



## Orange City Development Services Department

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### MEMORANDUM

**Public Hearing:** March 7, 2018, Planning Commission

**Report Date:** February 28, 2018

**Subject:** Second discussion on Evaluation and Appraisal Review (EAR) of the comprehensive plan-Capital Improvements Element and Monitoring and Evaluation Element.

**Applicant:** Development Services Department

**Staff:** Becky Mendez, AICP, Development Services Director

#### SUMMARY OF REPORT

This evaluation and appraisal report (EAR) addresses changes in state requirements since the last update of the comprehensive plan and revises the Plan based on changes to local conditions. Staff has reviewed the Plan in accordance with Chapter 163.3191, Florida Statutes and recommends generally the following amendments to the elements listed above:

1. Capital Improvements Element.
  - a. Add specific reference to the TPO TIA Guidelines when reviewing applicable development applications.
  - b. Delete reference to De Minimus Records Reports, as they are no longer required by statute.
  - c. Clarify that school concurrency processes and review criteria are mandated by the Public School Facilities Element that the Interlocal Agreement between the city and school district.
  - d. Clarify the Concurrency Management Program in accordance with state statute.
  - e. Delete CIP schedule from the element. CIPs are adopted by Ordinance annually and no longer require a comprehensive plan amendment. The last CIP update was adopted by City Council in December 2017.
2. Monitoring and Evaluation Element. Delete in its entirety because it is not a required element and is subject to conflicts with changes in state law. The Administration and Interpretation Element, to be reviewed under separate cover, adequately addresses amendments to the comprehensive plan.

On February 7, 2018, the Planning Commission discussed the first series of elements including; Future Land Use, Transportation, Housing, Conservation, Recreation & Open Space, Public School Facilities, and Intergovernmental Coordination. No one from the public provided comments on the proposed amendments. However, the Commission provided two comments as follows:

Conservation Element. Discussion regarding staff's proposed amendment of objective 2.2, "Encourage conservation of present nonrenewable energy sources, and the use and development of alternative sources." The Commission requested that we add the words "renewable and nonrenewable to the objective. Examples of renewable energy sources are biofuels, biomass, geothermal, hydropower, solar energy, tidal power, wave power, and wind power. The purpose of Objective 2.2 is to *conserve* nonrenewable energy sources. Adding the word "renewable" to this objective is confusing because we don't conserve sunlight or wind. Staff requests that the Commission reconsider the proposed amendment.

Recreation & Open Space Element. The Commission requested background information of the Parks and Recreation Committee referenced in policy 1.3.1. Below is the history of the committee as we know it.

02.07.1984 – Ad Hoc Parks & Recreation committee met, origination unknown, termination unknown.  
 09.09.1986 – Ad Hoc Parks & Recreation committee formed, termination unknown  
 02.12.1991 - Ad Hoc Parks & Rec committee formed  
 02.11.1997 – 1991 Ad hoc committee disbanded  
 03.11.1997 – Ordinance 97.2.2 Parks & Recreation Board created  
 01.12.1999 – Ordinance 98-12-01 creation of Parks & Recreation Department  
 09.10.2002 – Ordinance 92 amendment of Chapter 10.5 to rename Parks & Recreation Department as Leisure Services Dept.  
 11.12.2002 – Ordinance 90 change name of Parks & Recreation Board to Leisure Services Board  
 07.09.2003 – last recorded meeting of the Leisure Services Board. Not known why meetings stopped.  
 01.28.2018 – Ordinance 598 – amended Chapter 10.5 to rename Leisure Services Dept. to Parks & Recreation Dept. Makes no reference Leisure Services Board included in Chapter 2 *Administration*, Article III, Division 4

Staff requests that the Commission approve the amendment that deletes specific reference to an inactive committee and/or board. Deleting the amendment does not preclude the City Council from forming the committee/board again in accordance with the Code of Ordinances. It simply isn't a necessary policy in the comprehensive plan.

A third series of elements; Administration & Interpretation, Definitions and the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element (proposed to be renamed the "Facilities Element") will come under separate cover tentatively scheduled for the April 4, 2018 Planning Commission meeting.

## **BACKGROUND**

Effective June 2, 2011, local governments have more discretion in determining whether they need to update their Comprehensive Plan. As such, the City no longer needs to submit evaluation and appraisal reports to the Department of Economic Opportunity (DEO) for a sufficiency determination. Instead, the City must at least every seven years, pursuant to Rule Chapter 73C-49, FAC, determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the Comprehensive Plan was updated. The City adopted EAR-based amendments in 2010

and is required to evaluate the plan now.

On November 14, 2017, the City Council authorized staff send a determination letter to DEO and prepare an EAR for discussion with the Planning Commission. On December 18, 2017, the City sent the notification letter to DEO and DEO acknowledged acceptance the same day. The City's EAR-based amendments must be transmitted to DEO before December 18, 2018.

### **STAFF RECCOMENDATION**

Provide comment on the proposed revisions to the comprehensive plan elements provided herein.

