are projected to have five (5) percent of the "Level of Service C" capacity (as defined by the most recent edition of the Highway Capacity Manual) utilized by traffic from the proposed project.

7. Background traffic shall be taken into account as follows:

a. The effect of previously approved but incomplete projects that may eventually affect the major thoroughfares within the radius of development influence of the proposed project shall be addressed in the TIS as provided herein.

b. Phasing of previously approved projects may be considered in the analysis of background traffic.

8. Future traffic shall be taken into account as follows:

a. The effects of increased through traffic and increases in traffic associated with the development of lands suitable for development but not yet planned should be estimated. Estimates should be developed for a period through the year 2025 for through movements and for total buildout of potential developments.

b. The then current land use element of the comprehensive plan, in conjunction with the then current zoning regulations, shall be utilized to estimate the traffic impact from potential developments affecting the radius of development influence.

c. The estimated projected future traffic of potential development not yet permitted but allowable under the comprehensive plan shall be required for informational purposes, but shall not be used to require the subject development to provide traffic improvements for the planning period through the year 2025 except to the extent of its proportionate fair share.

9. The TIS may take into account roads and road improvements not yet constructed only if all funds for such roads and road improvements have already been specifically appropriated by the board of county commissioners or the legislature of the State of Florida for the particular road or road improvements.

10. The TIS shall be prepared and sealed by a professional engineer, licensed to practice engineering in the State of Florida, specializing in

civil engineering with experience in traffic engineering or any other equivalent combination of experience and training acceptable by the county administrator or his designee.

11. Studies and analyses required by this section shall be subject to review of methodology and technical accuracy by the county administrator or his designee.

7.8.9 Automatic Update of Fee Schedule

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

B. The adjusted fee shall be equal to:

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

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

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

D. If the Construction Cost Index is changed so that the base year is different, the index shall be converted in accordance with the conversion factor published by McGraw-Hill.

E. If the Construction Cost Index is discontinued or revised to make it unusable, the Consumer's Price Index, published by the Bureau of Labor Statistics or such other index or computation shall be used in order to obtain substantially the same result as would be obtained if the Construction Cost Index had not been discontinued or revised.