

MEMORANDUM

TO: Honorable Mayor Strickland and City Council Members
FROM: Eugene Miller, Interim City Manager
DATE: March 9, 2010
SUBJECT: Adoption of Amendment to Orange City Comprehensive Plan
Capital Improvements Element --- Ordinance No. 419

MAR 15 2010
EM

Introduction: The purpose is to adopt the amendment to the Comprehensive Plan's Capital Improvements Element, Ordinance No. 419, and transmit to the Florida Department of Community Affairs (DCA).

Background: This amendment consists of revisions to the City's Comprehensive Plan that comply with Florida Laws related to the City's Comprehensive Plan Capital Improvement Element (CIE) and the Five-Year Capital Improvement Program (CIP). In 2005, the Florida Legislature enacted Senate Bill 360 which prohibits local governments (including Orange City) from amending its Comprehensive Plan unless the City Council adopts an updated CIE including the CIP every year and submits the update to the DCA.


Budget Impact: For purposes of the City's Comprehensive Plan, the CIP is a five-year schedule of capital projects for the annual budget year plus four years primarily in excess of \$50,000 to be undertaken by the City, including non-LOS items such as equipment purchases and government facilities and buildings.


Discussion: The CIE is adopted and updated annually to reflect the timing and funding of capital projects to meet or maintain adopted level of service (LOS) standards for concurrency related facilities (sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation facilities). If the LOS Standards are not met, concurrency management requires the City to deny applications for development orders and permits until the deficiency is addressed. In order to assure that facilities will be in place to maintain LOS standards in a timely manner and prevent a concurrency moratorium, the CIP must address deficiencies and be financially feasible.

Unlike other Comprehensive Plan amendments that require two public hearings by the City Council, the CIE annual update amendment is adopted with only one public hearing. Under this expedited process, the City does not transmit the annual update as a proposed amendment and DCA does not issue an Objections, Recommendation and Comments Report (ORC Report). Instead, the City simply adopts the CIE annual update amendment at a duly noticed public hearing, sends the adopted amendment to DCA and DCA publishes a Notice of Intent after conducting a compliance review.

On March 3, 2010, five members of the Planning Commission held a public hearing to review this amendment, and unanimously recommended that City Council approve the ordinance. Attached is the ordinance, amendment, and the draft minutes from the March 3, 2010 meeting.

Recommendation: The Interim City Manager and the Planning Commission recommend that City Council adopt the Comprehensive Plan Amendment, Ordinance No.419.

Prepared by: Jim Kerr, City Planner 

Reviewed by: Elaine Wilson, Interim Development Services Director 

1 **MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING**, held on Wednesday,
 2 March 03, 2010, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City, Florida.

3
 4 **1. CALL TO ORDER:**

5
 6 The meeting was called to order at 7:00 p.m. by Chair DeSilva and roll call was taken.

7
 8 **2. ROLL CALL:**

9
 10 **PRESENT:** Chair Paul DeSilva; Vice Chair Ben Franklin; Commissioners: Henry Durica, Frank Wilson,
 11 David Seaman; Staff Members: Interim Development Services Director Elaine Wilson,
 12 Acting City Attorney Tara Barrett, and Planning and Zoning Analyst Wendy Hickey

13
 14 **ABSENT:** Commissioners: Michelle Polgar, Christopher Weldon

15
 16 **3. APPROVAL OF MINUTES:** February 03, 2010

17
 18 Commissioner Seaman noted that on page 2, line 7, his title is listed as Chairman rather than Commissioner.

19
 20 **Commissioner Franklin moved to approve the minutes of February 03,**
 21 **2010 as amended, seconded by Commissioner Wilson and approved by 5/0**
 22 **voice vote of the Commission.**

23
 24 **PUBLIC HEARING:**

25
 26 **4. Review and Consider** forwarding a recommendation to the City Council recommending that the City
 27 Council adopt and transmit to the Florida Department of Community Affairs an amendment to the
 28 Orange City Comprehensive Plan, for the purpose of amending the capital improvements element, to
 29 update and revise the text, and including the five-year capital improvement program.

30
 31 Chairman DeSilva opened the public hearing by asking anyone who wished to speak to come forward to be
 32 sworn in. Ms. Wilson administered the oath.

33
 34 Ms. Wilson noted that every year the City must review and amend the capital improvements element of its
 35 Comprehensive Plan (Comp Plan). Ms. Wilson explained the Comp Plan is a forward-looking document
 36 that outlines the way the City develops. She noted the Commission will be looking at other portions of the
 37 Comp Plan in the upcoming months. Ms. Wilson said staff is suggesting the Commission approve the
 38 changes as submitted and forward Ordinance No. 419 to the City Council recommending its adoption. In
 39 response to a question from Commissioner Durica, Ms. Wilson explained that “proportionate share”
 40 discussed on page 5 is a statewide program calculated by a specific formula as set by State Statute.

41
 42 Hearing no further requests to speak, Chairman DeSilva closed the public hearing.

43
 44 **Commissioner Wilson moved that the Planning Commission recommend**
 45 **City Council approval of Ordinance No. 419 amending the Capital**
 46 **Improvements Element of the Comprehensive Plan, seconded by**

1 **Commissioner Seaman and passed by 5/0 roll call vote of the Commission.**

- 2
- 3 **5. Review and Consider** forward a recommendation to the City Council for approval of an application for
4 Rezoning, Master Plan, and Site Plan for Villa Tuscany Assisted Living Facility Planned Unit
5 Development to be located at 675 Veterans Memorial Parkway, identified as Parcel No. 8012-04-00-
6 0190.