### **ATTACHMENTS**

Draft Capital Improvement Element  
Draft Monitoring and Evaluation Element

**Section 10**  
**Capital Improvements Element**  
*Adopted on June 28, 2011, Ordinance No. 456*

**INTRODUCTION**

The City of Orange City seeks to provide existing and future residents and businesses with urban services and public facilities sufficient to meet their needs and expectations. The City also seeks to improve and expand these urban services and public facilities in a fiscally responsible manner, while fostering an efficient pattern and manageable pace of growth.

**GOALS, OBJECTIVES AND POLICIES**

**Goal 1:**

The City shall plan for and provide needed community facilities and services in a manner which maximizes the use of existing facilities, minimizes the fiscal and tax burden on existing residents, and accommodates growth and development while maintaining such facilities and services at their desired level-of-service (LOS) and mobility standards.

**Objective 1.1:**

Land use decisions within the City will be based on the provision of service and facilities at adopted LOS or mobility strategy, existing and projected fiscal capacity and a financially feasible five-year schedule of ~~e~~Capital ~~i~~mprovements Program (CIP) as amended annually. Financially feasible means that sufficient revenues are currently available or will be available from committed funding sources for the first three years, or will be available from committed or planned funding sources for years four and five of the City's ~~Five-Year Capital Improvements Program (CIP)~~.

**Policy 1.1.1:**

The City's adopted ~~development review procedures and the LDC land development regulations~~ ensures that development proposals comply with the City's concurrency management requirements with attention to the City's adopted LOS standards, existing LOS, and where appropriate, the time frame for implementation of additional facility improvements. With respect to mobility within the DULA/TCEA, the City shall through its development review procedures evaluate ~~the quality/level of service standards~~ LOS and identify necessary enhancements for mobility as identified in this Element. Identified improvements shall be included in capital or operating budgets and within the Capital Improvements Element.

Staff Note: The LDC sets forth the development review procedures, they are not two separate things.

**Policy 1.1.2:**

The City shall allow for phasing of development-related infrastructure improvements concurrent with project impacts on public facilities.

Policy 1.1.3:

The City has been designated as a Dense Urban Land Area [\(DULA\)](#). As such, the City is a Transportation Concurrency Exception Area [\(TCEA\)](#). As such, [Quality/LOS](#) standards for the following facilities shall be as listed below and consistent with Policies 1.1.1 and 1.1.2 of the Transportation Element:

<b>Transportation:</b>	<b>Peak Hour LOS</b>
<b>State Arterials:</b>	
US 17/92 (Principal)	D
SR 472 (Minor)	D

<b>Transportation, Cont:</b>	<b>Peak Hour LOS</b>
<b>County Arterials:</b>	
Enterprise Road	E
East Graves Avenue	E
Saxon Boulevard	E
West Rhode Island Avenue (from US 17/92 to the Western Parkway)	E
North Kentucky Avenue/Veterans Memorial Parkway	E
<b>County Collectors:</b>	
West Blue Springs Avenue	E
North Kentucky Avenue	E
West French Avenue	E
<b>City Arterials:</b>	
East Rhode Island Avenue (from Veterans Memorial Parkway to US 17/92)	E
<b>City Collectors:</b>	
Leavitt Avenue	E
Harley Strickland Boulevard	E
Wisconsin Avenue	E
West Blue Springs Avenue	E

Sanitary Sewer:

284 gallons per day per equivalent residential connection

.08 gallons per day per ~~acre~~ square foot for industrial/ commercial/ institutional uses

Staff Note: The sanitary sewer LOS standard for nonresidential uses listed in this CIE element was a typo. It should be based on square feet, not acre as stated in the Facilities Element, Section 5, policy 1.1.1.

Potable Water:

300 gallons per day per equivalent residential connection

1,500 gallons per day per acre for commercial/industrial/institutional uses and 500 gallons per minute fire flow

Solid Waste:

6 lb. per capita per day

Storm water:

All land use and development approval decisions which impact water resources in Orange City shall conform to the Volusia County comprehensive surface and groundwater basin management plan when said plan is completed and adopted by Volusia County and the City Council. Its recommendations will be used for all land use and development approval decisions which impact water resources. Until that time, the City shall comply with the following performance standards of Section 72-779 of the Volusia County Land Development Code (LDC), ~~Chapter 72, Article III, as existed in December, 2010,~~ provided said standards are more stringent than the City's standards:

A. The City shall require that all developments ~~within the city of less than 1 acre, with less than 5,000 square feet of impervious area, or an impervious area less than 25 percent of the total lot area,~~ shall meet the performance and design standards of Section 72-779 of the Volusia County ~~Land Development Code (LDC), Chapter 72, Article III, as existed in December, 2010.~~ LDC, and the City's LDC, whichever is most restrictive, and as it may be amended from time to time.

~~B. The City shall require development of any lot area that consists of 5,000 or more square feet of impervious area; or, the impervious area is 25 percent or more of the total lot area; or, the lot area of the proposed development is 1 acre or larger regardless of the impervious areas shall meet additional performance standards of Section 72-779 of the Volusia County Land Development Code (LDC), Chapter 72, Article III, as existed in December, 2010.~~

Staff Note: Paragraph A states that if a development is less than 1 acre, it must meet County regulations. Paragraph B states that is a development is more than 1 acre, it must also meet those same County regulations. Staff recommends simplifying this information into one paragraph.

