

8. CAPITAL IMPROVEMENT ELEMENT

Goals, Objectives, and Policies

GOAL 8-1: TO USE SOUND FISCAL POLICIES TO PROVIDE PUBLIC FACILITIES AND SERVICES CONCURRENT WITH DEVELOPMENT/REDEVELOPMENT IN ORDER TO ACHIEVE AND MAINTAIN ADOPTED STANDARDS FOR LEVELS OF SERVICE.

OBJECTIVE 8-1.1: PUBLIC FACILITY AND SERVICE NEEDS. Define types of public facilities and services, establish level of service (LOS) standards for each type of public facility or public service, and determine what capital improvements or public services are needed in order to achieve and maintain the LOS standards for existing and future populations, and to repair or replace existing public facilities through implementation of the following policies.

Policy 8-1.1.1: Definitions. The following definitions apply throughout this Capital Improvement Element and the individual elements of the City's Comprehensive Plan.

- a. *"Capital Improvement"* means physical assets constructed or purchased to provide, improve, or replace a public facility, and which are large scale and high in cost. For purposes of the Comprehensive Plan, capital improvements represent identified facility improvements to address existing or projected needs in the individual elements within this Plan.
- b. *"Development order"* means any active order granting, denying, or granting with conditions an application for a land development approval including, but not limited to, final site plans and final plans, except as otherwise exempted, that allows a building permit application(s) or any other official action of the City having the effect of permitting the development of land.
- c. *"Final development order"* means approval of a final site plan or any other development approval which results in an immediate and continuing impact upon public facilities.
- d. *"Preliminary development order"* does not result in an immediate and continuing impact upon public facilities and includes, but is not limited to: a rezoning, conditional use, preliminary site plan, preliminary development plan, and any other development approval other than a final development order.
- e. *"Public facility"* means large scale or high cost physical assets and associated systems that are addressed within individual elements of the Comprehensive Plan and include: arterial, collector and local roads, transit system facilities, pedestrian system facilities, bicycle facilities, stormwater management, reclaimed water, potable water, sanitary sewer, solid waste, public schools and parks and recreation facilities. While public services may be associated with operation and maintenance of a public facility, the good, the product, or the service generated by the public facility relies upon a physical asset.

- f. *“Public services”* mean public programs and services addressed within individual elements of the Comprehensive Plan that generally do not rely upon large scale or high cost physical assets to achieve the intended product, purpose, or service. Public services generally do not strictly rely upon capital improvements to achieve established City goals or objectives. Examples of public service include a transportation management association, educational program addressing water conservation or solid waste recycling, or a car pool/van pool program.

Policy 8-1.1.2: Transportation LOS Standards. The City hereby adopts the following LOS standards for transportation facilities:

a. *Collector Roadways.* The following LOS standards apply to collector roads except for those assigned a special roadway designation.

1. *City Collectors.* All City "collectors" shall operate at LOS "E" or better on a PHPD basis.
2. *County Collectors.* All County-classified "collectors" shall operate at LOS "F" or better on a PHPD basis.

b. *Arterial Roads*

1. *City Arterial Roads.* No City roadways are designated as "arterials." An amendment to the Comprehensive Plan must occur prior to designating a City road as an "arterial" facility. LOS standards for city arterials shall be established at such time.
2. *County Minor Arterial.* All County classified "minor arterials" shall operate at LOS "F" or better on a PHPD basis.
3. *State Minor Arterials.* All State classified "minor arterials" shall operate at LOS "F" or better on a PHPD basis.
4. *State Principal Arterials.* All State principal arterial shall operate at LOS "F" or better on a daily and PHPD basis.
5. *Freeways.* I-4, a state-classified principal arterial, which currently operates with only general use lanes; however, plans include improving I-4 to include general use and special use lanes. I-4 shall operate at LOS "F" or better for its general use lanes and LOS "E" or better for its special use lanes, when operational.

c. *Special Provisions.* In recognition that the City is in the process of transitioning from a largely single occupant vehicle mode to a multi-modal system, the following special provisions will be considered in quantifying the acceptable service volumes at the associated LOS on roadways within the City:

1. *Service Volumes at LOS "F".* LOS "F" represents conditions based on speeds (for signalized arterials) and density (for freeways). Technically, the traffic volumes served actually decrease under LOS "F" operating conditions. Per the FDOT Q/LOS Handbook, the maximum capacity of a roadway is considered the maximum service volume at LOS "E". Therefore, service volumes at LOS "F" will be established as the service volume for LOS "E" (the maximum number of vehicles which can be processed for a two hour period compared to the volume served over a two hour period). Generalized PHPD Service Volumes identified in the most recent FDOT Q/LOS Handbook shall provide the initial service volumes. If determined appropriate by the

City, more specific service volumes can be calculated using acceptable software. When identifying existing conditions, Seminole County travel time runs are an acceptable method for identifying actual LOS.