7

8 Chairman DeSilva opened the public hearing by asking anyone who wishes to speak to come forward to be
9 sworn in. Ms. Wilson administered the oath.

10

11 Tara Barrett, Acting City Attorney, advised any ex-parte communications regarding any of these matters
12 must be disclosed. Chairman DeSilva noted for the record that there were no disclosures.

13

14 Wendy Hickey, Planning and Zoning Analyst came forward and noted that Villa Tuscany is located on
15 Veterans Memorial Parkway across from Monastery Road. The proposed project is for a 100-bed assisted
16 living facility that would also accommodate Alzheimer's patients. The property retained its land use
17 designation of mixed use (MX) when it annexed into the City limits and it must be rezoned to business
18 planned unit development (BPUD). Ms. Hickey showed a PowerPoint presentation of the proposed project.

19 She said staff is requesting that the Planning Commission recommend that the City Council approve
20 Ordinance No. 418 for rezoning and Resolution No. 597-10 for the master and site plans for the Villa
21 Tuscany Assisted Living Facility with the stipulations outlined as follows: (1) A developer agreement must
22 be approved by the City Attorney, executed, and recorded; (2) All outstanding items from the City
23 Engineer's report must be resolved; and (3) Continued collaboration with the City in providing a Master Lift
24 Station on site. Ms. Hickey concluded her presentation by stating the project engineer is present to answer
25 any questions the Commission may have.

26

27 Commissioner Durica pointed out there may be traffic jams when traveling north on Veterans Memorial
28 Parkway. He asked whether a left turn lane to access the facility would be installed before construction
29 begins. Ms. Hickey responded in the negative, noting Veterans is a County road. Mr. Durica said Orange
30 City residents would be impacted he questioned what would be an appropriate solution. John Herbert,
31 Project Engineer, came forward and said the left turn already exists, but is not striped. He said the
32 intersection would be restriped to provide a left turn lane as well as a deceleration lane for a right turn into
33 the project. Ms. Hickey said the Volusia Growth Management Commission (VGMC) reviewed the traffic
34 issues and felt that for a 100-bed assisted living facility, the traffic congestion would be very minimal.

35

36 Mr. Herbert advised that he is working with the City's consulting engineer to resolve any outstanding issues.
37 Ms. Hickey noted that a master lift station would be located on site. Mr. Herbert explained that a force
38 main would be installed running south to connect with the City system. A lengthy discussion ensued on the
39 details of the project.

40

41 Hearing no further requests to speak, Chairman DeSilva closed the public hearing.

42

43 **Commissioner Franklin moved that the Planning Commission forward a**
44 **recommendation to the City Council for approval of an application for**
45 **rezoning master plan/site plan for Villa Tuscany Assisted Living Facility**
46 **planned unit development to be located at 675 Veterans Memorial Parkway**

Section 10

Capital Improvements Element

Comprehensive Plan

Orange City, Florida

Prepared by
Development Services Department
Orange City, Florida

Ordinance No. 419

ORDINANCE NO. 419

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, TRANSMITTING AND ADOPTING AN ADMINISTRATIVE AMENDMENT TO THE CITY OF ORANGE CITY COMPREHENSIVE PLAN FOR THE PURPOSE OF AMENDING THE CAPITAL IMPROVEMENTS ELEMENT TO UPDATE AND REVISE THE TEXT AND INCLUDING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM; PROVIDING FOR CONFLICT AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, requires local governments to annually update the Comprehensive Plan's Capital Improvements Element including the Five-Year Capital Improvement Program; and

WHEREAS, the City of Orange City, Florida has prepared amendments to the Comprehensive Plan's Capital Improvement Element including the Five-Year Capital Improvement Program as required by Chapter 163, Florida Statutes; and

WHEREAS, the Planning Commission of the City of Orange City has reviewed the proposed amendments and provided recommendations to the City Council of the City of Orange City at a duly noticed public hearing in the preparation and enactment of this Comprehensive Plan Amendment Ordinance; and

WHEREAS, the City Council of the City of Orange City desires to adopt an amendment to the Capital Improvement Element of the City of Orange City Comprehensive Plan and to guide and control the future development of the City and to preserve, promote and protect the public's health, safety and welfare; and

WHEREAS, the City Council of the City of Orange City held a duly noticed public hearing on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments; and

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Orange City, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That the City Council of the City of Orange City, Florida hereby adopts an amendment to the City of Orange City Comprehensive Plan, which said amendment, consists of the Capital Improvement Element that is identified in Exhibit "A", and by reference incorporated herein with full force and effect, which is hereby amended pursuant to Chapter 163, Florida Statutes.

SECTION 2. Repealer: That all ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed, as well as any portion in conflict herewith.

SECTION 3. Severability: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 4. Effective Date: This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 419):

First Reading this _____ day of _____, 2010.

Gary A. Blair	_____	Jeff H. Allebach	_____
Bill Crippen	_____	Tom Abraham	_____
Anthony Pupello	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 419):

Second Reading this _____ day of _____, 2010.

