

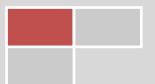
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# *City of Punta Gorda Comprehensive Plan*

#10

*Capital  
Improvement  
Element*

Ordinance 1865-17  
April 5, 2017



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## I. EXECUTIVE SUMMARY

The Florida Legislature completed sweeping changes to the State's Growth Management Act in 2011. Significant changes occurred to both the Capital Improvements Element and Concurrency Management requirements among others. Chapter 163.3177, F.S. now reads, in part, as follows:

The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

- ❖ A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.
- ❖ Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

- ❖ Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.
- ❖ A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.
- ❖ The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. [339.175](#)(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. [339.175](#)(7).

The *Capital Improvements Element (CIE)* must be reviewed by the local government on an annual basis. Modifications to update the

5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

The most significant changes to the *Capital Improvement Element (CIE)* have been the modification of provisions for preparing the CIE to cover a 5-year period and identify whether the project is funded or unfunded and given a level of priority for funding as well as deleting requirements for financial feasibility. Other significant changes include that the annual review is no longer required to be submitted to the state land planning agency for review and therefore is no longer considered an annual amendment to the Comprehensive Plan.

One of the most significant aspects embodied in the Growth Management Act of 1985, was the provision calling for local governments to establish Levels of Service (LOS) for those facility types required in the *Capital Improvements Element*. Local governments must maintain the adopted LOS standards for both current and future residents. These LOS standards must be balanced between community goals that exemplify quality of life considerations on one hand and economic priorities and affordability, on the other. If the adopted LOS standards are not maintained during implementation of the plan, then the local governments must deny additional development permits or may require additional steps to limit additional development. If financial constraints compel the deferment of infrastructure projects that would maintain the adopted LOS, then phases of development may be approved and constructed, as funding becomes available.

The recent legislative changes have mandated concurrency for the following elements: Potable Water Sanitary Sewer, Solid Waste and Drainage of the *Infrastructure Element*. This legislative change repeals the statewide requirements for concurrency on roads under the *Transportation Element*, Parks under the *Recreation and Open Space Element* and Public Schools under the *Public School Facilities Element*, while providing for a local government option to extend it to such facilities. Concurrency requires that capacity be available to support the impact of development within the adopted level of service.

The *Capital Improvements Element* includes the Appendix #6 - City of Punta Gorda Capital Improvement Program, Dept Service Obligations, & Project Total Expenditures, which is updated annually, provides a method to assess the impact of residential growth, and establishes the Level of Service based on a financially feasible Capital Program.

Within the concurrency related elements, infrastructure, parks and recreation and transportation, no existing or projected deficiencies were identified within the five year period. Capital projects identified within the *Capital Improvements Element* therefore are representative of achieving and maintaining the City's adequate level of service standards as identified in Table 10.3 - Adopted Level of Service (LOS).

None of the proposed capital improvement projects are multi-phased. Some are on-going maintenance projects but should not be considered "multi-phased". All of the funding sources are committed including the "Infrastructure Surtax" which was approved by referenda.

No capital improvement projects identified within the Schedule of Improvements are level of service oriented in respect to the Charlotte County-Punta Gorda Metropolitan Planning Organization Transportation Improvement Program for Fiscal Years 2012 through 2017 and have therefore not been included in the element. In addition, no privately funded projects have been identified and are therefore not included in the element. The City has not adopted a long term concurrency management system (CMS) and therefore the schedule of improvements is reflective of a short term CMS.

## // INTRODUCTION

### Purpose

The purpose of the *Capital Improvements Element* is to evaluate the need for public facilities as identified in the other elements of this Plan. In addition, the *Capital Improvements Element* (CIE) presents an analysis of the fiscal capability of the City to fund needed public facilities, recommend financial policies to guide the funding of those identified improvements, and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required.

### Relationship to the City's Comprehensive Plan

Needed capital improvements are those which are necessary to meet the adopted level of service standards identified in other elements of this Plan. The City of Punta Gorda public facilities which require identification and funding are:

- ❖ *Transportation Element* – Roadways which are under the jurisdiction of the City and those roadways which the City wishes to aid in funding improvements.
- ❖ *Infrastructure Element* – which include the following:
  - ❖ Sanitary Sewer – Sanitary sewer treatment and effluent disposal facilities necessary to serve the existing and future population of the City and recommendations for capital improvements and policies to insure adequate sanitary sewer collection facilities.
  - ❖ Solid Waste – Solid waste disposal facilities to service the City's existing and future population, coordination with Charlotte County to ensure those facilities are available when needed, and recommendations for adequate solid waste collection methods.
  - ❖ Stormwater – Drainage systems necessary to meet recommended level of service standards for stormwater quality and conveyance and coordination with Charlotte County for improvements to systems in basins which serve the City but are outside its jurisdiction.
  - ❖ Potable Water – Potable water treatment facilities necessary to serve the existing and future population of the City and recommendations for capital improvements and policies to insure adequate potable water delivery facilities.
  - ❖ *Recreation and Open Space Element* – Recreation facilities and land area necessary to meet the recommended level of service standards.
  - ❖ *Intergovernmental Coordination Element* – provides opportunities to improve collaboration and coordination with other agencies. This collaboration includes the future location and timing of services and infrastructure improvements necessary to accommodate future growth.
  - ❖ *Public School Facilities Element* – provides coordination with the City, County and School Board on the future location and timing of development and those impacts on the school system necessary to accommodate future growth.

The *Capital Improvements Element* will also present methods to ensure "concurrency" as defined and required in Section 163.3180

in its entirety. The element will also present methods to monitor concurrency by the use of the existing Concurrency Management System.

### III. LEGISLATION

#### Federal Regulations

Local governments coordinate with numerous agencies on a variety of issues. Depending on the specific issue will define the federal regulations requirements of the local government.

