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3 **CHAPTER 8**  
4 **CAPITAL IMPROVEMENTS ELEMENT**  
5 **GOALS, OBJECTIVES, AND POLICIES**  
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9 **VIII-1. GOALS, OBJECTIVES, AND POLICIES GOAL STATEMENT: THE CITY OF LAKE HELEN**  
10 **SHALL PLAN FOR PUBLIC FACILITIES TO MEET THE NEEDS OF ALL RESIDENTS WITHIN ITS**  
11 **JURISDICTION AND WILL DEVELOP AND ENACT REGULATORY PROGRAMS AND PROCEDURES**  
12 **WHICH PROJECTS INVESTMENT IN EXISTING FACILITIES, MAXIMIZES THE USE OF EXISTING**  
13 **FACILITIES, AND PROMOTES GROWTH IN ACCORDANCE WITH THE COMPREHENSIVE LAND**  
14 **USE PLAN.**

15  
16 OBJECTIVE VIII-1. The City of Lake Helen shall continue to develop, enact and implement  
17 procedures to coordinate all land use decisions and fiscal resources with a schedule of capital  
18 improvements which maintains adopted level of service standards and meets existing and  
19 future facility needs.

20  
21 Policy VIII.1.1. **Capital Improvements.** All projects identified in this or other elements of the  
22 comprehensive land use plan with a projected cost of \$50,000 or more , will be included in the  
23 5-Year Schedule of Improvements; capital improvements with a projected cost of less than  
24 \$50,000 will be included in the annual capital budget.

25  
26 Policy VIII.1.2. **Capital Improvement Projects.** Capital improvement projects included in the 5-  
27 Year Schedule of Improvements which are designed to correct existing deficiencies shall be  
28 accorded the highest priority and will be funded over all other projects which are to be funded  
29 from similar sources.

30  
31  
32 Policy VIII.1.3. **Capital Improvements Priority.** Proposed capital improvements projects shall be  
33 evaluated and ranked in order of priority according to the following guidelines:

- 34  
35 A. contribution of the proposed project to provide for the health, safety and welfare of  
36 residents;  
37 B. the project is required or needed to fulfill a legal commitment to provide facilities and  
38 services;  
39 C. the project meets a need to preserve or achieve more efficient, effective or full use of  
40 existing facilities;  
41 D. the project prevents or reduces future improvement costs;  
42 E. the project provides service to developed areas lacking full service;

- 43 F. contribution of the project to the adopted policy of "in-fill" development;
- 44 G. whether the proposed project represents a logical extension of facilities and services
- 45 within a designated service area;
- 46 H. cost effectiveness of the proposed project;
- 47 I. its contribution toward maintaining or improving the level of service for the facility or
- 48 service for the area and/or the city;
- 49 J. fiscal requirements and the capability of the city to finance the project;
- 50 K. a forecast of known or anticipated development orders or permits;
- 51 L. elimination of public hazards;
- 52 M. the accommodation of redevelopment facility demands; and
- 53 N. consideration of the plans of any regional, state or federal agency which provide public
- 54 facilities within the city.
  
- 55 O. The city will ensure that all facilities identified as being needed in the first five years of
- 56 10-year Water Supply Facilities Work Plan planning period be adopted as a revision to
- 57 the city's 5-Year Capital Improvements Plan.

58

59 Policy VIII.1.4. **Annual Update.** The Capital Improvements Element shall be a five year program  
60 that is updated annually after a single adoption hearing. A copy of the ordinance shall be  
61 transmitted to the Florida Department of Economic Opportunity following adoption.

62

63 Policy VIII.1.5. **Operating Costs.** All operating costs associated with public facilities and services  
64 programmed in the Capital Improvements Element shall be incorporated into the five year  
65 operating budget. The budget process shall be amended to ensure that operating revenue  
66 needed to support capital improvements is provided.

67

68 OBJECTIVE VIII-2. A proportionate share of the cost of capital improvements is to be borne by  
69 the development which necessitated the need so that adopted Level of Service standards can  
70 be maintained.

