

CAPITAL IMPROVEMENT ELEMENT

GOALS, OBJECTIVES and POLICIES

GOAL:

The City of Cape Coral will undertake all necessary actions to ensure that adequate public facilities and services are provided in a manner which protects public and private investment in existing facilities, and promotes orderly, compact and efficient urban growth.

Objective 1: Capital improvements will be provided to accommodate desired future growth, and to update or replace facilities in an economically efficient manner, as indicated in the Five- (5) Year Schedule of Capital Improvements attached hereto as Exhibit 1.

Policy 1.1: The City of Cape Coral will schedule and fund all capital improvement projects needed to correct existing deficiencies as identified in the Five Year Schedule of Improvements and listed in the Future Land Use, Infrastructure, Recreation and Open Space, Transportation, Housing, Conservation and Coastal Management, Public School Facilities and Capital Improvements Elements.

Policy 1.2: Capital improvement projects included in the Five Year Schedule of Improvements will be evaluated annually by the City Council and funding priority assigned.

Policy 1.3: Proposed capital improvement projects will be evaluated and ranked in order of priority according to the following guidelines:

- a) the proposed project is needed to protect public health and safety, to meet the city's legal commitment to provide facilities and services, and to preserve or achieve maximum use of existing facilities.
- b) the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes infill development.
- c) the project represents a logical extension of facilities and services within a designated urban service area.

Policy 1.4: The Five Year Schedule of Capital Improvements shall be financially feasible and contain realistic projections and estimates of revenues and expenditures.

Policy 1.5: Public facility expansion and construction (including the construction of schools and public medical facilities) shall be located in such manner as to avoid impacts on unique or significant natural systems.

Policy 1.6: In identifying revenue sources for capital improvements the City should explore, and implement where appropriate, innovative financing techniques such as public/private

partnerships, new cost saving and efficient construction techniques, or incentives to developers to install needed infrastructure.

Policy 1.7: The City shall assure that adequate funding is provided for maintenance of public facilities to protect the welfare and safety of the public.

Policy 1.8: The City of Cape Coral hereby incorporates into the Capital Improvements Element and Five (5) Year Schedule of Capital Improvements for the years 2010-2015, as well as the Public School Facilities Element, Table 16: Capacity Projects Schedule and Table 17: Total Revenue Summary from the Lee County School District's 5-Year District Facilities Work Program, as adopted by the Lee County School Board on September 22, 2009. Further, the Lee County School District's "Educational Plant Survey," adopted on October 24, 2006, is hereby incorporated by reference.

Objective 2: Coastal High-Hazard Area. New public expenditures within the Coastal High-Hazard Area shall be limited to those needed for public health and safety, recreation and open space uses, public land acquisition, and the enhancement and protection of natural resources.

Policy 2.1: Cape Coral shall designate the coastal high hazard area as the sum of all of those areas which are within the storm surge flooding zone for a Category 1 hurricane as established in the most current Hurricane Evacuation Study, Southwest Florida, Update, prepared by the Southwest Florida Regional Planning Council.

Policy 2.2: As of the adoption date of the City of Cape Coral 2030 Comprehensive Plan, new public facilities, except for recreational facilities, shall not be located within the coastal high-hazard area.

Objective 3: All future development will bear its proportionate share of costs for facility improvements necessitated by the development in order to maintain the adopted level of service (LOS) standards. To facilitate this Objective, the City hereby adopts a short-term planning horizon, represented by the 5-Year Schedule of Capital Improvements; and a long-term planning horizon, represented by the year 2030.

Policy 3.1: The City of Cape Coral will continue to collect impact fees for water, sewer, and irrigation on all new development to assess a pro rata share of the cost to finance capacity improvements necessitated by such development.

Policy 3.2: The City of Cape Coral will continue to collect a recreation impact fee to finance capacity improvements for parks and recreational amenities.

Policy 3.3: The City of Cape Coral will continue to collect a Road Impact fee on all new development in order to assess a pro rata share of the cost needed to finance transportation capacity improvements necessitated by such development.

Policy 3.4: The City Council will periodically review the fee schedules of all impact fee ordinances and adjust the fee schedules to reflect the pro rata share of costs needed to finance improvements necessitated by new development.

Policy 3.5: The City will continue to require the dedication of land or fees in lieu thereof as a condition of plat approval for right-of-way acquisition and the provision of recreation and open space.

Policy 3.6: Provision of full city services at adopted level of service standards will be limited to the Urban Services Infill and Transition areas (as outlined in the adopted future land use map and as amended periodically via the plan amendment process) and to those other areas where the City has a legal commitment to provide services and facilities.

Policy 3.7: The City will provide public facilities to Hancock Creek Commerce Park and Indian Oaks Commerce Park D.R.I.s in accordance with the schedules established in the respective development orders.

