

ORDINANCE 2009-18

(Update of Capital Improvements Element, Comprehensive Plan)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN BY UPDATING POLICIES ON CONCURRENCY MANAGEMENT, ADOPTING BY REFERENCE THE POLK COUNTY AND FLORIDA DEPARTMENT OF TRANSPORTATION IMPROVEMENT PROGRAMS AND POLK SCHOOL FACILITIES WORK PROGRAM; UPDATING THE LAKE WALES SCHEDULE OF CAPITAL IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida,

SECTION 1: AMENDMENTS TO GOALS, OBJECTIVES & POLICIES
CAPITAL IMPROVEMENTS ELEMENT

The goals, objectives and policies of the Capital Improvements Element of the Comprehensive Plan are hereby amended to read as follows:

CAPITAL IMPROVEMENTS ELEMENT
GOAL, OBJECTIVES & POLICIES

GOAL: It shall be the goal of the City of Lake Wales to provide necessary public facilities and services for all existing and future development, at adopted level of service standards, through a process that permits development concurrent with the ability of the city to provide such facilities and services. [9J-5.016(3)(a)]

Objective 1: 5-Year Schedule of Capital Improvements

Continue to provide improvements to public facilities and services as indicated in the 5-Year Schedule of Capital Improvements, adopted as an appendix to this element, to correct existing deficiencies, replace obsolete or worn-out facilities, and accommodate the needs of desired future growth. [9J-5.016(3)(b)1]

Policy 1.01:

Include in the annual update of the 5-Year Schedule of Capital Improvements all projects and equipment identified as needed in other elements of this Comprehensive Plan that are relatively high in cost (\$25,000 or greater) and necessary to maintain the adopted level of service standards or correct existing deficiencies.

Policy 1.02:

Continue to evaluate and rank proposed capital improvement project in order of priority according to the following guidelines:

- a) Whether the project is needed to: correct an existing level of service deficiency, protect the public health and safety, serve developments for which development orders were issued prior to the adoption of the Comprehensive Plan, or fulfill a legal commitment of the city;
- b) Whether the project is needed to: replace worn-out or obsolete facilities to maintain the adopted level of service standard, improve operating efficiency, reduce costs, serve developed areas lacking full service, or promote in-fill development or redevelopment;

- c) Whether the project is needed to accommodate new growth in accordance with the Future Land Use Map at the adopted level of service standard;
 - d) Whether the project represents a logical extension of facilities and services within the city's service area; and
 - e) Whether the project is financially feasible within revenue and budget constraints.
- [9J-5.016(3)(c)1]

Policy 1.03:

Capital improvement projects included in the 5-Year Schedule of Capital Improvements shall be consistent with the goals, objectives, and policies of the appropriate elements of the Comprehensive Plan. [9J-5.016(3)(c)9]

Policy 1.04:

The City, through its Capital Improvement Program, capital budget process, or through land development regulations shall require developers to provide on a proportionate share basis, needed capital expenditures for the replacement or renewal of obsolete or worn-out capital facilities to maintain the adopted level of service standards. [9J-5.016(3)(c)3]

Policy 1.05:

The Florida Department of Transportation (FDOT) and Polk County Transportation Improvement Programs (TIP), as approved by the Polk County Transportation Organization (TPO), are adopted by reference.

Policy 1.06:

The Polk County School District Facilities Work Program, as approved by the Polk County School Board, is adopted by reference.

Objective 2: Concurrency and Capital Improvements

Continue to base land use decisions, including decisions regarding the issuance of development orders and permits, on the development requirements included in this Comprehensive Plan, the land development regulations of the City of Lake Wales, and the availability of public facilities and services necessary to support such development at the adopted level of service standards. [9J-5.016(3)(b)3]

Policy 2.01:

The following level of service standards, as established in other elements of the Comprehensive Plan shall be maintained for existing or previously permitted development and for new development or redevelopment in the city or the city's utility service areas:

1. Sanitary Sewer -

Flow capacity: Average daily flow: 100 gpcd average daily flow
 Maximum daily flow: Average daily flow plus 13 percent