Parks and Recreation:

Community Park = Four acres per 1,000 population.

Neighborhood Park = Two acres per 1,000 population.

~~The City shall utilize the existing LOS for recreation facilities, contained in Table 6-4 of the Plan's Support Document, as guidelines in developing future park sites.~~

~~Public Schools: Public school LOS standards are as set forth in Policy 2.1.2 of this Section.~~

Staff Note: There are other school concurrency policies and objectives in this element.  
This section is too restrictive. Delete.

Policy 1.1.4:

Pursuant to the review to be determined in Policy 1.1.1, if it is determined that a proposed development will result in a reduction in the service or facility below its LOS standard, a development order will be denied unless it can be demonstrated that the capacity of the impacted facility or service will be increased to accommodate the demands of the proposed development concurrent with its impacts.

Policy 1.1.5:

Capital improvements that cost a minimum of \$50,000 have a physical life of at least five years and are publicly-funded and/or privately-funded, shall be included in the CIP.

Policy 1.1.6:

When privately-funded capital improvements are included in the CIP to satisfy LOS standards or meet concurrency, the City shall execute a written agreement with the private entity that specifies the private entity's fair share cost and/or contribution, the name of the private entity, and the execution and expiration dates of the agreement.

Policy 1.1.7:

The City hereby adopts by reference Volusia County's Five-Year Road Program thoroughfare roadway improvements within Orange City into the City's CIP.

Policy 1.1.8:

The City hereby adopts by reference, the five-year schedule of transportation improvements related to Orange City as annually adopted by the Volusia County Transportation Planning Organization (TPO) and Florida Department of Transportation District 5, into the City's CIP.

Policy 1.1.9:

The City hereby adopts by reference, the five-year Volusia County School District facilities work plan as annually adopted by the District, into the City's CIP.

Policy 1.1.10:

The City hereby adopts by reference, the ~~St. Johns River Water Management District's~~ [SJRWMD](#) water supply projects related to Orange City, into the City's CIP.

Policy 1.1.11:

The City shall establish local capital project review procedures which, at a minimum, objectively prioritize projects on the basis of the following criteria:

- A. The facility is required to eliminate public health or safety hazards;
- B. The facility is required to remedy existing LOS capacity deficiency;
- C. Local budget impact related to increases in operating costs;
- D. Locational needs based on future land use designation;
- E. The facility is necessary to accommodate new development and new facility demands;
- F. Financial feasibility; and
- G. Consistency and compatibility with plans of state and county agencies and including the [Florida Department of Transportation](#) **FDOT** and the [St. Johns River Water Management District](#) **SJRWMD** that provides public facilities within the City.

Policy 1.1.12:

The same review procedures and criteria in Policy 1.1.11 above shall apply to the evaluation of need for replacement and renewal of worn out or obsolete facilities.

**Objective 1.2: Reserved**

**Objective 1.3:**

Future growth and development shall bear its proportionate share of the cost to provide services and facilities needed to maintain adopted LOS standards and accommodate future growth.

Policy 1.3.1:

The City will continue to investigate financing mechanisms such as impact fees and other forms of development assessments that require future growth and development to pay its proportionate share of the costs of providing facilities and services.

Policy 1.3.2:

The City shall not increase ad valorem millage rates and other fiscal burdens on existing residents without first examining available options for placing the cost and burden of providing new facilities and services on the growth and development requiring such facilities and services.

Policy 1.3.3:

If the City, at its discretion, intends for capital improvement projects to be funded in total or in part by its proportionate fair-share program, said projects shall be added to the CIP.

**Objective 1.4:**

The City shall continue to manage its fiscal resources to ensure the provision of needed capital improvements for future development and shall not issue future development orders when such development requires capital improvements for which sufficient funding does not exist.

Policy 1.4.1:

The City shall continue to anticipate and plan for fiscal requirements necessary to provide services and facilities at their desired LOS standards.

Policy 1.4.2:

An annual review of the funding priorities and improvements outlined herein shall be integrated with the City's CIP.

Policy 1.4.3

The City will continue to follow the criteria for issuing or incurring any additional debt as stated in the City's Charter, and in Florida Statutes, Section 166, Municipal Borrowing.

**Objective 1.5:**

The City's adopted criteria and procedures for concurrency management shall ensure that facilities and services are available concurrent with the impacts of development.

Policy 1.5.1:

The following facilities shall be subject to the City's LDC, ~~Ordinance No. 157~~, concurrency management provisions and those that are stipulated herein:

- A. Roads;
- B. Potable Water;
- C. Sanitary Sewer;
- D. Solid Waste;
- E. Storm water;
- F. Recreation, and
- G. Public Schools

The LOS for facility categories A through F are set forth in Policy 1.1.3 of this Section. The LOS for public schools is set forth in ~~the Policy 2.1.2 of this Section~~ Public Schools Facility Element and the PSFPIA.