#### State Regulations

##### *Florida Statutes*

##### Chapter 163

Chapter 163 of the Florida Statutes contains the State's Community Planning Act. The Act provides the City of Punta Gorda with the authority to plan for future development and growth and to adopt and amend a comprehensive plan. Section 163.3180 describes Concurrency provisions required within the local comprehensive plan. Section 163.3177(3)(a), F.S. describes the provisions required within the *Capital Improvements Element* of the local comprehensive plan.

##### Chapter 166

Chapter 166 of the Florida Statutes provides municipalities with governmental corporate and proprietary powers enabling them to perform specific functions.

##### Chapter 187

Chapter 187, the *State Comprehensive Plan*, contains many policies which impact capital improvement planning. This element must be compatible with the State Plan

#### Local Regulations

##### *City Ordinance*

##### Chapter 26 Land Development Regulations (LDR's)

Section 16.4 - Requires the Zoning Official to make a finding and certify in writing that public facilities needed to support the development will be available concurrent with the impacts of the development upon such facilities and services.

### IV. INVENTORY AND ANALYSIS

The applicable elements have identified various capital improvements necessary to meet the recommended level of service standards (LOS). An assessment of the Punta Gorda required public facilities is presented below:

### Sanitary Sewer

The *Infrastructure Element* provides an assessment of facility needs throughout the planning horizon. Also included is an analysis of existing deficiencies of the sanitary sewer treatment, effluent disposal and collection systems. The determination of future sanitary sewer demand includes areas both within the City limits of Punta Gorda and within unincorporated areas that lie within the City's Utility service area. Capital projects will be necessary for the renewal and replacement of wastewater facilities for collection, pumping, treatment and disposal.

### Potable Water

The *Infrastructure Element* provides an assessment of facility needs throughout the planning horizon. Also included is an analysis of existing deficiencies of the potable water treatment and distribution systems. The determination of future potable water demand includes areas both within the City limits of Punta Gorda and within unincorporated areas that lie within the City's Utility service area. Capital projects will be necessary for the renewal and replacement of potable water facilities for treatment, storage and distribution.

### Drainage

The City's drainage and stormwater systems are operated under the City's Public Works Department. Drainage systems management is funded by the City's General Fund. The majority of these funds have been allocated to the repair and replacement of old systems, a project to alleviate flooding near the School Board of Charlotte County properties and to meet the federal

mandates of the National Pollution Discharge Elimination System (NPDES) program.

### Solid Waste

Pursuant to Chapter 403, F.S., Charlotte County is responsible for providing adequate solid waste disposal capacity throughout the planning horizon. The goals objectives and policies of the Public *Infrastructure Element* address the need for the City to coordinate with Charlotte County to ensure that the County provides adequate solid waste disposal capacity for City residents and commercial establishments. The City currently provides collection service for all City residents and most commercial residents.

### Recreation and Open Space Element

The City operates a Parks and Grounds Maintenance Division. The City does not have a Recreation Division. The City has engaged in the acquisition, development and maintenance of lands for park and open space purposes. Regular improvements and maintenance of park facilities are planned for each year. The City will be undertaking a comprehensive Parks Master Plan in 2009 and will continue to coordinate with the County on Regional Parks.

### Transportation

All major roadways within the City of Punta Gorda are under the jurisdiction of the State of Florida and Charlotte County. No major roadways (Major/minor arterials, major collectors) have been identified as being under the jurisdiction of the City of Punta



Gorda. The functional classifications of non-local streets are identified on Table 10.1 – Functional Classifications of Roadways.

Public Education

The City has no fiscal responsibility for public education. Public education is a function of the Charlotte County School Board. Public School facilities are located in the eastern part of the City on Cooper Street, near Grace Street and Taylor Road, and on Martin Luther King Blvd as identified in Map #57 – Public Schools, Public School Facilities Element. The service area for the school is defined as the public school attendance boundaries or combination thereof.

Health Facilities

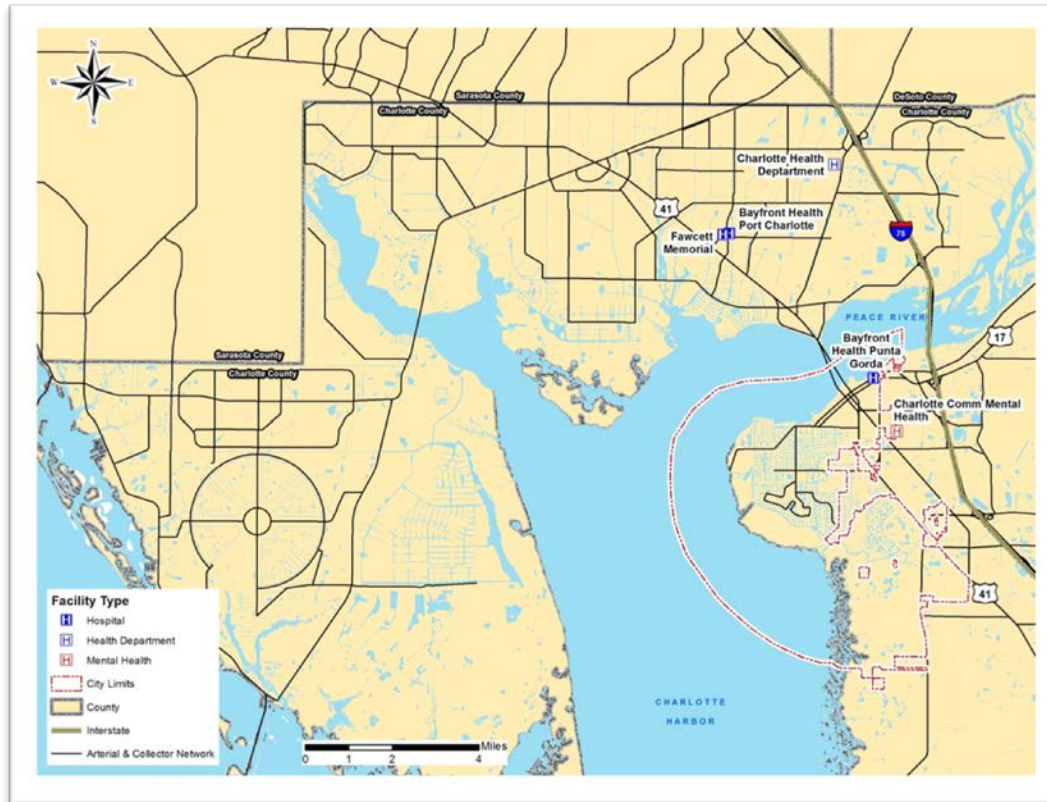
The City has no fiscal responsibility for public health. The health facilities are a function of the Charlotte County and State governments. The Charlotte County Mental Health facility is located in the eastern part of the City on Education Street; The Charlotte County Health Department is located on Loveland Boulevard in Port Charlotte. Furthermore there are three hospitals in the County all of which offer emergency room as well as other hospitals located on Map #60 – Public Health Facilities Available to City Residents. The service area for all of these facilities is intended to be County-wide.