Policy 3.8: The City will, by 2010, remedy existing deficiencies in its jurisdiction as identified in the Future Land Use, Recreation and Open Space, Transportation, Conservation and Coastal Management, Housing, and Infrastructure Elements.

Policy 3.9: The City shall expand and diversify the revenue sources available to the City for required capital improvements.

Policy 3.10: In order to assure the provision of public facilities and to promote economic development and growth within the City of Cape Coral, the City shall investigate the implementation of an impact fee structure that eliminates or minimizes the perceived disincentive to economic development.

Policy 3.11: The City shall maintain a public information program which promotes and emphasizes the link between the provision of infrastructure and the promotion of efficient economic development.

Objective 4: The City of Cape Coral will continue to manage its fiscal resources to ensure the provision of needed capital improvements for existing development and for future development and redevelopment in the infill and transition areas.

Policy 4.1: In the Urban Service Infill and Transition areas, the City will, prior to the issuance of building permits, insure the provision of all public facilities needed to serve the development.

Policy 4.2: The City will continue to adopt a five year capital improvement program and annual capital budget as part of its budgeting process.

Policy 4.3: The City will make efforts to secure State or Federal grants or private funds whenever available to finance the provision of capital improvements. Such efforts shall include,

but not necessarily be limited to, seeking and applying for said grants, and if required, providing matching funds for said grants.

Policy 4.4: The City will annually, prior to the submission of the annual budget to Council, perform a needs assessment for the provision of services and facilities for the following five year period. This needs assessment will take into account the following:

- 1) Existing priorities
- 2) Changes in demographics and land use patterns
- 3) long term cost/benefit ratio of proposed facilities.

Policy 4.5: The City will continue to implement financial management policies which achieve the following results:

- 1) Limitations on General Government Debt Service as a percentage of Non-Ad Valorem General Fund Revenues Debt Limit - 20% Target – 15%
- 2) Maintaining direct debt per capita at or below the standard municipal rating agency median for cities of comparable sizes Not to exceed 135% of such median
- 3) Maintaining a ratio of net debt to taxable assessed value of properties within the City at or below the standard municipal rating agency median for cities of comparable size Not to exceed 135% of such median.

Objective 5: Decisions regarding the issuance of development orders and permits will be based upon coordination of the development requirements included in this Comprehensive Plan, the land development regulations, and the availability of necessary facilities needed to support such development at the time needed.

Policy 5.1: The City hereby adopts Level of Service Standards (LOS) for Transportation, Water, Sewer and Irrigation Facilities, Solid Waste Facilities, Drainage Facilities Quality and Quantity, School and Recreational Facilities, as identified within the Transportation, Infrastructure, Recreation & Open Space and Public School Facilities Elements of this Comprehensive Plan, and will use them in reviewing the impacts of new development upon public facility provision.

Policy 5.2: The City of Cape Coral will maintain an "Adequate Facilities" ordinance to ensure that adequate facility capacity is available or will be available to serve new development. The minimum requirements for concurrency determination are as follows:

Potable Water, Sewer, Solid Waste, and Drainage

Prior to approval of a building permit or its functional equivalent, the City shall ensure that, consistent with public health and safety, adequate water supplies shall be in place and available to serve new development no later than the issuance by the City of a certificate of occupancy or

its functional equivalent for the development. Prior to approval of a building permit or its functional equivalent, the City shall consult with its applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent for the development.

Parks and Recreation: Excepting only such projects as described under Policy 5.3, below, a proposed residential development shall be determined concurrent for park and recreational facilities and services if any of the following conditions are met:

- (1) At the time a development order or building permit is issued, the necessary facilities and services are in place or under actual construction; or,
- (2) A development order or building permit is issued subject to the condition that the acreage for the necessary facilities and services is dedicated to or acquired by the City or funds in the amount of the developer's fair share are committed by the time of the issuance of the building permit; or,
- (3) At the time a development order or building permit is issued, the necessary park and recreational facilities and services are the subject of a binding executed agreement which requires the necessary park and recreational facilities and services to serve the new development to be in place or under actual construction no more than three (3) years after the issuance of a building permit; or,
- (4) At the time a development order or building permit is issued, the necessary park and recreational facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three (3) years after issuance of a building permit.

Transportation

- (1) At the time a development order or building permit is issued, the necessary transportation facilities and services are in place or under actual construction; or
- (2) A development order or building permit is issued subject to the condition that the necessary transportation facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three (3) years after issuance of a building permit. The required transportation facilities and services shall be provided for in the Capital Improvements Element; or
- (3) At the time a development order or building permit is issued, the necessary transportation facilities and services are the subject of a binding executed agreement which requires the necessary transportation facilities and services to serve the new development to be in

place or under actual construction no more than three (3) years after the issuance of a building permit; or

- (4) At the time a development order or building permit is issued, the necessary transportation facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three (3) years after issuance of a building permit.

