

ORDINANCE 2018-02

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3177 F.S.; PROVIDING FOR FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Bunnell is authorized to amend the Capital Improvements Element of the City of Bunnell Comprehensive Plan in the manner set forth herein; and

WHEREAS, the City provided legal notice in accordance with Chapter 166.041(3)(c) F.S. and the City of Bunnell Land Development Code; and

WHEREAS, The Planning, Zoning and Appeals Board recommended approval of the amendment at the January 16, 2018 meeting; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strike through~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BUNNELL:

Section 1: FINDINGS.

Pursuant to 163.3177(3)(b) F.S. the capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

Section 2: CITY OF BUNNELL COMPREHENSIVE PLAN AMENDMENT.

The Capital Improvements Element of the City of Bunnell Comprehensive Plan shall be amended as indicated in Appendix A.

Section 3: CONFLICTING PROVISIONS.

All conflicting Ordinances and Resolutions, or parts thereof in conflict with this Ordinance, are hereby superseded by this Ordinance to the extent of such conflicts.

Section 4: SEVERABILITY AND APPLICABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provisions thereof shall be held to be inapplicable to any person, property,

or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.


Section 5: EFFECTIVE DATE

That this Ordinance shall become effective upon its final adoption.


First Reading: Approved on this 12th day of February 2018.

Second Reading: Adopted on this 26th day of February 2018.

CITY COMMISSION, City of Bunnell, Florida.

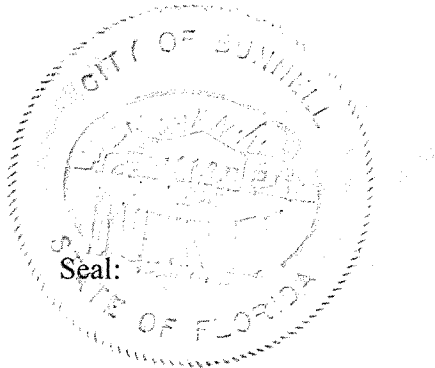
By: 
Catherine D. Robinson, Mayor

Approved for form and content by:


Wade Vose, City Attorney

Attest:


Kristen Bates, City Clerk



Appendix A

Capital Improvements Element Goals, Objectives & Policies

Capital Improvements Element

Goals, Objectives, and Policies

163.3177(3)(a)

Overall Goal

The City of Bunnell shall ensure capital facilities are provided to all residents and service areas of the City in a manner which protects the health, safety, and welfare of the public through use of existing facilities and the timely and efficient provision of new and expanded facilities.

CIE Objective 1.1 Capital Facility Planning

To use the Capital Improvements Element as a planning tool to correct existing deficiencies, replace obsolete or worn out facilities, and to accommodate desired future growth.

Monitoring and Evaluation of Objective 1.1.

Whether Bunnell updates its Capital Improvement Element and the corresponding Schedule of Capital Improvements (SCI) on an annual basis.

CIE Policy 1.1.1:

As part of the City's annual budget cycle, the Bunnell Community Development Department shall prepare an inventory of concurrency related facilities for the purposes of establishing a five-year SCI.

CIE Policy 1.1.2:

The Schedule of Capital Improvements (SCI) shall be a five year schedule of capital improvements needed to ensure that Bunnell maintains its adopted level of service standards for all concurrency related facilities.

CIE Policy 1.1.3:

All construction projects in excess of \$10,000 and any study which is expected to result in the determination of capital construction needs shall be included in the Schedule of Capital Improvements.

CIE Policy 1.1.4:

Bunnell may schedule and fund the capital improvements listed in the SCI in the City's Capital Improvement Program and update the Capital Improvement Element annually, by December 1, to ensure that the capital improvements scheduled will maintain or exceed adopted LOS standards over at least the five year planning horizon.

CIE Policy 1.1.5:

After the adoption of the Capital Improvement Program (CIP), Bunnell shall make any changes necessary to update the Capital Improvements Element (CIE).