- 2. *Minimum/Maximum Acceptable Key Input Values (K, D, g/C).* The minimum/maximum acceptable key input values for K, D and g/C (as defined in the most recent FDOT Q/LOS Handbook) for determining service volumes shall be the most recently measured values at the location being evaluated. Values for future conditions shall be determined by City Growth Management staff.
- d. The City shall utilize the 2009 FDOT Quality/Level of Service Handbook Transit Level of Service (TLOS) thresholds based on the Transit Capacity and Quality of Service Manual (TCQSM). These thresholds are limited and applicable to scheduled fixed route bus transit. The City of Altamonte Springs hereby adopts a TLOS standard of “E” within the Mobility Tiers 1 and 2.
- e. The presence of a bike lane, paved shoulder, or multi-use path which runs the length of the respective roadway segment shall be the measure for bicycle facilities and shall be considered an LOS standard of “B”. The City’s objective is to achieve an LOS B within Mobility Tier 1 and 2.
- f. The presence of a sidewalk (minimum five feet wide) on both sides of the roadway or a multi-use lane on one side which runs the length of the respective roadway shall be the measure for pedestrian facilities and shall be considered an LOS standard of “B”. The City’s objective is to achieve an LOS B within Mobility Tiers 1 and 2. The City will strive to achieve an LOS B within Tier 3 and will require five feet wide sidewalks on both sides of streets for redevelopment projects.

Policy 8-1.1.3: Solid Waste LOS Standards. The following LOS standards apply to the collection and disposal of solid waste:

a. *Disposal LOS Standards:*

| Planning Period | LOS Standard (PCD) | |
|-----------------|--|--------------------------|
| | Seminole County Landfill at Osceola Road | Central Transfer Station |
| 2010-2030 | 4.2 | 4.3 |

PCD – pound per capita per day.

- b. *Collection LOS:* The City shall provide a minimum LOS of one pickup per week for standard service to residential customers. Such service includes standard trash but does not include recycling, yard waste, or large items that require special pickup.

Policy 8-1.1.4: Potable Water LOS Standards. Potable water facilities shall be designed, maintained, and expanded to meet the following minimum LOS standards:

a. *Potable Water Per Capita LOS:*

| City Service | Average Daily Flow | |
|---------------|--------------------|--|
| Potable Water | 135 gpcd | |

b. *Potable Water Use:*

| Land Uses | Average Daily Flow | Peak Daily Flow |
|--|---------------------------|---------------------------|
| Commercial | 175 GPD per 1,000 sq. ft. | 260 GPD per 1,000 sq. ft. |
| Office | 150 GPD per 1,000 sq. ft. | 255 GPD per 1,000 sq. ft. |
| Industrial | 25 GPD per 1,000 sq. ft. | 40 GPD per 1,000 sq. ft. |
| Hotel/Motel | 175 GPD per room | 300 GPD per room |
| Single Family Residential | 300 GPD per unit | 560 GPD per unit |
| Multifamily Residential | 135 GPD per unit | 225 GPD per unit |
| Public Education Facilities ⁽¹⁾ | 15 GPD per student | 25 gals/day/student |

Note: (1) The public education standards are estimated from current use records.

c. *Fire Safety Pressure Flow.* In order to ensure that adequate fire flow is available, the potable water system shall be designed and maintained to provide a minimum pressure of 150 pounds per square inch.

(Revised: Ordinance 1676-14, Adopted 7/1/14)

Policy 8-1.1.5: Sanitary Sewer LOS Standards. Sanitary sewer facilities shall be designed, maintained, and expanded to meet the following minimum LOS standards:

a. *Wastewater Per Capita Use:*

| City Service | Average Daily Flow | |
|----------------|--------------------|--|
| Sanitary Sewer | 105 gpcd | |

b. *Wastewater Flow:*

| Land Uses | Average Daily Flow | Peak Daily Flow |
|--|--------------------------|---------------------------|
| Commercial | 175 GPD per 1000 sq. ft. | 265 GPD per 1,000 sq. ft. |
| Office | 150 GPD per 1000 sq. ft. | 225 GPD per 1,000 sq. ft. |
| Industrial | 25 GPD per 1000 sq. ft. | 40 GPD per 1,000 sq. ft. |
| Hotel/Motel | 175 GPD per room | 260 GPD per room |
| Single Family Residential | 300 GPD per unit | 450 GPD per unit |
| Multifamily Residential | 135 GPD per unit | 200 GPD per unit |
| Public Education Facilities ⁽¹⁾ | 8 GPD per student | 15 GPD per student |

Note: (1) The public education standards are estimated from current use records.

Policy 8-1.1.6: Stormwater LOS Standards. The City hereby establishes the following LOS standards for stormwater quantity and quality and such LOS standards shall apply to all development and redevelopment:

- a. The lowest floor elevation of a habitable structure must be at least one foot above the 100-year, Base Flood Elevation (BFE) flood plain as set by the Federal Emergency Management Agency Federal Emergency Management Act (FEMA). In areas designated as flood hazard areas but where a BFE has not been established by FEMA, a flood study by a Florida registered Professional Engineer and accepted by the City is required to determine the 100-year flood plain. No portion of any structure which reduces the storage capacity of the flood hazard area may be constructed within the limits of the flood hazard area unless equal replacement storage volume is provided by acceptable stormwater construction techniques. No construction shall result in a rise in floodways established by FEMA.
- b. Sites shall conform to the following design standards:

[Design standards appear on the following page]

| Development Type | Standard |
|--|--|
| Landlocked drainage basin-primary system design standard: | |
| New Development | Retain the difference in pre-development versus post-development run-off volume during the 100-year, 24-hour storm event (10.6 inches) and the St. John's River Water Management District (SJRWMD) criteria for water quality and water quantity treatment, independent of project size. |
| Redevelopment | Retain the difference in pre-development versus post-development run-off volume during the 100-year, 24-hour storm event (10.6 inches) and the SJRWMD criteria for water quality and water quantity treatment, independent of project size. In addition, under no circumstances should the volume of storage be reduced from what is provided in the existing condition. |
| Activity Centers | Retain the difference in pre-development versus post-development run-off volume during the 25-year, 6-hour storm event (6 inches) and the SJRWMD criteria for water quality treatment, independent of project size. In addition, under no circumstances should the pre versus post development runoff exceed existing conditions. |
| Positive Outfall (Riverine) drainage basis-primary system design standard: | |
| New Development | Detain the difference in pre-development versus post-development run-off volume and rate of the 10-year, 3-hour storm event (4.3 inches) and the SJRWMD criteria for water quantity and quality, independent of project size. |
| Redevelopment | Detain the difference in pre-development versus post-development run-off volume and rate of the 10-year, 3-hour storm event (4.3 inches) and the SJRWMD criteria for water quantity and quality, independent of project size. In addition, under no circumstances should the volume of storage be reduced from what is provided in the existing condition. |
| For secondary system such as roads and storm sewer systems, the design storm shall be the 10-year storm event, using the "Rational method." | |

- c. Flooding of major arterial roadways shall be limited to one half of the outer travel lane width using a peak intensity for the 10-year storm.
- d. Flooding of local streets shall be limited from exceeding one inch above the crown of the road.
- e. Local streets shall not flood to such an extent that they become impassable to emergency vehicles.
- f. Any existing structure with a first floor elevation below the 100-year floor elevation will be treated as a nonconforming use.
- g. Any new development will be built in such a manner that the development will not exceed the downstream capacity for rate and volume of runoff for the storm events listed above.
- h. Discharge to natural water bodies shall be consistent with state standards as stated in Rule 62.302.560, F.A.C., and the National Pollution Discharge Elimination System (NPDES) Stormwater Standards.
- i. For projects located within an area common to the city's Regional Business Center (also known as the Central Business District or CBD) and Cranes Roost water shed, the City

may allow the project to be developed using the SJRWMD conceptual permit criteria associated with the Cranes Roost Integrated Surface Water and Reclaimed Water Facility.

- j. Design requirements may be waived by the City Engineer for developments that discharge into a permitted master system that has been designed, permitted, and improved by the City for the purpose of facilitating development within the City’s activity centers.

(Revised: Ordinance 1676-14, Adopted 7/1/14)

Policy 8-1.1.7: Recreation LOS Standards. The City of Altamonte Springs hereby adopts the following LOS standard for recreational land:

- a. Recreational Land - 3.37 acres per 1000 population.

Policy 8-1.1.8: Public School LOS Standards. To ensure that the capacity of public schools is sufficient to support student growth, Seminole County, the cities within the County and the School Board agree that the desired LOS standard shall be 100% of the aggregate permanent Florida Inventory of School Houses (FISH) capacity for each school type within each Concurrency Service Area (CSA.) To financially achieve the desired LOS standard, the following tiered LOS standard for public schools is established as follows:

| School Type | 2008 - 2012 | Beginning 2013 |
|---------------------------|---------------------------------|---------------------------------|
| Elementary and Middle CSA | 100% of Permanent FISH Capacity | 100% of Permanent FISH Capacity |
| High School CSA | 110% of Permanent FISH Capacity | 100% of Permanent FISH Capacity |

CSA – Concurrency Service Area
 FISH – Florida Inventory of School Houses

- a. The City shall operate its concurrency management system for public schools in cooperation with the School Board for compliance with the LOS standards that have been established for each type of public school in order to ensure that the LOS is maintained.
- b. School concurrency shall be implemented and measured in Seminole County using Concurrency Service Areas as adopted by the Seminole County School Board.
- c. The Concurrency Service Areas boundaries established by the School Board will be based on clustered attendance zones for each school by type (elementary, middle, and high school) and will be re-evaluated by the School Board as needed.

Policy 8-1.1.9: Seminole County Public Schools Capital Improvement Plan. The City of Altamonte Springs hereby adopts the *Seminole County Public Schools Five Year Capital Improvement Plan* as adopted by the Seminole County School Board and as specifically indicated in Table 8.1, the Five-Year Capital Improvement Program. This action is intended to enhance planning coordination between the City and School Board and by adopting said Capital Improvement Plan the City assumes no responsibility for implementation of, or funding for, said Plan. *(Revised Ordinance 1639-12, Adopted 2/7/12)*

Policy 8-1.1.10: Public Facility and Public Service Priorities. The relative priorities among types of public facilities and services are as follows:

- a. Priorities among Types of Public Facilities and Services.** All public facility improvements that are necessary for achieving and maintaining an LOS standard adopted in the City's Comprehensive Plan are included in the financially feasible Five-Year Capital Improvement Program (CIP) for capital improvements and public services. The relative priorities among types of public facilities (i.e., roads, potable water, sanitary sewer, etc.) and services are established by adjusting the standards for LOS and the available revenues until the resulting public facilities and services needs are financially feasible. Legal restrictions on the use of many revenue sources limit the extent to which types of facilities can be prioritized because these facilities cannot compete for the same revenues legally restricted to another type of facility. No further prioritization among types of public facilities and services is necessary because all projects or programs in the Five-Year Capital Improvement Plan CIP for capital improvements and public services are financially feasible, programmed for improvement, and will be completed according to the Capital Improvement Plan CIP schedule. Each year, however, prioritization among types of facilities and services is evaluated by reaffirming or revising standards for LOS within the constraints of available restricted revenues.
- b. Priorities of Capital Improvements within a Type of Public Facility.** Capital improvements and public services are to be evaluated on the following criteria and considered in the order of priority listed below. The City shall establish the final priority of all capital improvements and public services using the following criteria as general guidelines. Any revenue source that cannot be used for a high priority facility will be used beginning with the highest priority for which the revenue can legally be expended.
1. Repair, remodeling, renovation, or replacement of obsolete or worn out facilities that contribute to achieving or maintaining LOS standards adopted in the City's Comprehensive Plan.
 2. Implementation of new or expanded public services that will reduce demand for facility capacities, maximize use of existing facilities, or create greater operation and cost efficiency in existing facilities.
 3. New or expanded facilities that reduce or eliminate deficiencies in LOS used for existing demand.
 4. New public facilities and improvements to existing public facilities that eliminate public hazards not otherwise eliminated by improvements prioritized according to Subsection b.1 or b.3, above.
 5. New or expanded facilities that provide the capacity to meet adopted levels of service for new development and redevelopment during the next five fiscal years, as updated by the annual review of this Five-Year CIP. The City may acquire land or right-of-way in advance of the need to develop a facility for new development. The location of facilities constructed pursuant to this Subsection shall conform to the Future Land Use Element, and specific project locations shall serve projected growth areas within the allowable land use categories. New or expanded facilities or services used to meet demands generated by new development or redevelopment shall be directed to occur according to the following order of priority:
 - a. Regional Business Center,
 - b. Activity Centers,

- c. Areas served by existing transit service,
 - d. Areas not occurring within 5 a, b, or c above.
6. Improvements to existing facilities, and new facilities that significantly reduce the operating cost of providing a service or facility, or otherwise mitigate impacts of public facilities on future operating budgets.
 7. New facilities that exceed the adopted LOS standards for new growth during the next five fiscal years by either: (a) providing excess public facility capacity that is needed by future growth beyond the next five fiscal years, or (b) providing higher quality public facilities than are contemplated in the City's normal design criteria for such facilities.
 8. Facilities not described in Subsection 1 through 7, above, but which the City is obligated to complete, provided that such obligation is evidenced by a written agreement the City executed prior to the adoption of the City's Comprehensive Plan.
- c. All facilities scheduled for construction or improvement in accordance with this Policy shall be evaluated to identify any plans of State agencies, LYNX, Seminole County, the Seminole County School Board, or the SJRWMD that affect, or will be affected by, the proposed City capital improvement or public service.
 - d. Project evaluation may also involve additional criteria that are unique to each type of public facility or service, as described in other elements of the City's Comprehensive Plan.

OBJECTIVE 8-1.2: FINANCIAL FEASIBILITY AND FISCAL MANAGEMENT. The City of Altamonte Springs shall provide funding for the acquisition and/or construction of, or access to, needed City public facilities and services within the City's ability to provide such funding from local government revenues, reserves, equities, development's proportionate share assessments or contributions, grants or gifts or any and all other sources which may be available through implementation of the following policies.

Policy 8-1.2.1: Five-Year Capital Improvement Program (CIP). The City shall annually prepare and adopt a five-year CIP for capital improvements and public services as well as an annual capital budget as part of its annual budgeting process.

Policy 8-1.2.2: Grantsmanship. The City shall pursue available grants as well as private funds in order to finance the provision of needed capital improvements.

Policy 8-1.2.3: Cost Estimations. The estimated costs of all needed capital improvements and public services shall not exceed conservative estimates of revenues and other sources that are available to the City pursuant to current law, and which have not been rejected by referendum, if a referendum is required to enact a source of revenue.

Policy 8-1.2.4: Policy Coordination with Five Year Capital Improvements Program (CIP). A capital budget will be adopted by the City Commission as a part of the annual budgeting process. The Capital Budget (Capital Improvement and Public Service Program) will be developed using this Element as a fiscal management guides. The annual budget shall be consistent with the Five-Year CIP unless the City determines that sufficient revenue cannot be obtained to fund the proposed projects within the Five-Year CIP. In such case, the City shall modify the Five-Year CIP concurrent, with or as near as possible to, the adoption of the annual budget.

(Revised: Ordinance 1676-14, Adopted 7/1/14)

Policy 8-1.2.5: Costs Paid by New Development. Existing and future development shall pay for the costs of needed public facilities and services.

a. Existing development.

1. Existing development shall pay for some of the capital improvements, and/or operations and public services that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn out facilities, and may pay a portion of the cost of capital improvements, and/or operations needed by future development.
2. Existing development's payments may take the form of user fees, special assessments, special districts, benefit areas, and taxes.

b. Future development.

1. Impact fees shall be assessed on new development to pay for capital improvements needed to maintain or exceed LOS standards. Upon completion of construction, "future" development becomes existing development, and shall contribute to paying the costs of the replacement of obsolete or worn out facilities as described in *Policy 8-1.2.5.a.1*, above.
2. Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, capacity fees, dedications of land, provision of public facilities or services, and future payments of user fees, special assessments and taxes. Future development shall not pay impact fees for the portion of any capital improvement that reduces or eliminates existing deficiencies.