71

72 Policy VIII.2.1. **Proportionate Share.** Development shall bear a proportionate share of the cost  
73 of providing new or expanded public facilities and infrastructure required to maintain adopted  
74 levels of service through impact fees, TIE fees, site related developer dedications, and  
75 developer contributions.

76

77

78 Policy VIII.2.2. **Transportation Impact Fee.** The existing impact fee ordinance will be reviewed  
79 annually to ensure that an appropriate share of facility costs to provide a transportation  
80 network of streets and roads which will meet or exceed the adopted LOS standard is assessed  
81 to the development which created the need.

82

83 Policy VIII.2.3. **Water Impact Fee.** The existing impact fee ordinance will be reviewed annually  
84 to ensure that an appropriate share of facility costs to meet the needs for potable water are  
85 assessed to the development which created the need.

86  
87 Policy VIII.2.4. **Police Impact Fee.** The existing impact fee ordinance will be reviewed annually  
88 to ensure that an appropriate share of the facility costs needed to provide adequate  
89 protective services to accommodate new growth is assessed to the development that created  
90 that need.

91  
92  
93 Policy VIII.2.5. **User Fees.** The existing impact fee ordinance will be reviewed annually to ensure  
94 that an appropriate share of the costs of providing additional facilities for general government  
95 is assessed to the development that generated the additional requirement.

96  
97 OBJECTIVE VIII-3. The City of Lake Helen shall continue to develop, enact and implement fiscal  
98 policies which ensures that resources of the city will be managed so as to assure the provision  
99 of needed capital improvements to accommodate the requirements of previously issued  
100 development orders and for future development and redevelopment orders.

101  
102 Policy VIII.3.1. **Impact Fee Funds.** Funds generated by impact fees will be accounted for  
103 separately and will be expended within five years of the collection date and for the intended  
104 purposes.

105  
106 Policy VIII.3.2. **Certificate of Occupancy.** Certificates of occupancy will be issued only when  
107 facilities and services are available which meet or exceed adopted level of service standards.

108  
109  
110 Policy VIII.3.3. **Annual Capital Budget.** The city shall continue to adopt a 5-Year capital  
111 improvement budget and an annual capital budget as part of its budgeting process.

112  
113 Policy VIII.3.4. **Drainage Funding Mechanism.** The city recognizes that drainage is a problem  
114 and has completed an evaluation of proposed corrective actions and has adopted a funding  
115 mechanism to provide the required resources to alleviate the problem.

116  
117 OBJECTIVE VIII-4. The City of Lake Helen shall develop, enact and implement a Concurrency  
118 Management System which ensures that prior to the issuance of a development order and  
119 development permit the adopted level of service standards required for roads, potable water,  
120 sanitary sewer, solid waste, and drainage will be maintained.

121  
122 Policy VII1.4.1. **Level of Service Standards.** For the purpose of the issuance of development  
123 orders and permits the following level of service standards are established for facilities and

124 services located within the area for which the City of Lake Helen has authority to issue  
125 development orders and permits.

126

127 Sanitary Sewer, Potable Water, Solid Waste and Drainage

128

129 Facility	Level of Service Standard
130 Septic Tank	Minimum design capacity of 750 gallons

131

132 Solid Waste	8.6 pounds per day per capita
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133

134 Drainage

135

136 New and existing development Stormwater facilities shall be designed to  
137 accommodate the 25-year, 24-hour design storm to meet the water quality and quantity  
138 standards that follow;

139

140 a. Water Quantity

141 Peak post-development runoff shall not exceed peak pre-  
142 development runoff rates. The first one inch of runoff  
143 shall be retained on-site.