**Table 10.1 - Functional Classifications of Roadways**

Road Type	Service Description	Examples
Arterial	A route providing service which is relatively continuous & is characterized by high traffic volume, long average trip length, high operates speed, and high mobility importance.	All US number routes US 41 & US 17 and Interstate connector roads.
Collector	A route providing service which is relatively of moderate average traffic volume, moderate average trip length, moderate average operating speed. Distribute traffic between local & arterial roads, serves as a linkage between land access & mobility needs.	Taylor Road; Aquí Esta
Local	A route providing service which is of relatively low average traffic volume, of short average trip length, has minimal through-traffic movements, and has a high degree of access for abutting property.	Coronado St.; Charlotte Ave.; Gill Street

Source: Urban Design 2007

## Map #60 Public Health Facilities Available to City Residents



## Existing Revenue Sources and Funding Mechanisms

The City of Punta Gorda has used numerous sources to fund capital improvements in the past. Since adoption of the Comprehensive Plan in 1997, the City has employed methods described in the *Capital Improvements Element* in addition to its standard annual budgeting procedures to allocate funds for specific purposes. An overview of various funding sources, which may be used for capital project funding, is presented in Table 10-2

**Table 10.2 – Title Revenue Sources for Funding Capital Projects**

Types of Funds	Source of Funds
Property taxes (currently used for operating expenses only)	An Ad Valorem Tax; a tax levied on assessed value of real & personal property within the City and not expressly exempted.
Franchise Fees	Fees levied by the City in return for granting a privilege, which permits the continual use of public property such as city streets.
Licenses and permits	Revenue derived from the issuance of local licenses and permits including professional & occupational licenses, building permits & other miscellaneous permits.
Intergovernmental revenue	Funds received from federal, state and other local governmental sources in the form of grants, shared revenues, and payments in lieu of taxes.
Motor Fuels (Gas tax)	Source of funding used for transportation projects and operating and maintenance costs of roads.
Fair Share Impact Fees	Fees paid when a building is built or expanded. The fees are based on the projected impact to City services and infrastructure. The revenues are used for capital improvements made to the City.
Grants (G)	Funds given to the City by foundations, corporations, governments, small business and individuals which fund a specific project and require some level of reporting.
Infrastructure Surtax	Tax which allows for the financing, planning and constructing of infrastructure; acquiring land for public recreation or conservation purposes; purchase of vehicles or equipment with a five-year life expectancy (including emergency service vehicles and the equipment to outfit them).
Revenue Financing	Debt issued that is backed by a specific user fee revenue source (non ad-valorem)
Tax Increment Financing	Known as a TIF, it is a tool used for redevelopment and community improvement projects; often used as a financing mechanism for municipalities.
Utility funds	Funds established for financing utility facilities.
Utility Impact Fees	Fees paid when new development is projected to impact the City services and infrastructure. The revenues are used for capital improvements made to the required utilities.

## ***Current Local Practices for Funding Capital Improvements***

The City utilizes improvements and projects identified in the *Capital Improvement Element* to help guide funding allocation that will ensure the adequate provision of public facilities and infrastructure. Specific local practices for each public facility are described as follows:

### Transportation

The timing of new roads and streets, intersection improvements and the placing of traffic signalization are traditionally driven by new development, availability of funds and public input. The location of signaling devices is determined by the Florida Department of Transportation (FDOT) on arterial roadways and on collector streets feeding into arterial roadways. Placing of traffic signs and other internal controls in residential and commercial areas are determined by the local traffic control authority of the Public Works Department and Punta Gorda Police Department. Arterials and collector streets are widened and intersections improved to increase the capacity of the amount of traffic they can carry based on studies performed by the FDOT and Charlotte County. The traffic signaling on arterial streets is based on the development along those streets i.e. shopping centers and major retail outlets.

### Sanitary Sewer

The City of Punta Gorda utilizes its Infrastructure Surtax, a local option one-cent (\$0.01) sales tax, Utility Funds and Utility Impact

fees for the financing, planning and construction of infrastructure. The City of Punta Gorda provides wastewater treatment for all areas of the City and for a limited number of areas outside the City. The treatment facility is located seven (7) miles east of the City on an 860 acre tract of land. The site is in use under a ninety-nine (99) year lease from the State of Florida.

### Potable Water

The City of Punta Gorda utilizes its Infrastructure Surtax, a local option one-cent (\$0.01) sales tax, Utility Funds and Utility Impact fees for the financing, planning and construction of infrastructure. The City of Punta Gorda operates the water treatment facility which withdraws surface water from an impoundment on Shell Creek. The reservoir is approximately eighty (80) acres in size and ranges from three to five (3 to 5) feet in depth. The water plant is located east of I-75 on Washington Loop Road.