CIE Policy 1.1.6:

Bunnell shall annually adopt a capital budget that includes the projects listed in the first year of the Capital Improvement Program and Schedule of Capital Improvements.

CIE Policy 1.1.7:

Bunnell shall make the necessary amendments to the CIE, CIP, and SCI if the date of construction for a project that is relied upon to satisfy adopted LOS standards is changed.

CIE Policy 1.1.8:

Bunnell shall include externally funded projects in its CIE if the projects are relied upon to satisfy adopted LOS standards.

CIE Policy 1.1.9:

To the extent that it helps facilitate capital facility planning, the City's budgeting office shall continue the practice of distributing and collecting department project request forms.

CIE Policy 1.1.10:

Capital improvements shall be evaluated and prioritized according to the following guidelines:

1. Does the capital improvement eliminate possible hazards or protect the health, safety, and welfare of the public or provide the necessary infrastructure as part of a legal requirement or prior commitment?
2. Will the improvement eliminate or correct existing deficiencies, help achieve full use of existing facility, increase capacity of existing facilities to meet future demand, or reduce the necessity for or cost of future improvements?
3. Will or can funds be available for the project? Can operating and maintenance costs associated with the improvement be provided from the annual operating budget?
4. Does the project contribute to or further the achievement of goals, objectives, and policies contained in the elements of this Plan?
5. Will the project provide services to developed areas lacking services, or be a logical extension or expansion of facilities or services within designated service areas?
6. Will the project provide the necessary supporting infrastructure for existing and proposed school facilities in coordination with the Flagler County School Board and the Interlocal Agreement for Public School Facility Planning?

CIE Policy 1.1.11:

The City of Bunnell hereby adopts by reference the following documents and plans:

1. City of Bunnell Schedule of Capital Improvements as included herein.
2. Saint Johns Water Management District's North Florida Regional Water Supply Plan, adopted by the boards of the Saint Johns and Suwannee River Water Management Districts on January 17, 2017.
3. Flagler County School District 2016-2020 Work Plan, adopted by the Flagler County School Board in October, 2015.

CIE Policy 1.1.12:

Flagler Central Commerce Parkway shall not be funded from ad valorem taxes, fees, assessments, or other local tax payer funds.

CIE Objective 1.2 Coordination with Land Uses

To better coordinate land use decisions with available and committed funding sources as identified in capital facility budgets and plans.

Monitoring and Evaluation of Objective 1.2.

Whether the policies adopted under this objective were successfully implemented by the City of Bunnell.

CIE Policy 1.2.1:

Bunnell shall maintain an up-to-date Concurrency Management System (CMS) and implementing provisions in its land development regulations in order to evaluate whether sufficient capacity exists to serve new development and redevelopment.

CIE Policy 1.2.2:

Bunnell shall only issue development orders in accordance with the City's Concurrency Management System in order to ensure that the development will not cause the adopted level of service standard of facilities to not be met.

CIE Policy 1.2.3:

The City shall ensure through its concurrency management system established in the Land Development Regulations that any increase in the demand on the infrastructure generated by the proposed development or redevelopment would not reduce the level of service of such facilities below the adopted standards, or that any infrastructure improvements needed to maintain the adopted level of service will be in place in accordance with the following:

For sewer, solid waste, drainage, and potable water facilities, the facilities must be in place no later than the issuance of the certificate of occupancy.

For parks and recreation facilities, the facilities must be in place no later than one year after the issuance of the certificate of occupancy; however, prior to issuance of the certificate of occupancy either a.) the acreage for such facilities shall be dedicated or acquired; or b.) equivalent funds shall be committed for such purpose.

For all transportation facilities, the facilities needed to serve the new development shall be in place or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation.

CIE Policy 1.2.4:

The City shall ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

CIE Policy 1.2.5:

Bunnell shall coordinate proposed land use changes and development with projected fiscal resources and planned capital improvements.