144 b. Water Quality

145 Treatment of stormwater runoff shall be required for all  
146 development, redevelopment and, when expansion  
147 occurs, existing developed areas. The stormwater  
148 treatment system or systems can be project specific, serve  
149 sub-areas within the City or be a system to serve the entire  
150 City. Regardless of the area served, the stormwater  
151 treatment systems must provide a level of treatment  
152 which meets the requirements of Chapter 40C-42, in  
153 particular section 40C-42.025, Florida Administrative Code  
154 (F.A.C.) to ensure that the receiving water quality  
155 standards of Chapter 17-302, section 17-302.500, F.A.C.  
156 are met and to ensure that the receiving water bodies and  
157 their water quality are not degraded below the minimum  
158 conditions necessary to maintain their classifications as  
159 established in Chapter 17-302, F.A.C. It is intended that all  
160 standards in these citations are to apply to all  
161 development and redevelopment and that any exemptions  
162 or exceptions in these citations, including project size  
163 thresholds, are not applicable.

164

165 Infill residential development within improved  
166 residential areas or subdivisions existing prior to the  
167 adoption of this comprehensive plan, must ensure that  
168 its post-development stormwater runoff will not  
169 contribute pollutants which will cause the runoff from  
170 the entire improved area or subdivision of degrade  
171 receiving water bodies and their water quality as stated  
172 above.

173  
174 Development and redevelopment projects which are  
175 not exempt from the St. John's River Water Management  
176 District permitting requirements must also meet the  
177 requirements of Chapter 40C-4 and 40C-40, F.A.C.

178  
179 Note: The Florida Administrative Code citations refer to  
180 these regulations as they exist at the time of adoption of  
181 this comprehensive plan.

182  
183 Potable Water 98 gallons per day per capita

184  
185 Solid waste collection and transport will continue to be provided by franchised hauler and  
186 disposed of at the Volusia County landfill or its replacement.

187  
188 **Level of Service Standards for Roads**

189

Road Class	Peak Hour Minimum Level of Service*
Principal Arterials: I-4	D
Minor Arterials: Lake Helen-Osteen Road	E
Prevatt Avenue	E
Major Collectors: Cassadaga Road	E
Lakeview Drive from Main St. to Ohio Ave.	E
Macy Avenue	E
Ohio Avenue	E
Main Street	E
Minor Collectors: Kicklighter Road	E
Lakeview Drive from New York Ave. to Main St.	E
New York Avenue	E
Summit Avenue	E
Local Roadways **	D

190 \*Level of service shall be predicated on the lowest quality design hour, which shall represent the 100<sup>th</sup> highest  
191 hour of traffic, as determined by FDOT.

192  
193  
194

195 **Pedestrian Level of Service.** The City of Lake Helen has jurisdiction in setting the LOS for  
196 pedestrian facilities and adopts LOS D.

197  
198 **Bicycle Level of Service.** The City of Lake Helen has jurisdiction in setting the LOS for bicycle  
199 facilities and adopts LOS D.

200  
201 **Transit Level of Service.** The City of Lake Helen has jurisdiction in setting the LOS for transit  
202 facilities and service, and adopts LOS E.

203

204

205

206

207

208 **Policy VIII.4.2. Concurrency Management.** Development shall be approved only in areas  
209 where adequate public facilities and services are available concurrent with the impacts of  
210 the development. Adherence to this policy requires that:

211

212 A. The necessary facilities and services are in place at the time a development order is  
213 issued; or

214

215 B. A development permit is issued subject to the condition that the necessary facilities and  
216 services will be in place when the impact of the development occur; or

217

218 C. The necessary facilities are under construction at the time a permit is issued; or

219

220 D. The necessary facilities and services are guaranteed in an enforceable agreement. An  
221 enforceable agreement may include, but is not limited to development agreements pursuant to  
222 Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and  
223 services will be in place when the impacts of the development occur.

224

225 **Policy VIII.4.3. Phasing.** For the purpose of determining availability of facilities and services, a  
226 developer may propose and the city may approve development in stages or phases so that  
227 facilities and services needed for each phase will be available in accordance with the  
228 standards established in Policy VIII.4.2.

229

230 **Policy VIII.4.4. Development Review.** The City shall continue to conduct a development  
231 review process which requires the Planning and Land Development Regulation Commission to  
232 evaluate all proposed development within the city to ensure that the proposed development  
233 complies with the requirements of this plan and the implementing land development  
234 regulations.