### Drainage

The City of Punta Gorda utilizes its General Fund to implement improvements to and expansion of its drainage facilities. The idea of a Drainage Utility has surfaced numerous times over the years; however none has been implemented to date.

### Solid Waste

The City of Punta Gorda utilizes its Infrastructure Surtax Fund to finance capital expenditures for its Sanitation Division. The user fee for solid waste collection and disposal are charged to provide full revenue for the purpose of paying the costs for twice weekly

collection and disposal of trash, garbage and yard waste. The rates for residential, multi-family units and non-residential customers are determined by the schedule in Section 10-9 of the code of ordinances. The last rate increase was made by Ordinance #1831-15 on October 21, 2015.

### Parks and Open Space

The City of Punta Gorda utilizes the Parks and Recreation Impact Fees to fund capital improvements for parks and open space infrastructure. In addition, CRA funding may be used for any CRA District that improves economic development or slum and blight conditions.

### Public Schools

Although the City has no fiscal responsibility for public health and education, public education is now required to meet state concurrency regulations. In 2008, public school concurrency was adopted requiring new residential development within the City and County to meet new level of service standards for public schools. Through the Interlocal Agreement (ILA) (Appendix #6 - Charlotte County Interlocal Agreement for Coordination Planning and School Concurrency) a detailed plan for school concurrency is provided which includes school capacity methodology, level of service standard for public schools, concurrency service areas, procedures for residential review process, for both the City and County, proportionate share mitigation options, and an oversight of the concurrency process. In addition, the ILA provides a financially feasible 5-Year District Facilities Work Program (Appendix #8)

which ensures that capacity for the new development is available or will be available at the time the development impacts occur.

### ***Fiscal Requirements for Capital Improvements***

The City utilizes improvements and projects identified in the *Capital Improvement Element* to help guide funding allocation that will ensure the adequate provision of public facilities and infrastructure. Improvements to this system can be implemented to help provide a more detailed level of analysis that will guide the provision of funding for needed improvements. In order to determine relative priority of each Capital project, the City utilizes the following guidelines:

- ❖ the project will eliminate public hazards;
- ❖ the project will eliminate existing capacity deficits;
- ❖ the project will negatively impact the City's budget;
- ❖ the project meets the location needs based on projected growth patterns;
- ❖ the project is accommodating of new development and redevelopment facility demands;
- ❖ the project is financially feasible;
- ❖ the project is necessary to protect existing infrastructure; and
- ❖ the project is being redundant given the plans of state agencies and the water management district which may be providing similar public facilities within the City.

## Concurrency Management System (CMS)

The intent of the Concurrency Management System (CMS) is to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development. This section sets forth the criteria for assessment of development impacts and guidelines to ensure that the adopted level of service standards required for roads, potable water, sanitary sewer, solid waste, drainage, parks and schools are maintained and are shown in Table 10.3

**Table 10.3 – Adopted Level of Service (LOS)**

Element	Level of Service (LOS)
Infrastructure	– Potable Water - 141 Gallons per person per day (or 287 gallons per ERU per day)
	– Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day)
	– Solid Waste - 7.2 Pounds per person per day
	– Stormwater - C - using a 25 year/24 hour design
Transportation	– D - on all major arterials
	– E - on all minor arterials
	– D - on all county collections
	– D - on all City maintained roads
Recreation and Open Space	– 5 acres per 1,000 population
Public Schools	– Elementary – 95% program capacity
	– Middle – 100% program capacity
	– High – 100% program capacity

The determination of whether or not there is sufficient capacity of public facilities to meet the level of service standard for existing development and for proposed developments will occur at final site plan or during the final subdivision approval process. In no case would the City issue a development order to a proposed development until there is sufficient capacity of public facilities to meet the adopted level of service standards for existing development and the proposed development. Final development permits shall specify any improvements required to meet adopted levels of service and an implementation schedule for those improvements. If a development fails to meet the conditions of its approval once it has commenced, no additional development approvals shall be issued until all original conditions have been met.

All final development orders are required to be assessed for concurrency. Prior to the issuance of a final development order, the developer/applicant must obtain a certificate of capacity. Any applicant for a development permit must

provide all information deemed necessary by the City to adequately assess the impacts of the proposed development.

For purposes of this section, final development orders are considered to be:

- ❖ Final subdivision plat approval for single family or duplex subdivision and residential or mixed-use Planned Developments (PD)
- ❖ Site plan approval or building permit for commercial, industrial or multi-family projects

### **Concurrency Test**

Certain developments cause no added impacts on facilities, and therefore can be considered exempt from concurrency and the requirement to undergo a concurrency test. The following development orders or permits are considered exempt from concurrency:

- ❖ Room additions, including screen rooms, to a residence
- ❖ Accessory structures to a residence
- ❖ Amenities such as swimming pools, docks, fences, walls and signs
- ❖ Replacement structures which have no difference in impact on public facilities
- ❖ Utility stations and substations
- ❖ Use permits or right-of-way permits

- ❖ Any other development that generates no impact on public facilities

The actual concurrency test is a determination of the capacity of public facilities needed by each applicant, and a comparison of the needed amount of capacity to the capacity that is actually available. If the capacity available is equal to or greater than the capacity needed, the concurrency test is passed and a certificate of capacity is issued. If the capacity available is less than the capacity needed, the concurrency test is failed.

The applicant may choose to undergo a concurrency test, at either the time of, or prior to, application for a preliminary development order, or at the time of application for a final development order. A preliminary development order is considered to be any application for development approval prior to final subdivision plat approval for single family and duplex subdivisions and any application for development approval prior to final site plan approval or building permit for multi-family and non-residential development.