Gary A. Blair	_____	Jeff H. Allebach	_____
Bill Crippen	_____	Tom Abraham	_____
Anthony Pupello	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney

Exhibit A

Capital Improvements Element

**Section 10
Capital Improvements Element**

~~Struck through~~ = deleted text

Underlined = added text

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) standards.

Objective 1.1: Land use decisions within the City will be based on the provision of service and facilities at adopted LOS, existing and projected fiscal capacity and a financially feasible five-year schedule of capital improvements 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 land development regulations ensure 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.

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 LOS standards for the following facilities shall be:

Transportation:	Peak Hour LOS
State Arterials:	
US 17/92 (Principal)	C
SR 472 (Minor)	C

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Transportation (cont.):

Peak Hour LOS

County Arterials:

Enterprise Road	E
<u>East</u> Graves Avenue	E
Saxon Boulevard	E
<u>West</u> Rhode Island Avenue	E
(except City Section listed below)	
(from US 17/92 to the Western Parkway)	
<u>North</u> Kentucky Avenue/Veterans Memorial Parkway	E

County Collectors:

<u>West</u> Blue Springs Avenue	E
<u>North</u> Kentucky Avenue	E
<u>West</u> French Avenue	E

City Arterials:

<u>East</u> Rhode Island Avenue (from Veterans Memorial Parkway to US 17/92)	E
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City Collectors:

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 for industrial/commercial/institutional uses

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

Stormwater:

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

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development approval decisions which impact water resources. Until that time, the City shall comply with the following performance standards of ~~Article VIII, Storm Water Management, Volusia County LDC, Ordinance No. 88-3 as amended in November, 2004~~ Section 72-779 of the Volusia County Land Development Code (LDC), Chapter 72, Article III, as amended, provided said standards are more stringent than the City's standards:

A. The City shall require that developments 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 ~~Article VIII, Storm Water Management, Volusia County LDC, Ordinance No. 88-3, as amended in November, 2004~~ Section 72-779 of the Volusia County Land Development Code (LDC), Chapter 72, Article III, as amended.

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 ~~Article VIII, Storm Water Management Section 804(3) (a) and (b), Volusia County LDC, Ordinance No. 88-3 as amended in November, 2004~~ Section 72-779 of the Volusia County Land Development Code (LDC), Chapter 72, Article III, as amended.

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.

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.

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- 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 Metropolitan Planning Organization (MPO) 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 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 and the St. Johns River Water Management District 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

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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 including Section 44 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. Stormwater;

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- 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 Policy 2.1.2 of this Section.

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

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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)1 – (2)(a)3~~, 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 Sections ~~9J-5.0055(2)(a)1 – (2)(a)4~~, 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 concurrency requirement by complying with the standards in Sections ~~9J-5.0055(2)(a)1 – (2)(a)4~~ and Sections ~~9J-5.0055(2)(b)a and (2)(b)2~~, 9J-5.0055(3)(c)1 to (3)(c)7, F.A.C. and the provisions of ~~F.S.~~ Florida Statutes 163.3180(11). 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 concurrency requirement for roads by the adoption and implementation of concurrency requirements 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

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Capital Improvements Element and five-year schedule of capital improvements 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 improvements which must include both necessary facilities to maintain the adopted 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 improvements.

4. A five-year schedule of capital improvements 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 improvements which must demonstrate that the actual construction of the road 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 provision that a plan amendment would be required to eliminate, defer or delay construction of any road which is needed to maintain the adopted level-of-service standards and which is listed in the five-year schedule of capital improvements.

7. 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.

8. A provision that a monitoring system will be adopted which enables the City to determine whether it is adhering to the adopted level-of-service standards 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.

9. 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.

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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 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, 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 ~~Comprehensive Plan~~ 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 ~~Comprehensive Plan~~ City's LDC;

C. Developments which have received site plan approval prior to adoption of the ~~Comprehensive Plan~~ City's LDC;

D. Planned Unit Developments with an approved Master Development Plan and development agreement; 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 ~~during~~ throughout the duration of the planning period unless previous agreements provide for an earlier expiration date.

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.

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- 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 building 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 building development permit.
- Policy 1.5.10: The City shall review all development and/or redevelopment activities in a manner consistent with adopted LOS 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 impact evaluation to be submitted for any development 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 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.
- Policy 1.5.13: The traffic impact evaluation shall be prepared according to the City's specifications and requirements.
- Policy 1.5.14: The cost of preparing the traffic impact 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.

Exhibit A – Ord. No. 419

- Policy 1.5.15: Orange City shall continue to support the establishment of an areawide traffic concurrency management system. Orange City shall participate in this areawide traffic concurrency management system when it is established.
- Policy 1.5.16: No land use approval for new development, redevelopment or annexation in the City shall cause facilities or services to fall below adopted local LOS 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 1.5.17: The City shall, prior to annexation, evaluate proposed annexations to determine potential fiscal, LOS and infrastructure impacts to ensure that LOS standards can be maintained and services provided in a timely and fiscally responsible manner.
- Goal 2: Provide for a financially feasible public school facilities program.
- 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 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.
- 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:
Elementary Schools: 115% of permanent FISH capacity for the concurrency service area.
K-8 Schools: 115% of permanent FISH capacity for the concurrency service area.
Middle Schools: 115% of permanent FISH capacity for the concurrency service area.
High Schools: 120% of permanent FISH capacity for the concurrency service area.
Special Purpose Schools: 100% of permanent FISH capacity.