Policy 1.5.2:

The concurrency management provisions of the City's LDC, ~~Ordinance No. 157~~, stipulated herein will be applied to proposed development and the City shall issue Development Orders only when there is sufficient capacity from all facilities to serve the project at the adopted LOS standards. This concurrency test for facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project. Available capacity will be determined by adding any capacity demands committed and approved prior to, and subsequent to, the adoption of the Comprehensive Plan, then subtracting that total from the design capacity of the facility; the remaining is the capacity available to serve proposed development projects.

Policy 1.5.3:

Each proposed development or application for a development order or permit shall clearly identify the quantity (number of square feet, units etc.), density (units per acre, etc.) and

intensity (type of use-commercial, industrial, multifamily, residential, etc.) of land uses in the proposed development.

Policy 1.5.4:

The City shall require that all developments meet the requirements of concurrency ~~as outlined in Rule 9J-5 of the Florida Administrative Code~~, except for those developments that are vested as described in Policy 1.5.5. The following standards meet the requirements for concurrency ~~as outlined in Rule 9J-5 of the Florida Administrative Code~~:

**Minimum Requirements:**

The City shall require that all developments meet the requirements of concurrency to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, and shall address the following items:

- A. For potable water, sewer, solid waste and drainage, at a minimum, provisions in this Comprehensive Plan shall ensure that the following standards will satisfy the concurrency requirement:
  - 1. The necessary facilities and services are in place at the time a development permit is issued; or
  - 2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
  - 3. The necessary facilities are under construction at the time a permit is issued; or
  - 4. The necessary facilities and services are guaranteed in an enforceable development agreement ~~that includes the provisions of Section 9J-5.0055(2)(a)2 to (2)(a)5, Florida Administrative Code (F.A.C.)~~. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
  
- B. For parks and recreation, the City may satisfy the concurrency requirements ~~by complying with the standards in Section 9J-5.0055(2)(a)6, F.A.C., or~~ by ensuring that the following standards will be met:
  - 1. At the time a development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
  - 2. The necessary facilities and services are guaranteed in an enforceable development agreement which required the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable

development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

- C. For roads designated in the adopted plan, the City may satisfy the mobility requirements by complying with ~~the standards in Sections 9J-5.0055(3)(c)1 to (3)(c)7, F.A.C. and~~ the provisions of Florida Statutes 163.3180(11), regarding proportionate share mitigation agreements. In addition, in areas in which the City has committed to provide the necessary public facilities and services in accordance with its five-year schedule of capital improvements, the City may satisfy the mobility requirements for transportation facilities by the adoption and implementation of mobility standards based upon an adequate capital improvements program and schedule and adequate implementing regulations which, at a minimum, include the following provisions:
1. ~~A Capital Improvements Element and a five-year schedule of capital improvements which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible.~~ The Capital Improvements Element and five-year schedule of capital improvementsCIP may recognize and include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation five-year work program and all five years of the County's adopted five-year road program.
  2. A five-year schedule of capital improvementsCIP which must include both necessary facilities to maintain the adopted quality/level-of-service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate those portions of existing deficiencies which are a priority to be eliminated during the five-year period under the local government plan's schedule of capital improvements, pursuant to Section 9J-5.016(4)(a)1, F.A.C.
  3. A realistic, financially feasible funding system based on currently available revenue sources which must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit, and which public facilities are included in the five-year schedule of capital improvementsCIP.
  4. A five-year schedule of capital improvementsCIP which must include the estimated date of commencement of actual construction and the estimated date of project completion.
  5. A five-year schedule of capital improvementsCIP which must demonstrate that the actual construction of transportation facilities and the provision of services are scheduled to commence in or before the third year of the five-year schedule of capital improvements.
  6. A requirement that, in conjunction with the Capital Improvements Element, the City ensures that development orders and permits are issued in a manner that will assure that the accessory public facilities and services will be available to accommodate the impact of that development.

7. ~~A provision that a monitoring system will be adopted which enables the City to determine whether it is adhering to mobility strategies and its five-year schedule of capital improvements and that the city has a demonstrated capability of monitoring the availability of public facilities and services.~~
87. A clear designation within the City Comprehensive Plan of those areas within which facilities and services will be provided by the City with public funds in accordance with the five-year ~~schedule of capital improvements~~CIP.

Staff Note: The 5-year CIP is updated annually, and therefore properly monitored. Delete and renumber thereafter.