Effluent quality: Meet or exceed EPA and DEP effluent standards

2. Potable Water -

Flow capacity: Average daily demand: 122 gpcd
 Maximum daily demand: 1.43 times average daily demand
 Storage capacity: One half average daily demand

Pressure: 20 psi minimum

3. **Solid Waste** – 1.3 pounds per person per day

4. **Drainage** –

For existing development:

Drainage Basin	Flood Protection	Water Quality
Lake Wailes	B	B
Crystal Lake	B	B
Lake Cooper	B	B
Lake Worth	C	C
Twin Lakes	B	C
North Lake Wailes	A	C
Lake Alta	A	C
Lake Serena	B	C
Lake Edward	A	C
Grassy Lake	B	B
Lake Bonnie	A	C
Lake Myrtle	C	C
Lake Padgett	C	C
Dinner Lake	C	C
Misc. Minor Basins	C	C

For new development:

Streets and Roads: Pavement at or above FEMA 100-year floodplain

Drainage structures (culverts and bridges): Ability to transmit 100-year return period storm with maximum velocity of five feet per second.

Storm Sewers (inlets, manholes, storm sewer lines): Designed to handle the 3-year return period storm.

All development:

Must comply with existing SWFWMD and FDEP regulations regarding management and storage of surface waters.

Water Quality:

Meet state water quality design and performance standards established in 17-25.025 F.A.C. with treatment of first inch of runoff to meet standards required by 17-302.500 F.A.C. Applies to any storm water drainage system which collects and transmits storm water to a disposal location, regardless of size of the system. [9J-5.011(2)(c)2]

5. **Recreation** -

Mini - Parks: .25 acres per 1,000 population
 Neighborhood Parks: 1.5 acres per 1,000 population
 Community Parks: 2 acres per 1,000 population
 Aggregate: 3.75 acres per 1,000 population

6. **Roads** -

Principal Arterials: LOS D to ensure consistency with State and County LOS

Minor Arterials and Collectors: LOS D to ensure consistency with State and County LOS

Florida Intrastate Highway System Roadways: LOS C
[9J-5.016(3)(c)4]

7. Public School Facilities -

Consistent with the Interlocal Agreement for Public School Facilities, the uniform district-wide level-of-service standards are established as a percent of permanent Florida Inventory of School Houses (FISH) capacity.

TIERED LEVEL OF SERVICE- SCHOOL YEAR 2008-2013

Facility Type	Year	Year	Year	Year	Year	Year
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Elementary	122%	122%	115%	100%	100%	100%
Middle	113%	113%	110%	100%	100%	100%
High School	110%	110%	105%	100%	100%	100%

- a. Magnet and School of Choice: One hundred percent (100%) of enrollment quota as established by the School Board or court ordered agreements and as adjusted by the School Board annually.
- b. Other: K-8, 6th grade centers, 9th grade centers, 6-12 are at one hundred percent (100%) of permanent DOE FISH capacity.
- c. Special: Including alternative education or special programmatic facilities will be determined by the type and use of programs for each facility.
- d. Conversion Charter Schools: The capacity is set during contract negotiations and the School Board has limited control over how many students the schools enroll. The School Board is unable to "rezone" students to a conversion charter to maximize utilization.

Policy 2.02:

Maintain requirements in the land development regulations to ensure that adequate capacity at the adopted level of service standards is available or will be available when needed to serve approved developments. By October 1, 2001, adopt an adequate facilities ordinance to ensure that, at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development. Establish a Concurrency Management System that will include guidelines for interpreting and applying the adopted level of service standards to applications for development orders and development permits, and determining when the test of concurrency must be met.

Policy 2.03:

The City adopts by reference the School District's 5-Year Work Program, as approved annually by the School Board, that includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities and based on the adopted level of service standards for public schools. The 5-year schedule of improvements ensures the level of service standards for public schools are achieved and maintained within a 5-year period. Annual updates to the schedule shall ensure levels of service standards are achieved and maintained within each year of subsequent 5-year schedule of capital improvements. Annual updates by the School Board will be adopted by reference as the City annually updates the CIE and CIP.