An applicant for a preliminary development order may select either of two options related to the concurrency test:

- ❖ Voluntarily request a concurrency test at the time of, or prior to, preliminary development order application, and pay all associated fees to reserve capacity; or
- ❖ Defer the concurrency test until a final development order review, and sign an affidavit acknowledging that future rights to develop the property are subject to the future

concurrency test and without such a test, no vested rights have been granted by the City or acquired by the applicant

All applications are on a first come, first serve basis, and if capacity is available, that capacity shall be encumbered (for periods set forth herein) until a final development order and a certificate of capacity is issued. Some public facilities may require that encumbered capacity be insured through payment of fees.

The City of Punta Gorda will ensure that consistent with public health and safety, sanitary sewer, solid waste, drainage adequate water supplies, and potable water supplies shall be in place and available to serve new development no later than the issuance of a certificate of occupancy. Prior to approval of a building permit, the City shall consult with the applicable water supplier to determine whether adequate water supplies to serve new development will be available no later than the anticipated date of issuance of a certificate of occupancy.

Parks and recreation facilities to serve new development shall be in place or under actual construction no later than one (1) year after issuance of a certificate of occupancy pursuant. However, the acreage for such facilities shall be dedicated or be acquired prior to the issuance of a certificate of occupancy, or funds in the amount of the developer's fair share shall be committed no later than the approval to commence construction.

Transportation facilities needed to serve new development shall be in place or under actual construction within three (3) years after the issuance of a building permit.

And Public School facilities shall be in place and available to serve new development no later than the issuance of a certificate of occupancy (COC). Prior to approval of a building permit, the Applicant submitting an application for a site plan, subdivision plan, plat or functional equivalent with a residential component which is subject to school concurrency, must prepare and submit a School Impact Analysis (SIA) to the Local Government, for review by the School Board staff. Issuance of a SCADL by School Board staff identifying that capacity exists within the adopted LOS indicates only that school facilities are currently available, and capacity will not be reserved for the Applicant's proposed residential development until the Local Government issues a COC. The Local Government shall not issue a building permit or its functional equivalent for a non-exempt residential development without confirming that the development received a COC prior to site plan, subdivision plan, plat approval or functional equivalent, and the COC is still valid. Once the Local Government has issued a COC, school concurrency for the residential development shall be valid for the life of the COC.

A development order may be issued if the capacity does not currently exist subject to one of the following conditions. First, prior to the issuance of a certificate of occupancy, the necessary public facilities or services are in place; second, when the development order is issued, the necessary public facilities or services are guaranteed with an enforceable development agreement pursuant to Florida Statutes. In either case, necessary public facilities or services shall be in place and available to serve new development at the time of issuance of a certificate of occupancy.



### Procedures for Concurrency Determination

The Urban Design Division shall maintain an inventory of the available capacity within the transportation, potable water, drainage, sanitary sewer, solid waste, recreation/open space and public school facility categories. On the 15<sup>th</sup> of July of each year, the Urban Design Division shall prepare a report for the City Council containing the current capacity within each public facility category, including any encumbrances or deficiencies. This annual report shall also identify any public facilities that will require improvements to maintain adopted level of service standards and recommend a schedule of improvements to avoid any reduction in the approval of development orders. The Urban Design Division shall make concurrency inventory information available to the public through the monthly Development Review Process staff reports generated as development review applications are applied for and which containing the following information:

- ❖ The current capacity of each measured public facility
- ❖ The available capacity or deficiencies of each measured public facility
- ❖ Any encumbered capacities and a list of each project that has reserved capacity
- ❖ The date of expiration for any project that has reserved capacity
- ❖ Improvements to any public facilities that will be made by the City or by a developer pursuant to a development order

and the impact of such improvements on existing public facility capacities or deficiencies

With the exception of the Recreation and Open Space, which may change after the updated 2009 Park and Recreation Master Plan is completed, adopted level of services for concurrency are expected to remain the same over the next planning decade. In the event a finding is made by the Zoning Official and/or the Development Review Committee (DRC) that adequate capacity to meet the needs of a development with regard to roadways, water, sewer, stormwater, solid waste, park facilities or school does not and will not exist at the projected time of occupancy, then a development agreement must be entered into to establish how the municipal service capacity for each of the six (6) facilities will be made available concurrent with the needs or impacts of the development.

All concurrency determinations for specific public facilities and services shall follow the procedures outlined below.

### Transportation

Peak hour generation/attraction shall be used in the determination of capacity for roadways. The development's peak hour impacts shall be based on the developments total impacts during the PM peak hour of the adjacent street. The peak hour volumes published in the latest edition of the publication entitled, "Trip Generation", published by the Institute of Transportation Engineers, shall be used to determine the developments peak hour impacts. Only affected roadways within the City's network will be used in the concurrency test. If the developments impacts

force an affected roadway below an adopted Level of Service (LOS), the concurrency test is failed. The Land Development Regulations contain provisions for issuing a certificate of occupancy for developments impacting roadways that are programmed for improvement.

The concurrency requirement shall be satisfied when the following standards are met:

- ❖ at the time the development order is issued, the necessary public facilities are in place or under construction; or
- ❖ the development order is issued subject to the condition that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after the issuance of a certificate of occupancy as provided by the City's five-year capital improvements schedule. The schedule may recognize and include transportation projects included in the first three years of the applicable adopted Florida Department of Transportation five-year work program; or
- ❖ the necessary facilities and services are the subject of a binding executed agreement which requires facilities and services to serve the new development to be in place or under actual construction not more than three years after the issuance of a certificate of occupancy; or
- ❖ the necessary facilities and services are guaranteed in an enforceable Development Agreement, pursuant to Section 163.320, Florida Statutes, or a development order issued

pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three years after issuance of a certificate of occupancy.