CIE Policy 1.2.6:

The City shall aggressively seek all grant opportunities to fund Capital Improvement Program projects tied to desired land use patterns.

CIE Policy 1.2.7:

Bunnell shall coordinate planning for city improvements with the plans of state agencies, the Saint Johns River Water Management District (SJRWMD), Flagler County and adjacent municipalities when applicable.

CIE Policy 1.2.8:

Bunnell shall construct public facility improvements in a manner that supports efficient, compact, and desirable land development patterns.

CIE Objective 1.3 Level of Service Standards

To ensure that all concurrency related facilities are being maintained at the adopted level of service standard.

Monitoring and Evaluation of Objective 1.3.

Whether all concurrency related facilities are being maintained at the adopted level of service standard.

CIE Policy 1.3.1:

Bunnell shall periodically evaluate its adopted level of service standards to determine if the standards are consistent with the desires of the community and make revisions to the standards as necessary.

CIE Policy 1.3.2:

The City adopts the following minimum peak-hour level of service standards for its roadway network:

- Rural Principal Arterial - LOS standard C
- Rural Minor Arterial - LOS standard D
- Rural Minor Collector (Local & County) – LOS standard C
- Emerging SIS Facilities – LOS standard C.

CIE Policy 1.3.3:

The City's central potable water system shall be capable of distributing 120 gallons per capita per day for those connected to the system (Adopted by Ordinance 2013-09).

CIE Policy 1.3.4:

The City's central sanitary sewer system shall be capable of treating 102.3 gallons per capita per day for those connected to the system (Adopted by Ordinance 2013-09).

CIE Policy 1.3.5:

The City's solid waste system shall be capable of collecting and disposing 9.3 pounds per capita per day.

CIE Policy 1.3.6:

The City's parks and recreation system shall provide at least 3.0 acres of park land per 1,000 residents.

CIE Policy 1.3.7:

The City's stormwater management system shall adequately operate under the conditions of a storm with a 24 hour, 25 year frequency.

CIE Policy 1.3.8:

The City of Bunnell shall utilize the following LOS standards in coordination with the School District to implement School concurrency:

1. Elementary: one hundred percent (100%) of permanent Florida Inventory of School Houses (FISH) capacity with State Requirements for Educational Facilities (SREF) utilization factor;
2. Middle: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
3. K-8: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
4. High: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor; and
5. Special Purpose: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor.

CIE Policy 1.3.9:

The City, in coordination with the School District, shall allow relocatables to be utilized to maintain the LOS standards on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed twenty (20%) of the permanent FISH capacity and shall be used for a period not to exceed five (5) years. Relocatables may also be used to accommodate capacity utilized for any specific education/development programs as required by law and/or adopted by the School Board.

CIE Objective 1.4 Proportionate Fair Share Payments and Impact Fees

To maintain a fair system where developers/land owners will bear a proportionate cost of facility improvements necessitated by proposed development in order to adequately maintain adopted level of service standards.

Monitoring and Evaluation of Objective 1.4.

1. Whether the City of Bunnell maintains a proportionate fair share system in its Land Development Code which allows developers to proceed under certain conditions, notwithstanding the failure of concurrency, by contributing their proportionate fair-share of the cost of the facility.
2. Whether the City continues to maintain impact fees which are adequate to pay for its existing capital facilities.

CIE Policy 1.4.1:

Bunnell shall use capital facility cost estimates and/or city-adopted or state approved development impact methodologies to determine and assess proportionate fair share payments and dedications.

CIE Policy 1.4.2:

Bunnell shall periodically evaluate its impact fees to determine if collections are adequate to pay for its existing capital facilities.

CIE Policy 1.4.3:

Bunnell shall continue to support the Flagler County Recreation Impact Fee by verifying that the required fee has been paid prior to the issuance of a development order by the City.