~~Objective 3: Cost Sharing for New Development~~

~~Continue to require future development to assume a proportionate share of the cost of providing public facilities and services to support such development at the adopted level of service standards. [9J-5.016(3)(b)4]~~

Objective 3: Proportionate Share

Future development will bear a proportionate cost of facility improvements necessitated by development in order to maintain adopted level of service standards. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement, or other enforceable agreement. these development agreements and/or interlocal agreements shall be reflected in the 5-year schedule for capital improvements if the capital improvement is necessary to serve development within the 5-year schedule.

Policy 3.01:

Continue to implement an impact fee ordinance in order to assess new development a pro rata share of the costs required to provide public facilities and services to meet the adopted level of service standards. [9J-5.016(3)(c)8]

Policy 3.02:

~~Maintain provisions in the land development regulations. By October 1, 2001, include in land development regulations a program for land dedication, payment-in-lieu of dedication, or other form of exaction as a requirement of subdivision or land development for the purpose of retaining easements for utility and traffic circulation systems, and for meeting all adopted level of service standards. [9J-5.016(3)(c)8]~~

Policy 3.03:

Continue to require developers to pay for all capital improvements for public facilities needed to serve new development at the adopted levels of service at a cost proportionate to the additional capacity or improvement needed.

Policy 3.04:

To the extent that public facility improvements paid for by a developer are used by others outside of the development, reimburse the developer for capital costs from assessments to those others on a basis proportionate to the use.

Policy 3.05:

Continue to require developers to provide bonding or other financial guarantees to ensure the completion of required public facilities improvements for new development.

~~Policy 3.01:~~ Policy 3.06:

School facility concurrency mitigation options shall be available to address the impacts of residential developments when applicable elementary, middle or high schools to which the

development is assigned or districted by the PCSB are at maximum capacity and/or exceed adopted levels of service standards. The school concurrency mitigation options shall be incorporated into the City's ordinance for concurrency management and shall be consistent with those options identified within the Polk County Interlocal Agreement for Public School Facility Planning and Chapter 163.3180, F.S., but at a minimum include donation, construction or funding of school improvements sufficient to offset the demand created by the proposed development. School facility mitigation must be reflected in the PCSB's adopted 5-Year Program of Work, or approved as an update to same. The City's annual CIE update will include this Program

Objective 4: Management of Fiscal Resources

~~Continue to~~ ~~By 2005, have programs in place which will~~ manage fiscal resources to ensure that the public facility and service improvement needs created by previously issued development orders and future development does not exceed the ability of the city to finance, construct, or install such improvements. [9J-5.016(3)(b)5]

Policy 4.01:

Continue to update the Capital Improvements Element annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures. [9J-5.016(4)(a)(b)]

Policy 4.02:

Continue the on-going 5-year Capital Improvements Program and incorporate a capital budget as part of the annual city budget to ensure that funds are available for projected capital needs. [9J-5.016(3)(c)7]

Policy 4.03:

Continue to limit the maximum ratio of outstanding indebtedness for providing capital facilities and services to no greater than 15 percent of the property tax base. [9J-5.16(3)(c)2]

SECTION 2: 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

The 5-Year Schedule of Capital Improvements for FY 09/10 through 13/14, appendix to the Capital Improvements Element of the Comprehensive Plan, shall read as follows:

APPENDIX – CAPITAL IMPROVEMENTS ELEMENT
5-Year Schedule of Capital Improvements – 2009-2014

Wastewater Capital Improvements Program - 2009-2014							
Sewer Project	Funding Source	Total Cost	FY 09-10	FY10-11	FY 11-12	FY 12-13	FY 13-14
Force Main - Lift Station #31	A/C	21,000	0	0	0	21,000	0
Force Main - Northside	C	1,515,000	0	0	393,000	1,122,000	0
Lift Station Pump Replacement	A/B	273,663	73,663	100,000	100,000	0	0
Lift Station Rehab	A/C/D	600,000	100,000	0	250,000	250,000	0
Sewer Improvements - C St. & vicinity	A/B/D/E	1,000,000	0	0	0	0	1,000,000
Sliplining Deteriorated sewer lines	A	250,000	250,000	0	0	0	0
WTP Expansion and Rehab	A/C/D	3,500,000	0	3,500,000	0	0	0
Vehicles - Wastewater	A	100,000	50,000	50,000	0	0	0
		7,259,663	473,663	3,650,000	743,000	1,393,000	1,000,000