Policy 5.3: For the purpose of issuing a development order or building permit, a proposed development may be deemed to have a de minimis impact on the affected park and recreational facilities and not subject to concurrency requirements of Policy 1.8 only if all of the following conditions are met:

- The development proposal is for an increase in density less than or equal to two (2) times the density or intensity of existing development, or for the development of a vacant parcel of land, residential development proposal is for a density of less than four (4) dwelling units per acre; and
- The park and recreational impact of the proposed residential development does not exceed 0.1 percent of the adopted level-of-service of the affected park and recreational facilities.
- If the affected park and recreation facilities do not meet adopted level-of-service standards, the cumulative park and recreational impact from the de minimis exemption does not exceed three (3) percent of the adopted level-of-service standard.

Policy 5.4: The City will evaluate, for purposes of long-term development, a broad variety of arts facilities, including: outdoor performing arts facilities, community theater activities, museums, and fine arts workshops. The City will amend the Comprehensive Plan to incorporate those facilities into its Capital Improvement Element for which adequate demand can be established and for which a cost/benefit analysis indicates financial feasibility.

Policy 5.5: The City will annually evaluate proposed plan amendments and applications for new development to determine whether the proposed development or amendment will:

- a) Exacerbate any existing facility deficiencies, as described in the Transportation Element; the Infrastructure Element; and the Recreation and Open Space Element.
- b) Generate public facility demands that may be accommodated by capacity increases planned in the Five Year Schedule of Capital Improvements.
- c) Conform to future land uses as shown in the adopted Future Land Use Element and the service areas for Potable Water, Sanitary Sewer, Solid Waste and Drainage as described in the Infrastructure Element.

- d) Adversely affect the facilities plans of state agencies, including the South Florida Water Management District.

Policy 5.6: The City will evaluate applications for new developments to assure that public facilities provided by the developer accommodate public facility demands based upon adopted Level of Service standards.

Policy 5.7: In order to promote urban infill development, redevelopment, and increased use of public transit, the City shall investigate the possibility of identifying transportation concurrency management areas, transportation concurrency exception areas, or public transportation concurrency exception areas as delineated in Rule 9J-5.0055(5), 9J-5.0055(6), and 9J-5.0055(7), Florida Administrative Code.

Policy 5.8: New development, redevelopment and infill development projects located within the City of Cape Coral Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA) may elect to be exempt from transportation concurrency requirements through implementation of the mitigation strategies described in Policy 14.5 of the Future Land Use Element. New development, redevelopment and infill development projects that do not choose to mitigate transportation concurrency impacts in such manner shall be subject to all applicable transportation concurrency requirements. Whether or not a project elects to mitigate its transportation impacts through the strategies identified in Future Land Use Policy 14.5, or elects to be subject to standard transportation concurrency requirements, all projects shall be subject to concurrency review for the purpose of assessing the transportation impacts of the proposed development.

CONCURRENCY MANAGEMENT SYSTEM

The City of Cape Coral's Concurrency Management System (CMS) is established to assure that adequate public facilities are available to serve new development within Cape Coral. The CMS identifies level of service (LOS) standards for public facilities, guidelines for the interpretation and application of LOS standards, and mechanisms for the implementation and monitoring of the City's CMS.

GOAL:

The City of Cape Coral shall ensure that adequate public facilities and services are provided concurrent with new development.

Objective 1: The City shall coordinate land development with the public and private provision of community services and facilities.

Policy 1.1: Development Orders or building permits shall not be issued unless adequate capacity exists or is assured in order to maintain the adopted level of service standards for public facilities.

Policy 1.2: The City hereby adopts the Level of Service Standards (LOS) for Transportation; Solid Waste Facilities; Drainage Facilities Quantity and Quality; Potable Water, Sewer, and Irrigation Facilities; and Recreational Facilities, as identified in the Transportation, Infrastructure, and Recreation & Open Space Elements of this Comprehensive Plan, and will use them in reviewing the impacts of new development upon public facility provision.

Policy 1.3: The Capital Improvements Element shall provide a financially feasible plan which assures that adopted level of service standards will be achieved and maintained.

Objective 2: The City shall enforce the concurrency management system provisions to ensure that level of service requirements are met for development prior to issuance of a development order or building permit.

Policy 2.1: The City of Cape Coral will adopt and maintain land development regulations to implement and enforce the concurrency management system.

Policy 2.2: The City shall maintain a database of transportation, potable water, sanitary sewer, irrigation, drainage, solid waste, and park and recreation level of service standards.