#### Sanitary Sewer

Sanitary sewer concurrency requirements shall contain standards that determine concurrency for residential and non-residential uses based on the adopted LOS. The City utilizes an established procedure to approve new sewer service connections in the City's utility service area. To request wastewater service, a developer must complete a Request for Utility Availability Form with the City. In addition, the City completes a concurrency review at the time of a developer proposal. The zoning official will review the request and the City utilities staff will evaluate the capacity and location of the proposed utility service request and its potential impacts on existing infrastructure such as pipelines, storage tanks, and pump station capacity. The projected impact of the project will be calculated and the LOS criteria shall be used to determine whether or not sufficient facilities capacity exists. The City then contacts the applicant to discuss the available utility services. If no sewer utility service exists in the area of new development, or if the proposed development will decrease the level of service to below the adopted standard, the City will discuss options for additional pump stations, pipelines, or other improvements that may be necessary to meet the established level of service standards.

### Solid Waste

Solid waste concurrency requirements shall contain standards that determine concurrency for residential and non-residential uses based on the adopted LOS. All solid waste facilities which are under the jurisdiction of another local government, government agency or private ownership, may be required to be assessed through the concurrency management system adopted by that governmental agency. However, the City shall conduct a concurrency test for solid waste regardless of who has administrative or legal responsibility for solid waste facilities.

### Drainage

Concurrency determinations for drainage shall be based on both stormwater runoff quantity and quality. Generally, new development will be required to meet the standards of the Southwest Florida Water Management District.

### Potable Water

Potable water concurrency requirements shall contain standards that determine concurrency for residential and non-residential uses based on the adopted LOS. The City utilizes an established procedure to approve new water service connections in the City's utility service area. To request water and wastewater service, a developer must complete a Request for Utility Availability Form with the City. In addition, the City completes a concurrency review at the time of a developer proposal. The zoning official will review the request and the City utilities staff will evaluate the capacity and location of the proposed utility service request and its potential impacts on existing infrastructure such as pipelines,

storage tanks, and pump station capacity. The projected impact of the project will be calculated and the LOS criteria shall be used to determine whether or not sufficient facilities capacity exists. The City then contacts the applicant to discuss the available utility services. If no water utility service exists in the area of new development, or if the proposed development will decrease the level of service to below the adopted standard, the City will discuss options for line extension and other improvements that may be necessary to meet the established level of service standards.

### Recreation and Open Space

Only residential developments shall be required to undergo a concurrency determination for recreation and open space. The City will continue to utilize the current methodology to determine concurrency.

### Public Schools

Public School facilities must be in place at the time a residential development order or permit is issued, or the developer, prior to occupancy, providing for the needs of any proposed residential development. A finding that public school capacity must exist based upon existing facilities and services, currently in place or under construction; or the residential development is considered exempt from the requirements of school concurrency by meeting one or more of the following criteria:

- ❖ A finding must be made that the residential development consists of single family lots of record at the time the

School Concurrency implementing ordinance becomes effective

- ❖ A finding must be made that the residential development that has a site plan, subdivision plan, preliminary or final plat approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program
- ❖ A finding must be made that the residential development is an age restricted community with no permanent residents under the age of eighteen (18). Exemption of an age restricted community must be subject to a restrictive covenant limiting the age of residents to eighteen (18) years and older.
- ❖ A finding must be made that the residential development, or the amendment to previously approved residential development, is calculated to generate less than one student. Such development shall be subject to payment of school impact fees.

A finding must be made that the development order or permit issued subject to the condition that, at the time of site plan approval, subdivision approval, preliminary plat approval or functional equivalent, the school capacity necessary to serve the new residential development is scheduled to be in place or under actual construction within the first 3 years of the School Board's adopted 5-Year District Facility Work Program (Appendix #7 – Charlotte County School Board 5-Year District Facilities Work Program)

A finding must be made that at the time the development order or permit is issued, the necessary facilities and services (mitigation) are guaranteed in a binding and enforceable agreement with the School Board, County and City. Acceptable forms of mitigation may include, but are not limited to:

- ❖ Contribution of land or payment for land acquisition in conjunction with the provision of additional school capacity; or
- ❖ Mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits; or
- ❖ Provision of additional student stations through the donation of buildings for use as a primary or alternative learning facility; or
- ❖ Construction or expansion of permanent student stations or core capacity; or
- ❖ Construction of a public school facility in advance of the time set forth in Appendix #7 – Charlotte County School Board 5-Year District Facilities Work Program.

Public Schools have sufficient capacity to provide a level of service as follows:

- ❖ Elementary 95% utilization for any new residential development.
- ❖ Middle School 100% utilization for any new residential development.
- ❖ High School of 100% utilization for any new residential development.

This utilization is established using Total FISH as a capacity measure for existing schools based on the School Districts financially feasible 5-Year District Facilities Work Program which is adopted annually as Appendix #7 – Charlotte County School Board 5-Year District Facilities Work Program of this Plan consistent with the Charlotte County Interlocal Agreement for Coordination Planning and School Concurrency (Appendix #5). The proposed development shall be approved to provide adequate capacity in one of the approved criteria listed above

## V. PROGRAMS & FUNDING SOURCES

The City obtains infrastructure revenues from a variety of sources. The primary revenue sources for City capital projects are the property tax, ad valorem tax, sales tax, impact fees, gas tax, and user fees. The City also pursues Federal, State and Regional funding. Additionally the City uses debt financing. Specific capital improvement data guiding the City's Capital Improvement Element, such as ad valorem tax revenues, non-ad valorem tax revenues, FY 2012-2017 Capital Improvements Program, debt service obligations, projected total expenditures are all found in Appendix #6 – City of Punta Gorda Capital Improvement Program, Debt Service Obligations, & Project Total Expenditures.

## VI. CONCLUSION

Growth undoubtedly presents challenges focused on a community's ability to forecast, plan for, and provide services that meet public needs. Along with those challenges comes the additional challenge of prudent and sensible funding for needed services.

As the City moves through the next planning decade, the *Capital Improvement Element* provides the scheduling along with the policies and growth management strategies identified the *Future Land Use Element* to guide the timing and location of capital improvements. City Council has undertaken a number of initiatives to guide the City toward a more planned future for Punta Gorda. The City wide goals give the entire organization and community a shared vision, improved motivation and serves as a basis for setting priorities. The process of having clear goals is vital in achieving the community's desired results.