- c. Both existing and future development may have part of those costs chargeable to them paid by grants, entitlements or the contribution of public facilities from other sources, including but not limited to, other governments, agencies and independent districts.

Policy 8-1.2.6: Capital Improvement and Public Service Funding. Capital improvements and public services shall be financed, and debt shall be managed as follows:

- a. Public facilities shall be financed by City enterprise funds (i.e., potable water, sanitary sewer, reclaimed water, solid waste and drainage):

1. Debt to be repaid by user fees and charges and/or connection or capacity fees for enterprise services, or
2. Current assets (i.e., reserves, surpluses, connection or capacity fees and current revenue), or
3. A combination of debt and current assets.

- b. Public facilities shall be financed by non-enterprise funds (i.e., roads, parks, fire) and shall be financed from either current assets (i.e., revenue, capacity [impact] fees, fund equity and reserves), or debt or a combination thereof. Financing decisions shall include consideration of which funding source (current assets, debt, or both) will be:

1. Most cost effective,
2. Consistent with prudent asset and liability management,
3. Appropriate to the useful life of the project(s) to be financed, and
4. The most efficient use of the City's ability to borrow funds.

- c. Debt financing shall not be used to provide more capacity than is needed within the Five-Year CIP for non-enterprise public facilities except as provided by *Policy 8-2.6.b*.
- d. The ratio of total annual debt service (including projected annual debt service on any new debt issues) to annual operating revenues shall not exceed the following maximum ratios for each fund or fund group:

| | |
|--------------------------------|------|
| General Operating Funds | 5% |
| Community Redevelopment Agency | 100% |
| Stormwater Management | 100% |
| Water & Sewer | 25% |
| Refuse Disposal | 25% |

Policy 8-1.2.7: Maintenance and Operation Costs. The City shall not provide a public facility or service, nor shall it accept the provision of a public facility or service by others, if the City or other provider is unable to pay for the subsequent annual operating and maintenance costs of the facility.

Policy 8-1.2.8: Improvements Subject to Voter Referendum. In the event that sources of revenue listed under the Five-Year CIP require voter approval in a local referendum, and such referendum was not held or was held and was not successful, the Comprehensive Plan will be amended to adjust for the lack of those revenues in any one or more of the following ways:

- a. Reduce the LOS for one or more public facility or service;
- b. Increase the use of other sources of revenue;
- c. Decrease the cost, and therefore the quality, of some types of public facilities or services while retaining the quantity of the facilities that is inherent in the standard for LOS;
- d. A combination of one or more of above.

In such an event, the analysis that supports this Capital Improvement Element shall contain an Alternative Recommendation setting forth the levels of service, costs and revenues that will be proposed in the plan amendment.

Policy 8-1.2.9: Fund Availability Prior to Commencing Development. All development orders issued by the City which require public facilities or services that will be financed by sources of revenue which have not been approved or implemented (such as future debt or referenda) shall be conditioned on the approval or implementation of the indicated revenue sources, or the substitution of a comparable amount of revenue from existing sources.

Policy 8-1.2.10: Public School Facility Responsibility. The City of Altamonte Springs does not have the authority to directly provide school facilities and is not financially responsible for public school facilities. The City shall, in accordance with Florida Statutes, work with the Seminole County School Board to address the coordination of public school facility planning with land use planning and residential development approvals.

Policy 8-1.2.11: Maintaining Consistency with the Water Supply Facilities Work Plan. The Water Supply Facilities Work Plan, prepared by the City dated May 2017, is incorporated in this Element by inclusion of the Capital Improvement Plan (CIP) for water supply projects in Table 8.1 of the Comprehensive Plan and Exhibit 4-1 of the Infrastructure Element. The Plan shall include in its annual update of the City's Five-Year Capital Improvement Plan the first five years

of the Water Supply Facilities Work Plan to ensure consistency between the potable water sub-element and the Capital Improvement Element.

(Revised: Ordinance 1722-18, Adopted 3/6/18)

OBJECTIVE 8-1.3: PROVIDE NEEDED IMPROVEMENTS. Provide needed capital improvements or public services for the repair or replacement of obsolete or worn out facilities, elimination of existing deficiencies, and meeting the needs of future development and redevelopment caused by previously issued and new development orders consistent with the adopted plan and depicted on the adopted future land use map. The City's ability to provide needed improvements shall be demonstrated by maintaining a financially feasible Five-Year CIP contained in this Capital Improvement Element.

Policy 8-1.3.1: Implement Improvements and Services. The City shall provide, or arrange for others to provide, the public facilities or services listed in the Five-Year CIP. The Five-Year CIP may be modified as follows:

- a. The Five-Year CIP shall be updated annually in coordination with the adoption of the annual City budget.
- b. Pursuant to Florida Statutes, Chapter 163.3177, the Five-Year CIP may be adjusted by ordinance not deemed to be an amendment to the Comprehensive Plan for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction of any facility enumerated in the Five-Year CIP.
- c. In the event of any act, or failure to act, that causes any project listed in the Five-Year CIP of the Comprehensive Plan to be scheduled for completion in a fiscal year later than the fiscal year indicated in the CIP, the City shall undertake the following:
 1. Amend the Plan to provide project capacity equal to, or greater than, the delayed project capacity by accelerating within, or adding to the Five-Year CIP in order to provide capacity of public facilities in the fiscal year which capacity is at least equal to the capacity scheduled prior to the act which delayed the subject project.
 2. Modify development orders issued conditionally or subject to the concurrent availability of public facility capacity provided by the delayed project. Such modification shall restrict the allowable amount and schedule of development to that which can be served by the capacity of public facilities or services according to the revised schedule.
 3. Amend the plan to reduce the adopted LOS standard for public facilities or services until the fiscal year in which the delayed project is scheduled to be completed.