Exhibit A – Ord. No. 419

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.

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

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.

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.

CAPITAL IMPROVEMENTS 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

Exhibit A – Ord. No. 419

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.

Exhibit A – Ord. No. 419

Table 9-1
Five-Year Capital Improvement Program

<u>Project Category</u>	<u>Project Type</u>	<u>FY 08/09</u>	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>Total</u>	<u>Funding Source</u>
<u>Equipment</u>	<u>New and Replacement Vehicles</u>	<u>120,500</u>	<u>125,000</u>	<u>175,000</u>	<u>125,000</u>	<u>175,000</u>	<u>720,500</u>	<u>General Fund</u>
<u>Road & Drainage</u>	<u>Resurfacing and Drainage Improvements</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<u>750,000</u>	<u>General Fund</u>
<u>Sidewalks</u>	<u>New Construction</u>		<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	<u>160,000</u>	<u>General Fund</u>
<u>Water & Sewer</u>	<u>Alternative Water Supply Planning and Design</u>	<u>200,000</u>					<u>200,000</u>	<u>Impact Fees</u>
	<u>Additional Storage Tank Construction</u>	<u>360,000</u>					<u>360,000</u>	<u>Impact Fees</u>
	<u>Carpenter Avenue Force Main/Storm water Reuse Line</u>	<u>1,700,000</u>					<u>1,700,000</u>	<u>Impact Fees</u> <u>Enterprise Fund</u> <u>CDBG</u>
	<u>Rhode Island East Force Main</u>	<u>125,000</u>					<u>125,000</u>	<u>Impact Fees</u>
	<u>Carpenter Avenue Lift Station</u>					<u>75,000</u>	<u>75,000</u>	<u>Impact Fees</u>
<u>Parks</u>	<u>Existing Park Improvements/Upgrades</u>				<u>1,075,000</u>	<u>200,000</u>	<u>1,275,000</u>	<u>ECHO Grant</u> <u>FRDAP Grant</u>
<u>Total</u>		<u>2,655,500</u>	<u>315,000</u>	<u>365,000</u>	<u>1,390,000</u>	<u>640,000</u>	<u>5,365,500</u>	

Support Information

Capital Improvements Element Support Documentation

I. INTRODUCTION

The primary purpose of the Capital Improvements Element (CIE) is to identify the capital improvements that are needed to implement the Comprehensive Plan (Plan) and ensure that the City's adopted Level of Service (LOS) Standards are achieved and maintained for concurrency related facilities (transportation, sanitary sewer, potable water, solid waste, stormwater, parks and recreation, and school facilities). The necessary future capital improvements are tied together through the CIE by including said improvements in the City's Five-Year Capital Improvements Program (CIP).

The CIE also has a key relationship to the Plan, which is strengthened through the "concurrency" requirement stipulated in the Florida Statutes. This requirement, simply stated, says that facilities and services must be available at their adopted LOS standard concurrent with the impacts of development.

II. LOS Standards

LOS standards establish a minimum level at which the services and facilities identified in the Plan will be provided. Therefore, the LOS standards set a level for the provision and maintenance of sufficient capacity to accommodate demand resulting from development within the City. Further, the "concurrency" requirement mandates that the permitting of future development is contingent on the maintenance of the LOS standards contained in the Plan. The City's adopted LOS standards are presented in Table 1.

Table 1 LOS Standards

Transportation:	Peak Hour LOS
State Arterials:	
US 17/92 (Principal)	C
SR 472 (Minor)	C
County Arterials:	
Enterprise Road	E
East Graves Avenue	E
Saxon Boulevard	E
West Rhode Island Avenue	E
(from US 17/92 to the Western Parkway)	
North Kentucky Avenue/Veterans Memorial Parkway	E
County Collectors:	
West Blue Springs Avenue	E
North Kentucky Avenue	E
West French Avenue	E

Transportation (cont.):

Peak Hour LOS

City Arterials:

<u>East</u> Rhode Island Avenue (from Veterans Memorial Parkway to US 17/92)	E
--	---

City Collectors:

Leavitt Avenue	E
Harley Strickland Boulevard	E
Wisconsin Avenue	E
West Blue Springs	E

Sanitary, Sewer:

284 gallons per day per equivalent residential connection

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

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

Stormwater:

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 amended, and as may be amended from time to time, provided said standards are more stringent than the City's standards:

A. The City shall require that developments 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 amended, and as 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 amended, and as may be amended from time to time.

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: LOS standards are included in the School Element.

III. CAPITAL IMPROVEMENT REQUIREMENTS

The purpose of this section is to set forth the capital improvement requirements that are to be funded and the sources of revenue available to finance them. Chapter 9J-5, F.A.C, stipulates that only those improvements necessary within a five year period need to be addressed. Therefore, the capital improvements are confined to Fiscal Years 2009-2014.