235

236 Policy VIII.4.5. **Development Orders.** The following criteria shall be used as guidelines  
237 interpreting and applying level of service standards to applications for development orders and  
238 permits and when the test for concurrency is met.

239  
240 A. All requirements for concurrency shall be met prior to the issuance of a development  
241 order or permit;

242  
243 B. The proposed density or intensity of land use shall be specified on the plan submitted  
244 for site review and said densities or intensities shall not exceed those specified for the specific  
245 land use and land use area.

246  
247 C. Level of service standards established herein are effective upon adoption by the City  
248 Commission.

249  
250 D. Level of service standards established herein are subject to change as conditions  
251 pertaining to these standards are materially changed. The level of service standards contained  
252 in this plan will remain in effect until a change to these standards have been officially changed  
253 by an amendment to this plan.

254  
255 E. The intent of this plan is that the requirements for concurrency specified at Policy  
256 VIII.4.2, be satisfied prior to the issuance of a development order or permit. Facilities are to be  
257 available at the adopted level of service standards concurrent with the impacts of that  
258 development. "Impacts of development" means the effective utilization of the development  
259 for the purpose which was permitted and no other use of the facilities shall be allowed.

260  
261 Policy VIII.4.6. **Plan Amendments.** Proposed plan amendments and requests for new  
262 development or redevelopment will be evaluated by the Planning and Land Development  
263 Regulation Commission in accordance with the following guidelines:

264  
265 A. whether the proposed action is in conformity with the future land uses as shown on the  
266 Future Land Use map of the Future Land Use Element;

267  
268 B. contribution of the proposed action upon conditions cited in the Public Facilities  
269 Element, and the Conservation Element;

270  
271 C. effect that the proposed action would have upon existing facilities capacity deficits cited  
272 in the Public Facilities Element; and Transportation Element;

273 D. whether demands generated by the proposed action can be accommodated by either:  
274 (1) increases in facility capacities contained in the 5-Year Schedule of Improvements; or (2)  
275 facilities to be provided by the developer will be available on a concurrent basis;

276

277 E. if public facilities are to be provided by the developer whether said facilities can  
278 accommodate user demands based on the adopted level of service standards;

279  
280 F. financial feasibility of required facilities being provided by the city, subject to the  
281 conditions contained in this element; and,

282  
283 G. conforms to facilities' plans of state agencies and the water management district.  
284 **Policy VIII.4.7. Traffic Study.** A traffic study is required demonstrating the impacts to the City's  
285 roadway network for any new development, in accordance with the requirements of River to  
286 Sea MPO's TIS Methodology Guidelines.

287 **Policy VIII.4.8. Concurrency Exemptions and Change of Use.** Certain developments cause no  
288 added impacts on facilities, and therefore can be considered exempt from concurrency and the  
289 requirement to undergo a concurrency evaluation. Any change, redevelopment, or modification  
290 of use shall require a concurrency evaluation, provided the proposed change, redevelopment,  
291 or modification of use has more than a de minimis impact on public facilities and services than  
292 the previous use that was actively maintained on the site during the six (6) month period prior  
293 to the date of application for concurrency evaluation. Concurrency credit shall be given for the  
294 previous use that was actively maintained on the site during the six (6) month period prior to  
295 the date of application for concurrency evaluation. If the proposed change, redevelopment, or  
296 modification of use has a lesser impact on public facilities and services than the previous use  
297 during the six (6) month period prior to the date of application for concurrency evaluation, then  
298 no concurrency evaluation shall be required.

299 If no use existed on the site for the six (6) month period prior to the date of application, no  
300 concurrency credit shall be issued and the proposed use shall be subject to concurrency  
301 evaluation.