CIE Objective 1.5 Financial Controls

To exercise sound fiscal management practices to ensure the long term health of the community and to ensure the necessary capital facility improvements are provided for existing and future development.

Monitoring and Evaluation of Objective 1.5.

Whether the City has adopted a financially feasible five-year Capital Improvements Program (Adopted by Ordinance 2013-09).

CIE Policy 1.5.1:

The City shall issue municipal bonds or borrow funds for municipal purposes only to the extent authorized by and subject to the limitations provided for in Florida Statutes and Municipal Home Rule Law.

CIE Policy 1.5.2:

The Financial Services Director shall review all proposed capital improvement projects and make a recommendation to the City Manager concerning the City's ability to finance such proposals. The recommendation shall include a review of the following:

1. Ability to use an existing revenue stream.
2. Ability to use impact fees or proportionate share payments.
3. Assessment of whether bonding is appropriate and the likelihood of getting a bond approved by voters of the City.

4. Availability of grant funds.

CIE Policy 1.5.3:

The term for repayment of any debt supporting public capital facility improvements shall not exceed the expected and useful life of the facility.

CIE Policy 1.5.4:

Before funding any public capital facility improvement, the City shall assess the impact of maintenance and operations costs anticipated to be generated by that facility.

CIE Policy 1.5.5:

Bunnell shall maximize its use of grant funds as a supplement to local revenue sources.

CIE Policy 1.5.6:

Prior to funding any public capital improvements, the City shall evaluate what opportunities the improvement may create (e.g., the need for sewer or water main extensions shall be considered when roadway improvements are planned in order to minimize the cost and disruption caused by the construction).

CIE Policy 1.5.7:

The City shall replace or renew capital facilities as necessary to protect the public's health, safety, and welfare, and to ensure that the adopted level of service standards are maintained.

CIE Objective 1.6 Public Expenditures in Designated Flood Prone Areas

To discourage public capital facility improvements in the designated flood prone areas.

Monitoring and Evaluation of Objective 1.6

Whether the policies adopted under this objective were successfully implemented by the City of Bunnell.

CIE Policy 1.6.1:

Bunnell shall fund and construct public capital facility improvements in the designated flood prone areas only to the extent that it supports existing development patterns and will not encourage additional or more intensive development.

CIE Policy 1.6.2:

The designated flood prone areas shall mean those areas inundated by water during a 100 year flood as depicted on the City's flood prone area map.

CIE Policy 1.6.3:

Public expenditures in the designated flood prone area shall be limited to the following:

1. Maintenance of existing facilities.
2. Improvements designed to improve the efficiency of existing facilities.

3. Replacement of obsolete or worn out facilities.
4. Limited Recreational Facilities.
5. Water quality and supply improvement facilities.
6. New construction and/or expansion of arterial and collector streets.

CIE Policy 1.6.4:

Construction of all public capital facilities must conform to the floodplain regulations adopted by the City of Bunnell.

Schedule of Capital Improvements, FY2017-2022

	Policy/ Plan Implementation	FY17/18	FY18/19	FY19/20	FY20/21	FY21/22	Proposed funding in:
Water System CIP	Infrastructure Element Policy 4.1.4	\$353,250	\$80,000	\$106,000	\$106,000	\$0	Enterprise Fund
Water Treatment Plant R&R	Infrastructure Element Policy 4.1.4	\$15,000	\$43,000	\$30,000	\$30,000	\$0	Enterprise Fund
Sewer System CIP	Infrastructure Element Policy 1.1.8	\$430,650	\$113,500	\$87,500	\$87,500	\$0	Enterprise Fund
Wastewater Treatment Plant R&R	Infrastructure Element Policy 1.1.8	\$50,000	\$125,000	\$105,000	\$170,000	\$0	Enterprise Fund
Reclaim Water Line Extension	Infrastructure Element Policy 1.2.10	\$247,500	\$0	\$0	\$0	\$0	REDI Grant
Sewer Collection System R&R	Infrastructure Element Policy 1.1.8	\$61,000	\$72,000	\$49,000	\$62,000	\$0	Enterprise Fund
Stormwater Master Plan	Infrastructure Element Policy 3.1.1	\$8,000	\$20,000	\$10,000	\$0	\$10,000	General Fund
Stormwater Culverts Repair & Replacement	Infrastructure Element Policy 3.1.3	\$11,000	\$35,000	\$35,000	\$35,000	\$35,000	General Fund
Subtotal (this page)		\$1,176,400	\$488,500	\$422,500	\$490,500	\$45,000	