Facilities

Transportation

Volusia County's proposed FY 09/10 - FY 13/14 Five-Year Road Program includes thoroughfare roadway facility improvements that have been identified as necessary to increase roadway capacities. These roadway improvements include the following:

- Saxon Boulevard safety upgrade from I-4 to Enterprise Road.
(construction scheduled in FY 09/10)
- The two lane Rhode Island Avenue extension west from Westside Parkway to US 17/92. (construction scheduled in FY 08/09)

Volusia County has moved three thoroughfare roadway facility improvements out of the five-year plan and into the sixth year. Therefore the following three projects are funded for the FY 14/15. These three roadway improvements include the following:

- Graves Avenue/Kentucky Avenue intersection improvement.
(construction scheduled in FY 14/15)
- Four lane Kentucky Avenue from Graves Avenue to SR 472.
(construction scheduled in FY 14/15)
- Realign and four lane Veterans Memorial Parkway to Kentucky Avenue.
(construction scheduled in FY 14/15)

Volusia County has moved two thoroughfare roadway facility improvements out of the five-year plan and scheduled them for potential future funding. These two roadway improvements include the following:

- Two lane Rhode Island Avenue extension east from Veterans Memorial Parkway to Normandy Boulevard. (unfunded and unscheduled construction)
- Two lane Westside Parkway from Don Smith Boulevard to Rhode Island Avenue. (unfunded and unscheduled construction)

These improvements are the fiscal responsibility of Volusia County and have been identified within the County's CIP. The City's CIE Policy 1.1.7 adopts these improvements by reference.

The Florida Department of Transportation's Five-Year Road Program includes improvements to I-4 from SR 472 to SR 40. Proposed CIE Policy 1.1.8 adopts these improvements by reference.

The City has not identified any City thoroughfare road projects that are required to maintain the City's road LOS standards. Therefore, the City's Five-Year CIP does not contain any City thoroughfare road improvements.

De Minimis Records Report

Policy 1.5.12 of the CIE requires a De Minimis Records Report be included with the annual CIE update on all de minimis developments. During the 08/09 fiscal year, the City issued certificates of occupancy for 26 dwelling units. Twelve were single family dwelling units and fourteen were duplex (seven buildings with two dwelling units each). According to Policy 1.5.11 of the CIE, 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.

De Minimis Records Report	
Single family dwelling units	12
Duplex dwelling units	14
Total	26

Sanitary Sewer

Wastewater service is provided to the City through a wholesale service agreement with Volusia County. The County's current treatment plant capacity is 1.2 million GPD and a future plant expansion will be completed in the summer of 2010 wherein the plant's capacity will be increased to 1.7 million GPD. The County has indicated that with the plant expansion there will be enough capacity to accommodate Orange City wastewater flows in the future. Orange City's sanitary sewer projects consist of two force main projects and a lift station.

Potable Water

In order to maintain potable water adopted LOS standards, during Fiscal Year 2008/09 the City upgraded its water storage tank. This improvement was necessary to ensure that adequate capacity is available to serve any new development. In addition, the City has earmarked funds for alternative water supply planning, design and construction. CIE Policy 1.1.10 adopts by reference the Saint Johns River Water Management District's water supply projects, related to Orange City, into the City's CIP.

Stormwater

The City has identified stormwater improvement projects along roads that will be resurfaced in FY 09/10 through FY 13/14 and a stormwater reuse project as part of the Rhode Island force main project.

Solid Waste

There are no solid waste projects proposed in the Five-Year CIP.

Parks and Recreation

Effective in April 2009, BEBR's estimated population for Orange City was 10,203. The City's adopted LOS standard for parks is 2 acres per 1,000 residents for neighborhood parks and 4 acres per 1,000 residents for community parks. A comparison of this LOS standard to the existing park acreage listed in Tables 2 and 3 indicates that said acreage meets and exceeds the City's minimum park and recreation LOS standards. Currently, there is a surplus of 4.6 acres of neighborhood park land and a surplus of 19.7 acres of community park land as indicated in Table 1 below.

Table 1 – Park and Recreation LOS Summary

Park Type	LOS	Acres Required	Acres Provided	Surplus Acres	Meets LOS
Neighborhood	2 acres per 1,000 population	20.40	25.00	4.60	Yes
Community	4 acres per 1,000 population	40.80	60.50	19.70	Yes
Total		61.20	85.50	24.30	Yes

Table 2 – Community Park Inventory

Name	Jurisdiction	Acres	Type	Facilities
Veterans Memorial Park	Orange City	2.00	Community	Playground Picnic Pavilion (2) w/ BBQ grill Exercise Trail (recycled rubber) Splash Pad
Feiser Park	Orange City	1.90	Community	Parking for Mill Lake Park and events at Veterans Memorial Park.
Mill Lake Park	Orange City	20.00	Community	Picnic Area Nature Walk Lake (large) Basketball Court Play Area w/ Jungle Gym
Shuffleboard Park	Orange City	1.60	Community	Shuffleboard Courts (16) Restrooms (2) Clubhouse (small meeting facility) Wava's Senior Facility (3,000 SF)

Valentine Park	Orange City	35.00	Community	Restrooms (3) Playground Picnic Pavilions (3) Baseball Fields (3) (lighted) Softball Field (lighted) Soccer and Multi-use Field Volleyball Court Nature Trail Football Field Tennis Court (2) (lighted) Basketball Court (lighted) Concession stand w/ meeting facility
Sub-Total		60.50	Community	