Funding Sources: A=Operating Revenue; B=Tax Increment Revenue; C=Impact Fees; D=Bond/Loan Proceeds; E=Grants

Wastewater - Total 3-Year Capital Projects: \$4,866,663

Water Capital Improvements Program - 2009-2014							
Water Projects	Funding Source	Total Cost	FY 09-10	FY10-11	FY 11-12	FY 12-13	FY 13-14
Land - Burns Avenue Plant	A/C	100,000	0	0	0	0	100,000
Asbestos/Cement Pipe Removal	B	565,798	565,798	0	0	0	0
Interconnect N US 27 Water Line	A/C	92,000	92,000	0	0	0	0
Market St Distribution Upgrades	A/C/D	1,375,000	0	125,000	1,250,000	0	0
Northwest Water Line Extension	D	1,000,000	0	0	0	500,000	500,000
PRV - Hunt Bros & Scenic	A	60,000	60,000	0	0	0	0
SCADA Interconnect	A/D	100,000	100,000	0	0	0	0

Water Line - Burns Avenue	C/D	250,000	250,000	0	0	0	0
Water Plant Upgrades - Airport	A/C/D	1,000,000	200,000	800,000	0	0	0
Water Plant Upgrades - Market Street	A	45,000	45,000	0	0	0	0
		4,587,798	1,312,798	925,000	1,250,000	500,000	600,000

Funding Sources: A=Operating Revenue; B=Tax Increment Revenue; C=Impact Fees; D=Bond/Loan Proceeds; E=Grants

Potable water – Total 3-Year Capital Projects - \$3,487,798.

Reuse Capital Improvements Program - 2009-2014							
Reuse Projects	Funding Source	Total Cost	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY13-14
Land - Reuse Storage	A/C	250,000	0	250,000	0	0	0
Booster Stations - Reuse	A/C	45,000	45,000	0	0	0	0
Ground Storage Tank	C/E	1,507,000	200,000	607,000	700,000	0	0
Reuse Upgrades - Pump	D	184,000	0	0	184,000	0	0
Reuse Monitoring Wells	C	50,000	50,000	0	0	0	0
		2,036,000	295,000	857,000	884,000	0	0

Funding Sources: A=Operating Revenue; B=Tax Increment Revenue; C=Impact Fees; D=Bond/Loan Proceeds; E=Grants

Reuse system – Total 3-Year Capital Projects - \$2,036,000

Stormwater Capital Improvements Program - 2009-2014							
Stormwater Projects	Funding Source	Total Cost	FY 09-10	FY10-11	FY 11-12	FY 12-13	FY13-14
Twin Lakes Improvements	A/E	600,000	600,000	0	0	0	0
Lake Warren Improvements		387,400	0	0	0	387,400	0
North Lake Wales		114,000	0	0	0	0	114,000
		1,101,400	600,000	0	0	387,400	114,000

Funding Sources: A=Operating Revenue; B=Tax Increment Revenue; C=Impact Fees; D=Bond/Loan Proceeds; E=Grants

Stormwater system – Total 3-Year Capital Projects - \$600,000

Recreation Capital Improvements Program - 2009-2014							
Projects	Funding Source	Total Cost	FY 09-10	FY10-11	FY 11-12	FY 12-13	FY13-14
Kiwanis Park improvements	A/E	250,000	250,000				
Community Park - North Area - Land	C/E	900,000	0	0	0	900,000	0
9th Street Park	A/E	100,000	0	0	100,000	0	0
Lake Wailes Park improvements	A/E	150,000	0	150,000			
Crystal Lake Park improvements	A/E	100,000	0	100,000			
		1,500,000	250,000	250,000	100,000	900,000	0

Funding Sources: A=Operating Revenue; B=Tax Increment Revenue; C=Impact Fees; D=Bond/Loan Proceeds; E=Grants

Recreation – Total 3-Year Capital Projects - \$600,000

SECTION 3: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4: This ordinance shall take effect immediately upon its passage by the City Commission.

CERTIFIED AS TO PASSAGE this 17th day of July, 2009.

[Signature]
Mayor/Commissioner

ATTEST:

[Signature]
City Clerk