Policy 2.3: The City of Cape Coral will maintain an "Adequate Facilities" ordinance to ensure that adequate facility capacity is available or will be available to serve new development.

Policy 2.4: The minimum requirements for concurrency determination are as follows:

Potable Water, Sewer, Solid Waste, and Drainage

Potable Water, Sewer, Solid Waste, and Drainage

Prior to approval of a building permit or its functional equivalent, the City shall ensure that, consistent with public health and safety, adequate water supplies shall be in place and available to serve new development no later than the issuance by the City of a certificate of occupancy or its functional equivalent for the development. Prior to approval of a building permit or its functional equivalent, the City shall consult with its applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent for the development.

Parks and Recreation: Excepting only such projects as described under Policy 5.3 of the Capital Improvements Element, below, a proposed residential development shall be determined concurrent for park and recreational facilities and services if any of the following conditions are met:

- (1) At the time a development order or building permit is issued, the necessary facilities and services are in place or under actual construction; or,

- (2) A development order or building permit is issued subject to the condition that the acreage for the necessary facilities and services has been dedicated to or acquired by the City of Cape Coral or funds in the amount of the developer's fair share have been committed by the time of issuance of the building permit; or,
 - (a) A development order or building permit is issued subject to the condition that the necessary facilities and services are scheduled to be in place or under construction not more than one year after issuance of a certificate of occupancy as provided in the Five-Year Schedule of Capital Improvements; or,
 - (b) When the development order or building permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the facilities and services to be in place or under actual construction not more than one year after the issuance of a certificate of occupancy; or,
 - (c) When the development order or building permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement pursuant to Section 163.3220, F.S., or Chapter 380, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy.
- (3) At the time a development order or building permit is issued, the necessary park and recreational facilities and services are the subject of a binding executed agreement which requires the necessary park and recreational facilities and services to serve the new development to be in place or under actual construction no more than three (3) years after the issuance of a building permit; or
- (4) At the time a development order or building permit is issued, the necessary park and recreational facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three (3) years after issuance of a building permit.

Transportation

- (1) At the time a development order or building permit is issued, the necessary facilities and services are in place or under actual construction; or,
- (2) A development order or building permit is issued subject to the condition that the necessary transportation facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after the issuance of a building permit. The required

transportation facilities and services shall be provided for in the Capital Improvements Element; or

- (3) At the time a development order or building permit is issued, the necessary transportation facilities and services are the subject of a binding executed agreement which requires the necessary transportation facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuing of the building permit; or,
- (4) At the time a development order or building permit is issued, the necessary transportation facilities and services are guaranteed in an enforceable development agreement pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after the issuance of a building permit.

Policy 2.5: The City shall annually monitor the adopted level of service of public facilities and the capacity of public facilities to maintain adopted level of service standards.

MONITORING AND EVALUATION

Chapter 163 of the Florida Statutes requires the Capital Improvement Element to be continuously monitored and evaluated. Therefore this element will be reviewed on an annual basis to ensure that required fiscal resources will be available to provide the public facilities needed to support the adopted Level of Service Standards.

The annual review will be the responsibility of the City Manager, the City Finance Director, and the City Department of Community Development Director. This group's findings and recommendations will be presented to the Mayor and City Council at a public meeting. The City Council will direct staff to take appropriate actions based upon the review committee's findings and recommendations.

The City, in conducting its annual review of the Capital Improvement Element, will consider the following factors and will amend the element accordingly;

- 1) any corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the element; or the date of construction of any facility enumerated in the element;
- 2) the Capital Improvement Element's consistency with other elements and its support of the Future Land Use Element;
- 3) the City's ability to provide public facilities and services within the urban service area in order to determine any need for boundary modification or adjustment;
- 4) the priority assignment of existing public facility deficiencies;

- 5) the City's progress in meeting those needs determined to be existing deficiencies;
- 6) the criteria used to evaluate capital improvement projects in order to ensure that projects are being ranked in their appropriate order of priority;
- 7) the City's effectiveness in maintaining the adopted LOS standards;
- 8) the City's effectiveness in reviewing the impacts of plans and programs of state agencies and water management districts, which provide public facilities within the city's jurisdiction;
- 9) the effectiveness of impact fees for assessing new development a pro rata share of the improvement costs which they generate;
- 10) the impacts of special districts and any regional facility and service provision upon the City's ability to maintain its adopted LOS standards;
- 11) efforts made to secure grants or private funds, whenever available, to finance the provision of capital improvements;
- 12) the transfer of any unexpended account balances;
- 13) the criteria used to evaluate proposed plan amendments and requests for new development or redevelopment; and
- 14) Capital improvements needed for the latter part of the planning period, for inclusion in the 5-year Schedule of Capital Improvements.