- D. In determining the availability of public facilities or services, a developer may propose, and the City may approve, developments in stages or phases so that public facilities and services needed for each phase will be available ~~in accordance with the standards required by Sections 9J-5.0055(2)(a), (2)(b) and (2)(c), F.A.C.;~~
- E. ~~For the requirements of Sections 9J-5.0055(2)(a), (2)(b) and (2)(c), F.A.C.,~~ The City must develop guidelines for interpreting and applying ~~level-of-service~~LOS standards to applications for development orders and permits and determining when the test for concurrency must be met. The latest point in the application process for the determination of concurrency is prior to the approval of an application for a development order or permit which contains a specific plan for development, including the densities and intensities of the development.
- F. ~~The requirements for public school concurrency are set forth in the Public School Element's Objectives 2.2 and 2.3 and their related Policies.~~

Policy 1.5.5:

The City's LDC, ~~Ordinance No. 157, Section 4.2.2,~~ provides for exemptions from concurrency regulations and are not required to be tested for facility capacity, and generally include the following types of developments: ~~vested the following developments from concurrency testing. Therefore said developments shall not be tested for facility capacity and concurrency:~~

- A. Developments which have received a City building permit prior to the adoption of the City's LDC and which still remain in full force and effect;
- B. Developments which have received final residential subdivision plat approval prior to the adoption of the City's LDC;
- C. Developments which have received site plan approval prior to adoption of the City's LDC;
- D. ~~Planned Unit~~ Developments with an approved ~~Master Development Plan and~~ development agreement that provides for capacity mitigation; and
- E. All vacant single-family, duplex and single-family attached dwelling lots in subdivisions that were platted and recorded prior to adoption of the City's LDC.

Policy 1.5.6:

Properties vested by Policy 1.5.5, shall have facility capacity reserved for such properties throughout the duration of the planning period unless previous agreements provide for an earlier expiration date.

Staff Note: The City's LDC is subject to change and renumbering. To avoid conflicts between the comp plan and the LDC, staff recommends making the general exemption statement above and revise the vested status of previously approved Planned Unit Developments (PUDs). First, we should not vest concurrency at rezoning and second, many of the previously approved PUDs were never implemented.

Policy 1.5.7:

Modifications, amendments or additions to the approved developments that would result in an increase in density or intensity shall be tested for facility capacity as required by the City's LDC, [Ordinance No. 157](#).

Policy 1.5.8:

The City may establish an administrative remedy similar to said remedy as outlined in the Volusia County Comprehensive Plan's Capital Improvements Element.

Policy 1.5.9:

Improvements, renovations and repair to existing structures shall only effect facility capacity and concurrency to the extent such improvements, renovations and repairs increase the number of dwelling units, floor area for nonresidential uses or other measures of intensity. In such cases where improvements, renovations, repair and reuse to existing structures will result in a probable increase in either density or intensity of the property(s) or development, then a determination of such an increase and its effect on facility capacity shall be made prior to any approval for a building permit. If existing facility capacity is available and no degradation of adopted service levels for these facilities identified in Policy 1.5.1 will result from such an improvement, a final development order and development permit may be issued. If such improvements, renovations and repairs will not result in any increase in density or intensity, then the issue of sufficient facility capacity and concurrency will have no bearing on the issuance of a final development order and development permit.

Policy 1.5.10:

The City shall review all development and/or redevelopment activities in a manner consistent with adopted LOS and mobility standards as part of the land development review process.

Policy 1.5.11:

The review process to be determined in Policy 1.5.10 will require a detailed ~~traffic~~ Traffic impact ~~Impact evaluation~~ Analysis (TIA) to be submitted for any applicable development in accordance with the River-to-Sea TPO Guidelines adopted in June 2016, as it may be amended from time to time. ~~that exceeds a de minimis impact. A de minimis impact is defined by Section 163.3180(6) F.S. as an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected~~

~~transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an~~An impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway.

~~Policy 1.5.12:~~

~~The City shall submit, with its annual CIP update, a De Minimis Records Report as required by Section 163.3180(6) F.S. for all de minimis developments.~~

Staff Note: All development projects within Volusia and Flagler counties follow the TIA guidelines first drafted by the TPO in 2009 and subsequently amended in 2016 (TPO Resolution No. 2016-21). In 2009 all cities were required to accept the TIA guidelines as a prerequisite to receiving TPO funds, which the city did via City Resolution No. 569-09.

A De Minimus Records Report is no longer required by FS Section 163.3180 (6). Delete policy and renumber thereafter.

Policy 1.5.13:

The cost of preparing the site impact and mobility evaluation will be borne solely by the developer. The City may also increase the fee for ~~building~~ permits to cover the administrative costs to review each traffic impact evaluation.

Policy 1.5.14:

No land use approval for new development, redevelopment or annexation in the City shall cause facilities or services to fall below adopted local LOS and mobility standards, as contained in the Capital Improvements Element of this Comprehensive Plan. Public facilities and services necessary to serve the proposed development, redevelopment or annexation must be available, at the adopted local LOS, concurrent with the impacts of development, consistent with the City's LDC, [Ordinance No. 157](#).

Policy 1.5.15:

The City shall, prior to annexation, evaluate proposed annexations to determine potential fiscal, LOS and infrastructure impacts to ensure that LOS and mobility standards can be maintained and services provided in a timely and fiscally responsible manner.

#### **OBJECTIVE 1.6:**

Facility funding for a TCEA is 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~~5-Year CIP. The plan associated with the initial establishment of the TCEA is contained in the following policies.

Policy 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) mobility improvements.