## VII. GOALS, OBJECTIVES AND POLICIES

Goal 10.1: The long term end toward which Punta Gorda's Capital Improvements Element is directed is the timely efficient provision of public facilities maintaining required Levels of Service, meeting locally determined needs, limiting public expenditures in coastal high hazard areas, distributing public facility costs of new development appropriately, and managing concurrency.

Objective 10.1.1 Punta Gorda will utilize the *Capital Improvements Element* as a means to fund, construct, and acquire capital facilities needed to meet existing deficiencies, to accommodate future growth, to meet locally determined needs, and to replace obsolete or worn out facilities.

Policy 10.1.1.1: Punta Gorda will adopt an annual Capital Improvements Program to guide the timing, location, and development intensity of capital expenditures.

*Measurement: Annual adoption of Capital Improvements Program.*

Policy 10.1.1.2: Capital improvements will consist of physical improvements including land acquisition, buildings, structures, facilities, and equipment with a unit cost of \$25,000 or more.

*Measurement: Conforming definition of capital improvement in City Code.*

Policy 10.1.1.3: Capital improvements programming will be consistent with and will act as a means of implementing the comprehensive plan.

*Measurement: Analysis of capital budgeting requirements contained in the Capital Improvements Program.*

Policy 10.1.1.4: Capital improvements may include projects not required by the comprehensive plan to maintain a required Level of Service or to implement a specific policy. However, such projects may be deferred or cancelled if it is determined that the project is no longer appropriate due to cost considerations, the availability of alternatives, or diminished need.

*Measurement: Justification for disposition of projects proposed in the annual Capital Improvements Program process.*

Policy 10.1.1.5: A comprehensive plan amendment will be required to eliminate or delay construction of any road, mass transit facility, or mass transit service if such is needed to maintain adopted LOS standards and is included in the Capital Improvement Program.

*Measurement: Public facilities required to be built to maintain LOS standards included in the Capital Improvement Program within the appropriate time frame.*

Policy 10.1.1.6: Punta Gorda may issue debt for constructing or acquiring capital improvements or facilities and for renovating existing facilities. Management of such debt shall be fiscally sound, balancing the amount and timing of anticipated revenues and anticipated costs to facilitate the continued operation of the City, and maintaining compliance with debt instrument conditions, such as bond covenants, so as to support the continued good credit of the City.

*Measurement: Financial position of the City and maintenance of debt instrument conditions such as bond covenants.*

Policy 10.1.1.7: Punta Gorda will adopt an annual Capital Improvements Budget to fund projects identified in the schedule of capital improvements.

*Measurement: Annual Capital Improvements Program.*

Policy 10.1.1.8: Punta Gorda will identify costs and funding sources for capital improvements proposals, including, but not limited

to, general fund revenues, federal and state grants, and special taxing districts, such as CRA's.

*Measurement: Annual Capital Improvements Program.*

Policy 10.1.1.9: Punta Gorda will maintain its assets at a level adequate to protect capital investment, and to minimize maintenance and replacement costs.

*Measurement: Opinion of Finance Director and Auditor's Report.*

Policy 10.1.1.10: Debt used to fund capital improvements projects may be financed by user fees, utility charges, or other revenue sources as deemed appropriate by the City.

*Measurement: Revenue sources reported in annual budget.*

Policy 10.1.1.11: Capital improvements financed through the issuance of debt will not be financed for a period to exceed the useful life of the improvement.

*Measurement: Opinion of Finance Director, Auditor's Report, debt instruments, or other sources to verify the measure stated in the policy.*

Policy 10.1.1.12: Punta Gorda will require at least one appraisal for land acquisitions prior to acquisition with a price ranging between \$25,000 to \$100,000. Land acquisitions greater than \$100,000 will require at least two appraisals.

*Measurement: Appraisals for land acquisitions meeting the stated criteria.*

Policy 10.1.1.13: Punta Gorda will not construct or acquire a public facility if it is unable to provide for subsequent annual operation and maintenance costs.

*Measurement: Record that operating and maintenance cost projections have been considered by City Council prior to acquisition or construction of a public facility.*

Policy 10.1.1.14: Punta Gorda will manage the land development process so that public facility needs to serve developments previously issued development orders do not exceed the City's ability to ensure the provision of needed capital improvements.

*Measurement: Record of concurrency certifications*

Policy 10.1.1.15: Punta Gorda will adopt annually the School Board's District Facilities Work Plan consistent with the Interlocal Agreement

*Measurement: Annual adoption of the School Board's 5-Year District Facilities Work Plan (Appendix #8).*

Objective 10.1.2: Punta Gorda will limit public expenditures that encourage development in Coastal High Hazard Areas beyond the overall density and intensity of use for such areas as contemplated in the 1988 comprehensive plan.

Policy 10.1.2.1: Punta Gorda will restrict public funding for capital improvements in Coastal High Hazard Areas unless such expenditure replaces deficient or worn-out public facilities, provides open space or recreational facilities, mitigates a public health or safety hazard, expands an existing public facility in order to meet service level standards, or furthers the redevelopment of a designated slum and blight area.

*Measurement: Written determination that one or more of the aforementioned conditions has been met.*

Policy 10.1.2.1: Punta Gorda will maximize public facilities and services in currently developed areas that promote the infill of development or the



redevelopment of existing neighborhoods and commercial areas.

*Measurement: Expenditures for capital improvements in areas currently served by City water and sewer.*

Objective 10.1.3: Punta Gorda will manage its fiscal resources in order to ensure that capital improvements needed because of previous and future developments are provided in accordance with the adoption of an annual five-year schedule of capital improvements which coordinates levels of service with land use decisions and available fiscal resources.