Table 3 – Neighborhood Park Inventory

Name	Jurisdiction	Acres	Type	Facilities
Dickinson Park	Orange City	0.90	Neighborhood	Gazebo w/ event stage Water Fountain (2) Benches (10)
Orange City Elementary	School District	4.00	Neighborhood	Playground (large) Basketball Court Baseball field
Coleman Park	Orange City	2.50	Neighborhood	Playground with play equipment Picnic Pavilion Basketball Court Softball Practice Field
Marshall Park	Orange City	3.30	Neighborhood	Picnic Pavilion Pavilion w/ Water faucet Nature Trail w/ Boardwalk Water body (small)
Graves Avenue Park	Orange City	0.50	Neighborhood	Vacant land - Not developed
Blue Springs Villas Subdivision	Homeowners Association	1.00	Neighborhood	Gazebo Playground with play equipment
Fawn Ridge Subdivision	Homeowners Association	1.50	Neighborhood	Gazebo Playground with play equipment Tables
Oakhurst Subdivision	Homeowners Association	3.00	Neighborhood	Picnic area Nature Trail Playground with play equipment
Sherwood Oaks Subdivision	Homeowners Association	0.40	Neighborhood	Nature Trail
Orange Tree Village Mobile Home Park	Mobile Home Park Owner	0.90	Neighborhood	Clubhouse with parking Swimming Pool
Country Village Mobile Home Park	Mobile Home Park Owner	1.60	Neighborhood	Club House Activity Center (large) Swimming Pool Shuffleboard Court (2) Recreation Center (small)
Pine Forest Mobile Home Park	Mobile Home Park Owner	0.55	Neighborhood	Clubhouse Swimming Pool
Orange City Mobile Home Park	Mobile Home Park Owner	0.10	Neighborhood	Club House

Orange City RV Park	Mobile Home Park Owner	0.55	Neighborhood	Swimming Pool Miniature Golf Shuffleboard Court (4) Bocci Court
Land O' Lakes Mobile Home Park	Mobile Home Park Owner	0.10	Neighborhood	Club House Shuffleboard Court (2) Horseshoe
Grandeville Apartments	Apartment Complex Owner	0.20	Neighborhood	Clubhouse Swimming Pool Nature trail
Villa Grande Apartments	Apartment Complex Owner	0.50	Neighborhood	Clubhouse Swimming Pool Fitness trail
Braemoor Dunes Apartments	Apartment Complex Owner	0.20	Neighborhood	Playground with play equipment
Saxon Trace Apartments	Apartment Complex Owner	0.75	Neighborhood	Clubhouse Swimming Pool Exercise room and walking trail
Integra Landings Apartments	Apartment Complex Owner	1.00	Neighborhood	Clubhouse Swimming Pool Fitness and Exercise center Walking Trail
Greenleaf Garden Apartments	Apartment Complex Owner	0.10	Neighborhood	Playground with play equipment Picnic Area
Water Oak Apartments	Apartment Complex Owner	0.10	Neighborhood	Clubhouse
Enterprise Cove Condos	Condo Owners Association	0.65	Neighborhood	Clubhouse Swimming Pool Fitness and Exercise center Walking Trail
John Knox Village	Assisted Living Owner	0.20	Neighborhood	Shuffleboard Court (6) Swimming Pool Golf (2 greens) Golf (driving nets) Bocci Court (2)
Breezewood Condos	Condo Owners Association	0.40	Neighborhood	Clubhouse Swimming Pool Shuffleboard Court (2)
		Sub-Total	25.00	Neighborhood
Table 2 And 3	Grand Total	85.50	Community	and Neighborhood

In addition to the City's 85.50 recreational acres, Bennett Memorial Park is a developed Volusia County regional park consisting of approximately 55 acres of active recreation facilities. The County also owns an additional 130 vacant adjacent acres proposed for recreational use. Both properties are located within Orange City's jurisdiction. Including Bennett Memorial Park, the City has a total park land area of 270.5 acres, which equates to 37.7 acres per 1,000 residents.

The City included two park projects in its Five-Year CIP that are proposed to be funded with two FRDAP park related grants and an ECHO grant. The FRDAP grants are to be used for facility improvements to both Fieser and Veterans Memorial Parks. On June 3,

2009, the FDEP advised the City that the two FRDAP grants would not be funded that fiscal year. At the City's request, the FDEP rolled the application over to the next grant cycle. FDEP has recommended that the two FRDAP grants (ranked as 22 and 49) be funded in FY 10/11.

Public Schools

Chapter 163, F.S. requires LOS standards for school facilities and the establishment of a financially feasible public school five-year capital facilities program. Policy 1.1.9 has been added to the CIE. Policy 2.5.3 of the Public School Element adopts by reference the School Board's five-year capital facilities program.

Budgeting Policies and Procedures

Orange City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories: governmental funds and proprietary funds. A brief description of each of these fund types and individual funds follows:

There are three different types of funds – the General Fund, Special Revenue Funds, and Enterprise Funds.

The General Fund is the general operating fund of the City. This fund is used to account for all financial resources except for those which are required to be accounted for in another fund. For the City, large shares of the City's capital purchases are accounted for through the General Fund.

Special Revenue Funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. The City has four Special Revenue Funds, which are the Impact Fee Fund, the Solid Waste Fund, Sparkman SAD Fund, and the Forfeiture Fund.

The City maintains one Enterprise Fund. The City uses the Enterprise Fund to account for its water and sewer operations.

Financial Feasibility

Capital projects within the Five-Year CIP for which a level of service standard has been adopted must be financially feasible. Therefore, the financial feasibility determination is limited to the water and sewer, road and drainage and park projects.