City of Bunnell
Capital Improvements Element
Goals, Objectives and Policies Adopted by Ordinance 2011-22 unless Otherwise Indicated

	Policy/ Plan Implementation	FY17/18	FY18/19	FY19/20	FY20/21	FY21/22	Proposed funding in:
Stormwater Culverts Repair & Replacement	Infrastructure Element Policy 3.1.3	\$260,000	\$0	\$0	\$0	\$0	Grant
Stormwater Ditch & Swale Rework	Infrastructure Element Policy 3.1.3	\$11,000	\$30,000	\$30,000	\$30,000	\$30,000	General Fund
Sewer Collection System R&R	Infrastructure Element Policy 1.1.8	\$500,000	\$0	\$0	\$0	\$0	CDBG Grant
Sidewalk Repair & Replacement	Traffic Circulation Element Policy 1.7.8	\$0	\$11,000	\$11,000	\$10,000	\$10,000	General Fund
Street Paving/Resurfacing	Traffic Circulation Element Policy 1.1.1	\$50,000	\$90,000	\$90,000	\$90,000	\$80,000	General Fund
Flagler Central Commerce Parkway	Future Land Use Element Policy 10.3	\$0	\$0	\$0	\$0	<u>\$0</u>	General Fund ¹
Subtotal (this page)		\$821,000	\$131,000	\$131,000	\$130,000	\$120,000	

¹ Per Capital Improvements Element Policy 1.1.12, Flagler Central Commerce Parkway shall not be funded from ad valorem taxes, fees, assessments, or other local tax payer funds. Only pass through funds from Federal Earmark SAFETEA-LU #F172 will be spent by the City on this project.

City of Bunnell
Capital Improvements Element
Goals, Objectives and Policies Adopted by Ordinance 2011-22 unless Otherwise Indicated

	Policy/ Plan Implementation	FY17/18	FY18/19	FY19/20	FY20/21	FY21/22	Proposed funding in:
Parks and Recreation							
Heritage Trail Pocket Park (Phase I)	Recreation & Open Space Element Policy 1.1.2	\$29,000	\$0	\$0	\$0	\$0	FRDAP Grant
Booe Street Park (Phase I)	Recreation & Open Space Element Policy 1.1.2	\$50,000	\$0	\$0	\$0	\$0	FRDAP Grant
Eddie Johnson Park Upgrade	Recreation & Open Space Element Policy 1.1.2	\$50,0000	\$0	\$0	\$0	\$0	General Fund
City Facilities/Buildings							
Bunnell Administration Complex	N/A	\$50,0000	\$0	\$0	\$0	\$0	Hazard Mitigation Grant
Public Schools							
<i>No Capacity Improvements Scheduled</i>	N/A	\$0	\$0	\$0	\$0	\$0	General Fund
Subtotal (this page)		\$179,000	\$0	\$0	\$0	\$0	

City of Bunnell
Capital Improvements Element

Goals, Objectives and Policies Adopted by Ordinance 2011-22 unless Otherwise Indicated

	Policy/ Plan Implementation	FY17/18	FY18/19	FY19/20	FY20/21	FY21/22	Proposed funding in:
Grand Total		\$2,176,4000	\$619,500	\$553,500	\$620,500	\$165,000	