Policy 1.6.2:

Implementation Plan Coordination. The City shall continue its commitment and will work with Volusia County, FDOT, VOTRAN, and the ~~Volusia~~ TPO for the timely implementation of all programmed improvements as may be identified in the TCEA Implementation Plan.

Policy 1.6.3:

The City shall continue to coordinate with Volusia County, the FDOT, and ~~Volusia the~~ TPO to attempt to secure funding for planned, but unfunded improvements as may be identified in the TCEA Implementation Plan.

Policy 1.6.4:

The City shall promote local, state, or other funding for traffic operations improvements with particular emphasis on developed or planned roadways within the TCEA.

Policy 1.6.5:

The City shall coordinate with FDOT and Volusia County regarding intelligent transportation systems (ITS), including computerized signalization and optimal signal timing and progression.

Policy 1.6.6:

A transportation concurrency exception for individual projects within the TCEA shall be granted only if the following criteria are met:

- A. The development or redevelopment project shall be required to meet the following development performance criteria based on the development's (including all phases) trip generation and proportionate impact on adjacent roadways. Performance criteria and/or proposed mitigation will be funded from a variety of public and private sources.
- B. The developer may sign a development agreement or contract with the City for the provision of the required standards. The choice of standards shall be subject to final approval by the City during the site plan or subdivision approval process. The standards chosen shall relate to the particular site and transportation conditions where the development is located. The developer may choose to provide one or more standards off-site with the City's approval. In recognition of the varying costs associated with the standards, the City shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting multiple standards.
- C. TCEA Performance Standards:

Criteria Level	New PM Peak Trips	Required Number of Mobility Standards
Level 1	Less than 25	At least 1 standard. If a standard from the Enhancement

		Group is selected, at least two standards are required.
Level 2	25 -250	At least 2 standards. No more than one standard can be selected from the Enhancement Group or from the Innovation Group.
Level 3	251-500	At least 3 standards. No more than one standard can be selected from the Enhancement Group or from the Innovation Group.
Level 4	Over 501	At least four standards. No more than one standard can be selected from the Enhancement Group or from the Innovation Group.

- D. A transportation impact analysis is required for any project that generates more than 25 net new PM peak hour trips.
- E. The table below includes a listing of acceptable performance standards, categorized by groups. Each group consists of related performance standards, indicated by a number. For example, performance standard number three under the Enhancement Group involves widening existing sidewalks to increase pedestrian mobility and safety. The performance standards are characterized by the group name.
- F. The table below includes a listing of acceptable performance standards, categorized by groups. Each group consists of related performance standards, indicated by a number.
- G. Though the importance of each performance standard cannot be disputed, the level of financial investment does vary by group. Consequently, the number of standards which must be met by small developments (less than 25 daily trips) is increased by one if the Enhancement Group is selected. In this case, an additional performance standard is added to ensure some level of equity when selecting performance standards. Also, limitations are placed on the number of performance standard selections from the Enhancement Group and the Innovation Group to promote operational, capacity-related, and innovative improvements.
- H. Additionally, any development consisting of, or occupying a facility with provisions for 50 or more employees is required to participate in a Transportation Demand Management (TDM) program. The TDM program must be outlined in writing to the City not longer than 30 days from Certificate of Occupancy.
- I. Performance Standards by Group:

Number	Performance Standard
<b>Operational Group</b>	

1	Business operations are not conducted in the peak hour and/or will not generate traffic during the peak hour.
2	Construction of bus turn-out facilities.
3	Use of joint driveways and/or cross-access to reduce curb cuts.
4	Intersection and/or signalization modifications to improve roadway operation and safety.
5	Intersection and/or signalization modifications to improve transit operations and safety.
6	Addition of dedicated turn lanes into and out of the development.
7 <sup>1</sup>	Contribute to the operation of transit route for an established period of time set forth in the development agreement.
<b>Capacity Group</b>	
1	Payments to the City which will either increase existing transit service frequency or add additional transit service
2	Construction of new road facilities that provide alternate routes to reduce congestion.
3	Addition of lanes on existing road facilities, where acceptable to the City, County and/or FDOT, as relevant.
4	Provision of transit pass programs provided to residents and/or employees of the development. The transit passes must be negotiated as part of an agreement with VOTRAN or the City.
5	Other acceptable roadway, pedestrian, or bicycle improvements as mutually agreed to by the City and Owner/Developer.
<b>Enhancement Group</b>	
1	Construction of new public sidewalks along all street frontages where they do not currently exist.
2	Widening of existing public sidewalks to increase pedestrian mobility and safety.
3	Funding of streetscaping/landscaping (including pedestrian-scale lighting, where relevant) on public right-of-ways or medians, as coordinated with the City.
4	Provision of shading through awnings or canopies over public sidewalk areas to promote pedestrian traffic and provide protection from the weather so that walking is encouraged. The awning or canopy shall provide pedestrian shading for a significant length of the public sidewalk in front of the proposed or existing building.
5	Clustering and design of the development for maximum density, or use of maximum FAR, at the site which preserves open space, and reduces the need for development of vacant lands, enhances multi-modal opportunities, and provides transit-oriented densities or intensities.
6	Provision of additional bicycle parking facilities located in the TCEA area.
<b>Innovation Group</b>	
1	An innovative transportation-related modification or standard submitted by the developer where acceptable to and approved by the City.