Water and Sewer Projects

Water and sewer projects are scheduled in FY 09/10 with a committed funding source consisting of impact fees, enterprise funds, and an alternative water Supply Fund. Table 4 provides an impact fee balance calculation that ensures adequate funds are available to fund the projected improvements in the Five-Year CIP and Table 5 provides the enterprise funds budgeted for FY 09/10.

**Table 4
Impact Cash Flow FY 09/10 and 10/11**

Beginning Balance 10/1/09		\$136,502
Projected Impact Revenues		
FY 09/10	Villa Tuscany	309,000
	RaceTrac (water only)	1,500
	Total Revenue/Cash	447,002
Projected Impact Expenditures		
FY 09/10	East Rhode Island Ave	166,000
	Total Expenditure	166,000
Projected Impact Balance 9/30/10		\$281,002
Projected Impact Revenues		
FY 10/11	Harty	180,000
	Sparkman Ridge	720,000
	Total Revenue/Cash	1,181,002
Projected Impact Expenditures		
FY 10/11	Carpenter (water/sewer)	1,143,000
	Total Expenditure	1,143,000
Projected Impact Balance 9/30/10		\$38,002

* Carpenter water and sewer provides link for stormwater-to-reuse project by providing a connection point at West Blue Springs Ave.

**Table 5
Enterprise Fund Construction Fund Detail
Fiscal Year 09-10**

Account No.	Description	Adopted FY 09-10	Projected FY 10-11
40.343.6567.300	Transfer from operating	500,000	500,000
Total	Sources	\$500,000	\$500,000
40.533.6569.710	Distribution Improvements	500,000	500,000
Total	Uses	\$500,000	\$500,000

Road and Drainage

Road and Drainage projects are scheduled in all five years of the Five-Year CIP with committed and planned general funds. Committed general funds for FY's 10/11, 11/12 and 12/13 represent only a total of \$450,000 of general fund revenues. Table 6 provides a projection for the general fund revenues from FY 10/11 to FY 11/12.

Table 6
Projected General Fund Revenues

FY 09/10	\$ 8,204,336
FY 10/11	\$ 8,532,509
FY 11/12	\$ 8,745,822

Source: City of Orange City Finance Department

Road and stormwater projects in FY's 13/14 and 14/15 consist of a total of \$300,000 that will be funded with planned general fund revenues.

Parks and Recreation

Park projects are planned in FY's 11/12 and 12/13. These projects will be funded with an ECHO grant and two FRDAP grants. Attached are copies of the correspondence pertaining to the City's FRDAP applications and a copy of FRDAP's Combined Applicant Priority List that ranks Oranges City's two FRDAP grant applications. If these grants are not awarded to the City, the City will consider alternative funding mechanisms such as impact fees, project phasing and/or delaying the projects until the funding is obtained.

These combined grants amount to \$1,300,000 with the ECHO grant estimated at \$1,075,000 and two FRDAP grants estimated at \$225,000 (\$112,500 per each FRDAP Grant).

FRDAP Grant Correspondence



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 3, 2009

Ms. Elaine Hart
Leisure Services Coordinator
City of Orange City
205 East Graves Avenue
Orange City, FL 32763

Re: Florida Recreation Development Assistance Program Application/Funding
FRDAP Project Name: Fieser Property
Project Application No.: A10155

Dear Ms. Hart,

Thank you for submitting your application for the past 2009-2010 Florida Recreation Development Assistance Program (FRDAP) application cycle.

As you are well aware, our Governor and Legislature have been faced with budget challenges and revenue shortfalls. After serious consideration, the Legislature has determined that the FRDAP grants will not be funded this year. We know that this decision presents some hardships for the local parks and recreation departments. However, our staff will continue to work with each of you to provide technical or financial assistance for any existing or future project funded.

The next FRDAP application submission cycle will be announced June 15, 2009, and applications will be made available at that time. You may roll-over your current application, as scored, or you may submit a new application. Please indicate your choice below on or before **June 19, 2009**.

Again, we thank you for your continued support of FRDAP and look forward to working with you on these worthwhile projects. If you have any questions regarding this matter please contact the office at 850/245-2501.

Sincerely,

Rita Ventry
Community Assistance Consultant

Please fax or e-mail your response to: (850)245-3038 / angie.bright@dep.state.fl.us on or before **June 19, 2009**.

FRDAP Project Name: Fieser Property
Project Application No.: A10155

Roll-over this application as scored

New application for this project will be submitted.

Signature

6-15-2009
Date



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 30, 2009

Ms. Elaine Hart
Leisure Services Coordinator
City of Orange City
205 East Graves Avenue
Orange City, FL 32763

Re: Fieser Property
FRDAP Application No.: A11155

Dear Ms. Hart:

This letter acknowledges that the above referenced application has been rolled over per the City of Orange City's previous request for financial assistance under the Florida Recreation Development Assistance Program (FRDAP). Rolling over of the application in no way implies funding approval by the Department. This project must compete on a statewide basis for the available Fiscal Year 2010-2011 program funds.

Your project score and the final priority list will not be available until February 2010. Funding notification will not occur until July 1, 2010, after the Governor signs the state budget.

If any additional information is needed we will contact you or if you have questions we may be reached at (850) 245-2501. Your interest in the Florida Recreation Development Assistance Program is appreciated.