(Revised: Ordinance 1676-14, Adopted 7/1/14)

Policy 8-1.3.2: Coordination of Five-Year Capital Improvement Program (CIP) with Annual Budget. The City shall include in the capital appropriations of its annual budget (i.e., a "capital budget") all the capital improvements projects or program services listed in the Five-Year CIP or expenditure during the appropriate fiscal year, except that the City may omit from its annual budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year. If the City adopts a multi-year capital improvements schedule with its annual budget that addresses all City capital improvements (i.e., including improvements for city programs not addressed within the Comprehensive Plan, such program will be incorporated into and be a part of the CIP.

Policy 8-1.3.3: Concurrency Management. The City shall determine, prior to the issuance of development orders, whether or not there is sufficient capacity of public facilities to meet the standards for LOS for existing development and the impacts of proposed development concurrent with the proposed development. For the purpose of this policy and the City's land development regulations, the Concurrency Management System (CMS) shall contain the following provisions:

No final development order shall be issued by the City, or such earlier date as may be adopted by the City Commission, unless there shall be sufficient capacity of public facilities (with the exception of roadway) to meet the LOS standards for existing development and for the proposed development, and the development order shall be subject to the requirements of *Policy 8-1.3.3.c*.

- a. For preliminary development orders the capacity of public facilities shall be determined according to either:
 1. The applicant's request for a determination of such capacity as part of the review and approval of the preliminary development order subject to the requirements of *Policy 8-1.3.3.c*, or
 2. The applicant may elect to request approval of a preliminary development order without a determination of capacity of public facilities, provided, that any such order is issued subject to requirements in the applicable land development regulation or to specific conditions contained in the preliminary development order that:
 - (a) Final development orders for the subject property are subject to a determination of capacity of public facilities, as required by *Policy 8-1.3.3.a* and *Policy 8-1.3.3.c*, and
 - (b) No rights to obtain final development orders or any other rights to develop the subject property have been granted or implied by the City's approval of the preliminary development order without determining the capacity of public facilities.
- b. Development orders issued pursuant to *Policy 8-1.3.3.a* and *Policy 8-1.3.3.b.1* shall be subject to the following requirements:
 1. The availability of public facility capacity to support development concurrent with the impacts of such development shall be determined in consultation with the applicable service provider in accordance with the following:
 - (a) For potable water supply, potable water facilities, sanitary sewer, solid waste, and stormwater:
 - 1) The necessary facilities and services are in place at the time a development permit is issued; or
 - 2) Development orders and permits are issued subject to the condition that the necessary facilities and services will be in place when the impact of the development occurs or no later than issuance of a certificate of occupancy. The certificate of occupancy would be withheld in the event that the applicant did not provide the necessary services and facilities that were required to be in place as part of receiving a final development order; or
 - 3) The necessary facilities are under construction at the time a development order or permit is issued; or

- 4) The necessary facilities are guaranteed in an enforceable development agreement that includes the provisions of paragraphs (1), (2) and (3) above. The agreement must guarantee that the necessary facilities will be in place when the impacts of the development occur.
- (b) For parks and recreation:
- 1) Any of the provisions of *Policy 8-1.3.3.c.1.a* listed above for potable water, sanitary sewer, solid waste and stormwater; or
 - 2) The necessary facilities are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities within one year of the issuance of the development order or permit; or
 - 3) The necessary facilities are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities within one year of the issuance of the applicable development order or permit.
- (c) For roads:
- 1) The City has committed to provide the necessary public facilities in accordance with the Five-Year CIP, provided that:
 - (a) The Capital Improvements Element and five-year CIP must be financially feasible, and may include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation five-year work program.
 - (b) The City uses a realistic, financially feasible funding system based on currently available revenue sources. The revenues must be adequate to fund the public facilities required to serve the development authorized by the development order or development permit and which public facilities are included in the five-year CIP in the Comprehensive Plan.
 - (c) The five year CIP must include the estimated date of commencement of actual construction and the estimated date of project completion.
 - (d) The City shall maintain land development regulations which, in conjunction this Element, ensure that development orders and permits are issued in a manner that will assure that the necessary public facilities will be available to accommodate the impact of that development.
 - (e) The Comprehensive Plan shall contain clear designations of the areas within which facilities will be provided by the City with public funds in accordance with the Five-Year CIP.
- (Revised: Ordinance 1676-14, Adopted 7/1/14)*
2. The determination that such capacity is available shall apply only to specific uses, densities and intensities included in the development order. Any change in the density, intensity, or land use that requires additional public facilities or capacity is subject to review and approval or denial by the City.
 3. The determination that such capacity is available shall be valid for a period of time determined as follows:

- (a) For the same period of time as the underlying development order, including any extensions of the underlying development order. The validity of the determination of capacity shall be extended to subsequent development orders for the same property provided that each subsequent development order is obtained prior to the expiration of the preceding development order.
 - (b) If the underlying development order does not have an expiration date, the capacity shall be valid for a period not to exceed one year. The City and the applicant may designate a different time period for the capacity determination to be valid, provided that the period of time is explicitly set forth in a binding development agreement.
4. The determination that such capacity is available shall be binding on the City at such time as the applicant provides assurances, acceptable to the City in form and amount, to guarantee the applicant's pro rata share of the City's financial obligation for public facilities which are to be constructed by the City for the benefit of the subject property.
 - (a) The assurances to be provided by the applicant may include one or more of the following:
 - 1) Prepayment of impact fees,
 - 2) Capacity reservation fee,
 - 3) Irrevocable letter of credit,
 - 4) Performance bond,
 - 5) Establish special assessment districts or,
 - 6) Prepayment of development bonus payments.
 - (b) Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the City shall do one of the following:
 - 1) Contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share, or
 - 2) Obtain assurances similar to those in subsection (a) from other sources, or
 - 3) Based on valid justification provided by the applicant, the City shall amend its comprehensive plan to modify the adopted LOS standard so as to reduce the required facility to equal the applicant's needs, or
 - 4) Deny the determination of capacity for the development order.
5. The standards for public facilities shall be applied to the issuance of development orders on the following geographical basis:
 - (a) Public facilities that serve the entire City shall achieve and maintain the adopted LOS standard on a City-wide basis. No development order shall be issued in any part of the City if the LOS standards are not achieved and maintained throughout the City for the following public facilities:
 - 1) Potable Water
 - 2) Sanitary Sewer
 - 3) Solid Waste (landfill and transfer station)
 - 4) Parks and Recreation

- (b) Public facilities which serve less than the entire City shall achieve and maintain the standards within their assigned service area. No development order shall be issued in an assigned service area if the LOS standards are not achieved and maintained throughout the assigned service area for the following public facilities and assigned service areas:

- 1) Stormwater Systems: Applicable Stormwater Drainage Sub-Basin

- (d) Transportation Concurrency Exception Area

Proposed development are exempt from transportation concurrency requirements. However, development will still be required to submit traffic impact analysis to the City.

OBJECTIVE 8-1.4: COORDINATE CAPITAL IMPROVEMENTS WITH LAND DEVELOPMENT. Manage the land development process to insure that all development receives, at minimum, public facility LOS equal to the standards adopted in *Policy 8-1.1.2* through *Policy 8-1.1.8* by implementing the Five-Year CIP and produced in its entirety elsewhere in the Capital Improvement Element, and by using the fiscal resources provided for in *Objective 8-1.2* and its supporting policies.

Policy 8-1.4.1: Consistency with Comprehensive Plan. All public facility capital improvements and public service improvements shall be consistent with the goals, objectives and policies of the appropriate elements of the City's Comprehensive Plan.

Policy 8-1.4.2: Land Use Planning and Capital Improvement and Public Services. The City shall integrate its land use planning decisions with its plans for public facility capital improvements and public services by developing, adopting and using the programs listed in the Five-Year CIP and within individual elements of the Comprehensive Plan Projects listed in the Five-Year CIP shall assist with the maintenance of adopted LOS standards for existing and future development in a manner and location consistent with the Future Land Use Element of the Comprehensive Plan.

OBJECTIVE 8-1.5: IMPLEMENTING CAPITAL IMPROVEMENTS. The City shall implement its necessary capital improvements through an annually updated financially feasible Five-Year Capital Improvements Program (CIP) together with criteria for monitoring and evaluating the Capital Improvement Element.

Policy 8-1.5.1: Five-Year CIP. Table 8.1: Five-Year Capital Improvement Program of this Element, establishes the estimated project cost, and potential revenue sources for each of the capital improvement and public service needs identified within the respective Comprehensive Plan elements. These programs are scheduled in order to ensure that the goals, objectives, and policies established in the Capital Improvement Element shall be met.

OBJECTIVE 8-1.6: FUNDING FOR MOBILITY. As required by Florida Statutes, the facilities and funding necessary to achieve the purposes of the TCEA must be reflected in a financially feasible capital improvement plan. The plan associated is contained in *Policy 8-1.6.1*.

Policy 8-1.6.1: Identification of Transportation Improvements. The City shall identify and update annually a list of short-term (5-year), and long-term (plan horizon) transportation improvements.

Policy 8-1.6.2: Implementation Plan Coordination. The City shall continue its commitment and will work with the FDOT, LYNX, and MetroPlan Orlando MPO for the timely implementation of all programmed improvements within and serving the City.

Policy 8-1.6.3: Coordination of Unfunded Projects. The City shall continue to coordinate with the FDOT and MetroPlan Orlando MPO to attempt to secure funding for planned, but unfunded improvements within and serving the City.

Policy 8-1.6.4: Funding for Operational Improvements. The City shall promote local, state, or other funding for traffic operations improvements with particular emphasis on developed or planned roadways within the Activity Centers.

Policy 8-1.6.5: Intelligent Transportation Systems (ITS) Coordination. The City shall continue to coordinate with FDOT and Seminole County regarding intelligent transportation systems (ITS), including computerized signalization and optimal signal timing and progression.

Policy 8-1.6.6: Inclusion of Financially Feasible CIP within CIE. The financially feasible CIP will be included in the Capital Improvement Element (CIE) as part of the City's overall plan. Projects with a longer planning timeframe than those required to be adopted into the CIE shall be reviewed as part of the monitoring plan and adopted into future CIPs.