<b>2</b>	Provision of ride sharing or van pooling programs.
<b>3</b>	Participation in a transportation demand management (TDM) program that provides funding or incentives for transportation modes other than the single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.

<sup>1</sup>Transit operations may be selected more than once and would be coordinated with the Voltran, Volusia County and FDOT

**Policy 1.6.7:**

The City shall implement the following mobility strategies which are provided to illustrate the City's commitment to maintaining mobility with its TCEA. 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.

**Goal 2:**

~~Provide for a financially feasible public school facilities program.~~ The City shall ensure that the capacity of schools is sufficient to support increases in residential density at the adopted LOS standard.

**Objective 2.1:**

~~The City shall ensure that the capacity of schools is sufficient to support increases in residential density at the adopted LOS standard. This~~ The LOS standard shall be consistent with the LOS standard adopted in the Public School Facilities Planning Interlocal Agreement (PSFPIA) entered into by the School Board and the City.

Staff Note: The school board is responsible for funding capacity improvement projects and the city recognizes their 5-Year CIP by reference as stated in policy 1.1.9 of this chapter.

**Policy 2.1.1:**

The LOS standard adopted by the City shall be applied consistently by all local governments within Volusia County and by the School Board district-wide to all schools of the same type.

**Policy 2.1.2:**

Consistent with the PSFPIA, the uniform, district-wide LOS standards are set forth as follows using Florida Inventory of School Houses (FISH) capacity based on the traditional school calendar:

<b>Elementary Schools:</b>	115% of permanent FISH capacity for the concurrency service area
<b>K-8 Schools:</b>	115% of permanent FISH capacity for the concurrency service area

<b>Middle Schools:</b>	115% of permanent FISH capacity for the concurrency service area
<b>High Schools:</b>	120% of permanent FISH capacity for the concurrency service area
<b>Special Purpose Schools:</b>	100% of permanent FISH capacity

~~Policy 2.1.3:—~~

~~The following schools shall achieve the adopted level of service no later than the identified date. The level of service presented in the following table is the tiered level of service that shall apply to that school until the dated noted in the table.~~

<b>School</b>	<b>LOS</b>	<b>Date</b>
<del>Orange City Elementary</del>	<del>117%</del>	<del>July 1, 2012</del>
<del>Horizon Elementary</del>	<del>158%</del>	<del>July 1, 2012</del>
<del>Freedom Elementary</del>	<del>126%</del>	<del>July 1, 2012</del>
<del>Osceola Elementary</del>	<del>117%</del>	<del>July 1, 2012</del>
<del>Oriona Elementary</del>	<del>150%</del>	<del>July 1, 2012</del>
<del>Ormond Beach Elementary</del>	<del>116%</del>	<del>July 1, 2012</del>
<del>Southwestern Middle</del>	<del>120%</del>	<del>July 1, 2013</del>
<del>New Smyrna Beach Middle</del>	<del>122%</del>	<del>July 1, 2014</del>

~~Note: This policy designates a tiered LOS for those schools that exceed the desired levels at the end of the five-year capital improvements program.~~

Staff Note: As stated in the Public Schools Facilities Element, this has been achieved.

~~Objective 2.2:—~~

~~The City shall cooperate with the School Board to ensure existing school capital facility deficiencies and future needs are addressed consistent with the public school LOS standards.~~

~~Policy 2.2.1:—~~

~~The City adopts by reference the School Board's five-year work program approved annually each September as part of the overall School District budget. The City shall review the annual work program to verify that it is financially feasible and will maintain the LOS standards by the end of the five-year period.~~

~~Policy 2.2.2:—~~

~~The City shall coordinate with the School Board to ensure that the City's future residential development bears its proportionate share of the capital facility costs related to public school capacity that is necessary to maintain public school LOS standards.~~

~~Policy 2.2.3:—~~

~~By December 1 of each year, the City shall adopt as part of its Capital Improvement Element, the Volusia County School District five-year work program approved in September of each year as part of the School District's budget including planned facilities~~

~~and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.~~

Staff Note: This objective and these policies above are repeats. The PSFE and the PSFEILA control school concurrency management.