302  
303 **Policy VIII.4.9. Demolitions.** In case of a demolition of an existing use or structure, the  
304 concurrency evaluation for the redevelopment shall be based upon the net increase of the  
305 impact for the new or proposed land use as compared to the most recent land use existing prior  
306 to demolition, provided that such credit is utilized within six (6) months of the date of issuance  
307 of the demolition permit. Such credits are non-transferable.

308 **Objective VIII.5.** The City shall continue evaluation and implementation of the fiscal evaluation  
309 and monitoring process to ensure the financial feasibility, successful coordination and  
310 implementation of the Capital Improvements Program.

311  
312 **Policy VIII.5.1. Monitoring and Evaluating the Capital Improvements Element.** The Capital  
313 Improvements Element shall be reviewed on an annual basis to ensure that required fiscal  
314 resources are available concurrent with the capital improvements proposed to be included in  
315 the City's Annual Budget. Such capital improvements scheduled in the Annual Budget shall be  
316 consistent with the Comprehensive Plan and provided adequate public facilities to support



317 future land use consistent with adopted level of service standards. The Capital Improvements  
318 Element, including the Five-Year Schedule of Capital Improvements, shall be updated no later  
319 than December 1, of each year and shall be reviewed in conjunction with the development of  
320 the upcoming fiscal year Annual Budget.

321  
322 Policy VIII.5.2. **Monitoring and Evaluation Procedures.** The monitoring and evaluation  
323 procedure shall incorporate the following actions:

324  
325 1. **Update and Refinements.** Determine if any corrections, updates, or modifications are  
326 necessary to maintain consistency with the Annual Budget and to provide the best available  
327 information and data. The City shall undertake the following activities:

328  
329 A. Annually update estimated revenues and operating expenditures within the Capital  
330 Improvements Element by September of each year for purposes to further consistency  
331 with the Annual Budget, and update all revenue and operating costs forecasts for the  
332 following five-years;

333  
334 B. Update improvements listed in the Five-Year Schedule of Capital Improvements,  
335 including project costs affected by inflation, and add new improvements as necessary to  
336 comply with goals, objectives, and policies cited in this element. Improvements  
337 committed through development agreements will also be listed in the Schedule of  
338 Capital Improvements;

339  
340 C. Revise the Capital Improvements Element as necessary to reflect revisions and updates  
341 to population projections annually prepared by the Bureau of Economic and Business  
342 Research at the University of Florida;

343  
344 D. Revise the Capital Improvements Element as necessary to reflect new revenue sources  
345 that are established by the City Commission or as created by the State of Florida;

346  
347 E. Annually update debt capacity and all analysis of financial capacity;

348  
349 F. Update inventory and analysis to reflect the most recent proposed plans of the Volusia  
350 County Board of Education to improve existing or develop new facilities; any major  
351 improvements by the Florida Department of Transportation that are scheduled for the  
352 next three year period; and any projects proposed by the St. Johns River Water  
353 Management District or any other State Agency. Such updates shall be consistent with  
354 Chapter 163.3187.

355  
356 2. **Internal Consistency Review.**

357 Revise data and analysis within other supporting documents of the Comprehensive Plan to  
358 reflect changes made to the Capital Improvements Element or the Five-Year Schedule of  
359 Capital Improvements.

360

361 3. External Consistency Review.

362 Coordinate with the designated Finance Department to assure that revisions, modifications  
363 or changes made to the Five-Year Schedule of Capital Improvements are reflected within  
364 the Annual Budget.

365

366 4. Capital Improvement Evaluation Criteria.

367 Review the criteria used to evaluate capital improvement projects to assure that the  
368 projects are ranked on their appropriate order of priority and incorporate any needed  
369 changes to upgrade and facilitate the evaluation process.

370

371 5. Level of Service Standards.

372 The Comprehensive Plan shall be used to evaluate the City's effectiveness in maintaining  
373 the adopted level of service standards and recommend any needed action to address  
374 deficiencies in the provision of facilities and services.

375

376 6. Outstanding Indebtedness.

377 Annually evaluate the ratio of outstanding indebtedness to the assessed property tax base  
378 to assure that indebtedness does not exceed maximum levels established in policy.

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