Policy 8-1.6.7: Mobility Strategies. The City shall implement the following mobility strategies which are provided to illustrate the City's commitment to maintaining mobility. While the projects are not capital improvements, each one is an initiative that will support multimodal transportation and establish programs to maximize the effectiveness of the existing transportation network. Within each program or policy, the City will develop and implement a variety of initiatives as determined appropriate and feasible for the City.

Mobility Strategies

| Strategy | Implementation Schedule | Funding Source(s) ¹ | Estimated Funding Percentage |
|--|-------------------------|--------------------------------|------------------------------|
| East Town Code Amendments (SunRail Area) | FY2015 | General Fund | 100 |
| East Town Vision Plan (SunRail Station Area) | FY2014 | General Fund | 100 |
| Parking Strategies | FY 2012 | CRA/TIF | 100 |
| TOD Incentives Update | FY 2012 | CRA/TIF | 100 |

¹ CRA/TIF funding sources are proposed for program/policy development. The future funding to meet the requirements of the program or policies created will be the responsibility of developers to the extent that the funding is generally commensurate with development impacts. The balance of any funding needs not addressed by developer contributions shall be evaluated by the City in the update of the CIE.

OBJECTIVE 8-1.7: MONITORING AND EVALUATING THE CAPITAL IMPROVEMENT ELEMENT. The Capital Improvement Element shall be reviewed and updated on an annual basis in coordination with the adoption of the annual City budget in order to ensure that the required fiscal resources are available to provide adequate public facilities and services needed to support future land use consistent with adopted LOS standards. The annual review of the Five-Year CIP shall be the responsibility of the Local Planning Agency. The findings and recommendations of the Local Planning Agency shall be considered by the City Commission at a public hearing after which the City Commission takes action as it deems necessary in order to refine/update this Element.

(Revised: Ordinance 1676-14, Adopted 7/1/14)

Policy 8-1.7.1: Annual Capital Improvement Element Evaluation. The annual monitoring and evaluation procedure shall incorporate the following considerations:

- a. *Data Update and Refinements.* Determine if any corrections, updates, and/or modifications should be undertaken. Such considerations shall include, but not necessarily be limited to, the following:
 1. Estimated costs
 2. Revenue sources
 3. Recently constructed capital improvements
 4. Dedications
 5. Scheduled dates of improvements projects
- b. *Consistency Review.* Determine whether changes to the CIP are necessary in order to maintain consistency with other elements of the Comprehensive Plan.
- c. *Capital Improvement Evaluation Criteria.* Annually, the City Manager in concert with the Local Planning Agency shall review the criteria used to evaluate capital improvement projects in order to ensure that the projects are being ranked in their appropriate order of priority and incorporate any needed changes in order to upgrade and facilitate the evaluation process.

- d. *LOS Standards.* Annually, the City Manager in concert with the Local Planning Agency shall evaluate the City's effectiveness in maintaining the adopted LOS standards and recommend any needed action to address problem areas.
- e. *County, State and Regional Improvement Programs.* The City Manager in concert with the Local Planning Agency shall annually review the effectiveness of program coordination in resolving multi-jurisdictional issues surrounding the plans and programs of County, State and Regional agencies, as well as private entities that provide public facilities within the City's jurisdiction.
- f. *Private Sector Improvements, Dedications or Fees in Lieu Thereof.* The City Manager in concert with the Local Planning Agency shall evaluate the effectiveness of provisions requiring mandatory dedications or fees in lieu thereof, as well as progress toward incorporating other programs for assessing new development a pro-rata share of the improvement costs generated by the respective developments.
- g. *Impact of Other Jurisdictions in Maintaining LOS Standards.* The City Manager shall coordinate with Seminole County, the SJRWMD, the Central Florida Regional Transportation Authority (LYNX), the Seminole County School Board, and the State Departments of Transportation (FDOT) and Environment Protection (FDEP), as applicable, in evaluating the success and failure of intergovernmental coordination in achieving an area-wide approach to public facilities and improvements that may be required to maintain LOS standards.
(Revised: Ordinance 1722-18, Adopted 3/6/18)
- h. *Outstanding Indebtedness.* Annually the City Manager shall evaluate the ratio of outstanding indebtedness to the property tax base.
- i. *Grantsmanship.* The City Manager shall evaluate efforts made to secure available grants or private funds in order to finance the provision of capital improvements and public services.
- j. *Fiscal Management.* The City Manager shall evaluate the City's progress in finding effective funding mechanisms for promoting road and stormwater improvements as well as other capital improvement needs identified in the stormwater, transportation, water, and wastewater improvement plans.
- k. *Evaluation Criteria.* The City Manager shall evaluate the usefulness of criteria used to evaluate plan amendments as well as requests for new development/redevelopment.
- l. *Update Schedule of Improvements.* The City Manager shall review the City's success in implementing the five-year CIP and refine the schedule to include any new projects required to support any development during the latter part of the five-year schedule.

Policy 8-1.7.2: Roadway Monitoring – Annual CIE: The City shall monitor the following roadway segments as a part of the annual CIE evaluation and project out ten years to identify LOS issues and adopt strategies and/or projects to address the LOS. The segments include:

- Eden Park Road from Maitland Boulevard to City Limits
- Maitland Avenue from SR 436 to Oranole Boulevard
- SR 436 from Ronald Reagan Boulevard to Maitland Avenue