## **CAPITAL IMPROVEMENT PROGRAM**

~~A detailed schedule of capital improvements is presented in the following Table 9, the Capital Improvement Program. Once the Comprehensive Plan is adopted, the schedule of capital improvements in Table 9 will serve as a primary means of implementing the principles, policies and fiscal requirements set forth herein. In addition to the concurrency management system outlined under Objective 1.5, the schedule of improvements will further ensure that needed services and facilities are provided in a timely manner and are available concurrent with the impacts of future growth and development. In this way, the resources will be identified and earmarked for the capital improvements necessary to maintain the LOS standards established in the Comprehensive Plan.~~

~~Another aspect of implementation involves the responsibilities for ensuring that the improvements are scheduled and made, so that LOS standards are maintained. These responsibilities also relate to the policies outlined in the preceding section. In general, this responsibility lies with the City Manager and, ultimately, the City Council. However, coordination with the operational departments of both City and County jurisdictions, and the Development Services Department, is crucial to a successful implementation of the Capital Improvements Element and Comprehensive Plan.~~

Section 163.3177, Florida Statutes requires an annual update to the Five-Year Schedule of Capital Improvements (schedule). The schedule identifies the City's capital projects necessary for implementation of the comprehensive plan and ensures that the adopted level of service standards for public facilities are achieved and maintained for the five-year planning period. As of 2011, the City is no longer required to submit the annual update to the Department of Economic Development (previously known as the Department of Community Affairs) for review. The schedule update may be accomplished by ordinance and will not be considered an amendment to the comprehensive plan. Section 163.3180, Florida Statutes establishes that sanitary sewer, potable water, solid waste, and drainage are the only public facilities subject to statewide concurrency requirements. Based upon the 2011 statutory changes, application of concurrency requirements are now optional for parks and recreation, public schools and transportation. City Council adopted the latest annual update to the 5-Year CIP on December 12, 2017 via City Ordinance No. 593.

**Table 10-1**  
**Five-Year Capital Improvement Program**  
**Adopted on June 28, 2011, Ordinance No. 456**

Project Category	Project Type	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	Total	Funding Source
Equipment	New and Replacement Vehicles	44,000	125,000	175,000	175,000	125,000	764,000	General Fund
	Dump Truck		60,000					
	Street Sweeper				60,000			
Road	Resurfacing	70,000	110,000	100,000	100,000	100,000	780,000	General Fund
	Thorpe Avenue Paving			300,000				
Sidewalks	New Construction	50,000	50,000	50,000	50,000	50,000	250,000	General Fund
			56,120				56,120	CDBG Funds
Water and Sewer	Alternative Water Supply Construction				2,000,000		2,000,000	Alternative Water Supply Fund
	Carpenter Ave Force Main/Storm water Reuse Line			2,000,000			2,000,000	Impact Fees* and Enterprise Fund*
	East Rhode Island Force Main	305,000					305,000	Impact Fees*
	Carpenter Ave Lift Station			75,000			75,000	Impact Fees*
	Distribution Improvements		130,000				130,000	Impact Fees* and Enterprise Fund*
	Alternative Water Project		385,000				385,000	Impact Fees* and Enterprise Fund*
	City Wide Water Main Replacement			765,750	765,750	765,750	2,297,250	Impact Fees* and Enterprise Fund*
Parks and Recreation	Existing Parks Improvements/Upgrades			1,300,000			225,000	FRDAP Grant* ECHO Grant* Impact fees*
				1,075,000			1,075,000	
							1,075,000	
<b>Total</b>		<b>469,000</b>	<b>916,120</b>	<b>5,840,750</b>	<b>3,150,750</b>	<b>1,040,750</b>	<b>11,417,370</b>	

\*—Funding in these categories is based on future availability.

## **Section 11**

### **Monitoring and Evaluation**

~~This Section outlines the procedures for monitoring, updating, and evaluating the information, data, maps, inventories, and related materials found in the Comprehensive Plan and its supporting documentation. The updated information will serve as the basis for reviewing the goals, objectives, and policies contained within the Comprehensive Plan. The components of the monitoring and evaluation system are outlined and described below:~~

~~A. Plan objectives and policies were evaluated as part of the City's Evaluation, Appraisal and Recommendation (EAR) Report (Ordinance No. 357, adopted on May 26, 2009) and as part of this Comprehensive Plan amendment and revised as deemed appropriate by the City Council. Plan objectives and policies will be reevaluated again as part of the City's upcoming EAR Report, which is due in 2015.~~

~~B. Land use data monitoring system that is used to maintain, at a minimum, the data required under F.A.C., 9J-5.006(1) is based on information obtained from data maintained by the Volusia County Property Appraisers Office, the Growth Management Department and other pertinent data available to the City staff.~~

~~C. Analysis of information, derived from the EAR referenced in A. above, identified areas of the Comprehensive Plan which appear to be in need of revision as indicated by the revised data and degree of Plan fulfillment. The analysis was performed element by element. The City's next EAR report is due in 2015.~~

~~D. The comprehensive review, analysis and amendment of support documentation (including population estimates and projections) shall be accomplished in conjunction with the Comprehensive Plan's EAR review schedule.~~

~~E. Citizen participation shall be encouraged through the plan amendment process. The public shall participate in the review of the analysis of data and Plan amendment report and be given the opportunity to propose and comment on any new or modified goals, objectives or policies.~~

~~F. Annual reviews and updates of the Capital Improvement Element (CIE) are required as part of the Rule 9J-5. This annual review shall meet the evaluation and monitoring requirement for the CIE. Policies in the other elements of the Comprehensive Plan affecting capital improvements will also be reviewed along with any Plan amendment to date. The review shall result in an annual report to be presented to the City Council.~~