Policy 10.1.3.1: Punta Gorda will adopt an annual five-year schedule of capital improvements, referred to as a Capital Improvements Program, which designates projects that will be constructed or acquired to facilitate managed growth and eliminate existing deficiencies.

*Measurement: Adoption of a Capital Improvements Program.*

Policy 10.1.3.2: As part of the Capital Improvements Program annual update, the financially feasible School Board's 5-Year District Facilities Work Program (Appendix #8), which achieves and maintains the adopted level of service standards for public schools, as approved by the

Charlotte County School Board, shall be adopted by reference by the City of Punta Gorda.

*Measurement: Adoption of the Capital Improvements Program.*

Policy 10.1.3.3: As part of capital improvements programming, the City's Development Review Committee shall be responsible for developing and evaluating the capital improvements requests to meet adopted level of service standards.

*Measurement: Record that the DRC has considered the proposed Capital Improvements Program.*

Policy 10.1.3.4: In determining capital improvements projects, Punta Gorda will evaluate a project based on the following criteria:

- a) it eliminates a public health or safety hazard;
- b) it eliminates an existing capacity deficiency;
- c) it is financially feasible and does not create too great a financial burden upon the City;
- d) it will serve projected population growth needs;
- e) it accommodates new development or redevelopment facility demands;

- f) consistency with the plans of state agencies and water management districts that provide public facilities within the City; and
- g) the City will have sufficient funding to operate the facility.

*Measurement: Record that the above criteria were considered in evaluating project proposals in the Capital Improvements Program process.*

Policy 10.1.3.5: The Capital Improvements Element will be evaluated annually and amended as the five-year schedule of capital improvements is revised.

*Measurement: Annual update of the Capital Improvements Program.*

Policy 10.1.3.6: The City shall provide needed capital improvements in order to replace or renew obsolete or worn out capital facilities.

*Measurement: Number of capital facilities replaced or renovated.*

Policy 10.1.3.7: The City shall, on an annual basis, adopt financial policies as a part of each years adopted budget that guides the City in its management of debt. Said policies shall recognize the policies of the other comprehensive plan elements.

*Measurement: Annual update of the Capital Improvements Program.*

Objective 10.1.4: Punta Gorda will manage growth and development by requiring that adopted level of service standards are maintained by public or private investment.

Policy 10.1.4.1: Punta Gorda, as well as private providers of infrastructure, will meet or exceed the adopted level of service standards identified herein for the seven LOS facilities described in the Infrastructure Element (Sanitary Sewer, Potable Water, Stormwater Drainage, and Solid Waste), Recreation and Open Space Element, Transportation Element (Traffic Circulation) and the Public School Facilities Element. Said LOS standards shall be as follows:

Element	Level of Service (LOS)
Infrastructure	Potable Water - 141Gallons per person per day (or 287 gallons per ERU per day)
	Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day)
	Solid Waste - 7.2 Pounds per person per day
	Stormwater - C - using a 25 year/24 hour design

Transportation	D - on all major arterials E - on all minor arterials D - on all county collections D - on all City maintained roads
Recreation and Open Space	5 acres per 1,000 population
Public Schools	Elementary – 95% total capacity Middle – 100% total capacity High – 100% total capacity

*Measurement: Record of concurrency certifications.*

Policy 10.1.4.2: Punta Gorda will utilize a Concurrency Management System to ensure the minimum level of service standards are maintained or exceeded. The Concurrency Management System to be utilized is that system described in Section 8 10.ii.g. of the Capital Improvement Element, including the LOS standards included therein.

*Measurement: Record that Concurrency Management System is operational and regularly updated with new data through the DRC process.*

Policy 10.1.4.3: Punta Gorda will utilize the Concurrency Management System to ensure that public facilities and services are available prior to the issuance of a development order or permit to determine whether there is adequate capacity, ie water supply, to serve the new development and the issuance of a permit be subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development.

*Measurement: LOS standards that conform to City standards and a record of concurrency within those standards.*

Policy 10.1.4.4: Within one year of the update of the Comprehensive Plan, Punta Gorda will review, and revise if necessary, its Concurrency Management System to improve permit tracking, decision-making, and level of service attainment. In addition, within the same timeframe, the City will adopt land development regulations (LDR) that are consistent with and which implement the requirements of the Comprehensive Plan.

*Measurement: Any necessary improvements to the Concurrency Management System.*

Policy 10.1.4.5: Land Development Regulations (LDR's) will include provisions that development orders or building permits will not be

issued unless Level of Service (LOS) standards are maintained.

*Measurement: Review and revision of Land Development Regulations.*

Policy 10.1.4.6: The City shall consult with the applicable water supplier to determine whether adequate water supplies to serve new development will be available no later than the anticipated date of issuance of a certificate of occupancy (CO).

*Measurement: Written determination that adequate water supply is available.*

Policy 10.1.4.7: Building permit issuance shall be subject to the condition that, at the time of the issuance of a certificate of occupancy (CO), the necessary facilities and services are in place and available to serve new development.

*Measurement: The issuance of a Certificate of Capacity.*

Objective 10.1.5: Future development in Punta Gorda will pay the proportionate cost of infrastructure and services resulting from its impact.

Policy 10.1.5.1: Punta Gorda will assess impact fees or accept impact fee credits on new development to cover the fair share costs of capital improvements resulting from new growth and to maintain appropriate levels of service.

*Measurement: Impact fees assessed.*

Policy 10.1.5.2: Impact fees will be used to fund capital improvements needs resulting from new development and will not be used to fund existing deficiencies.

*Measurement: Budgeting of impact fees to projects.*

Policy 10.1.5.3: The current Fair Share Impact Fee Ordinance and fee schedule will be reviewed every two years to reflect changing needs and costs.

*Measurement: Record of review of impact fee ordinance according to schedule.*

Policy 10.1.5.4: The current water and sewer systems capacity increase fee schedules (impact fees) will be revised as necessary to reflect changing needs and costs.

*Measurement: Record of review and revision as necessary.*