Sincerely,

Rita Ventry
Community Assistance Consultant
Office of Information & Recreation Services
Division of Recreation and Parks
Mail Station #585

RFV/



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Söle
Secretary

June 3, 2009

Ms. Elaine Hart
Leisure Services Coordinator
City of Orange City
205 East Graves Avenue
Orange City, FL 32763

Re: Florida Recreation Development Assistance Program Application/Funding
FRDAP Project Name: Veterans Memorial Park
Project Application No.: A10156

Dear Ms. Hart,

Thank you for submitting your application for the past 2009-2010 Florida Recreation Development Assistance Program (FRDAP) application cycle.

As you are well aware, our Governor and Legislature have been faced with budget challenges and revenue shortfalls. After serious consideration, the Legislature has determined that the FRDAP grants will not be funded this year. We know that this decision presents some hardships for the local parks and recreation departments. However, our staff will continue to work with each of you to provide technical or financial assistance for any existing or future project funded.

The next FRDAP application submission cycle will be announced June 15, 2009, and applications will be made available at that time. You may roll-over your current application, as scored, or you may submit a new application. Please indicate your choice below on or before **June 19, 2009**.

Again, we thank you for your continued support of FRDAP and look forward to working with you on these worthwhile projects. If you have any questions regarding this matter please contact the office at 850/245-2501.

Sincerely,

Rita Ventry
Community Assistance Consultant

Please fax or e-mail your response to: (850)245-3038 / angie.bright@dep.state.fl.us on or before **June 19, 2009**.

FRDAP Project Name: Veterans Memorial Park

Project Application No.: A10156

Roll-over this application as scored

New application for this project will be submitted.

Signature

6-15-2009
Date



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 30, 2009

Ms. Elaine Hart
Leisure Services Coordinator
City of Orange City
205 East Graves Avenue
Orange City, FL 32763

Re: Veterans Memorial Park
FRDAP Application No.: A11156

Dear Ms. Hart:

This letter acknowledges that the above referenced application has been rolled over per the City of Orange City's previous request for financial assistance under the Florida Recreation Development Assistance Program (FRDAP). Rolling over of the application in no way implies funding approval by the Department. This project must compete on a statewide basis for the available Fiscal Year 2010-2011 program funds.

Your project score and the final priority list will not be available until February 2010. Funding notification will not occur until July 1, 2010, after the Governor signs the state budget.

If any additional information is needed we will contact you or if you have questions we may be reached at (850) 245-2501. Your interest in the Florida Recreation Development Assistance Program is appreciated.

Sincerely,

Rita Ventry
Community Assistance Consultant
Office of Information & Recreation Services
Division of Recreation and Parks
Mail Station #585

RFV/

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF RECREATION AND PARKS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM**

COMBINED APPLICANT PRIORITY LIST

FISCAL YEAR 2009-2010

FUNDS AVAILABLE \$11,545,000

LARGE PROJECTS FUND - ACQUISITION - \$350,567

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
1	City of Center Hill	Sumter	Erwin Bryan Park Acquisition	92	0	\$200,000	\$200,000	\$200,000
2	Town of Campbellton	Jackson	Acquisition Project	88	0	\$200,000	\$150,567	\$350,567
3	City of Deerfield Beach	Broward	Boinis/Melrose Property	86	0	\$200,000	\$0	
4	Gadsden County	Gadsden	St. Hebron Park, Ph. I (Acq)	71	0	\$200,000	\$0	
5	Town of Inglis	Levy	Inglis Landing Park (Acq)	67	0	\$200,000	\$0	
Total						\$1,000,000	\$350,567	

SMALL PROJECTS FUND - DEVELOPMENT - \$368,096

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
1	City of Satellite Beach	Brevard	Gemini Park	102	0	\$50,000	\$50,000	\$50,000
2	City of Key Colony Beach	Monroe	8th Street Park	90	1	\$50,000	\$50,000	\$100,000
3	Town of Southwest Ranches	Broward	Rolling Oaks Park	90	2	\$50,000	\$50,000	\$150,000
4	Madison County	Madison	R.W. Washington Park	86	0	\$50,000	\$50,000	\$200,000
5	City of Key Colony Beach	Monroe	Eastside Park	83	0	\$50,000	\$50,000	\$250,000
6	City of Cocoa Beach	Brevard	Maritime Hammock Preserve	80	0	\$50,000	\$50,000	\$300,000
7	City of Fort Myers	Lee	Shady Oaks Park	78	0	\$50,000	\$50,000	\$350,000
8	City of Lake Wales	Polk	Kiwanis Park, Ph. II	76	0	\$50,000	\$18,096	\$368,096
9	Village of Golf	Palm Beach	Pine Lake Park	75	1	\$50,000	\$0	
10	Village of Golf	Palm Beach	Country Road Park	75	2	\$50,000	\$0	
11	City of Inverness	Citrus	Wallace Brooks Park	71	0	\$50,000	\$0	
12	City of Largo	Pinellas	Southwest Tennis Center	69	0	\$50,000	\$0	
13	City of Dania Beach	Broward	Linear Park, Ph. II	66	1	\$50,000	\$0	
14	Baker County	Baker	Taylor Rural Community Park	66	2	\$50,000	\$0	
15	City of Tarpon Springs	Pinellas	Sunset Park, Ph. II	65	0	\$50,000	\$0	
16	City of West Park	Broward	Mary Saunders Park	64	0	\$50,000	\$0	
17	Town of Hypoluxo	Palm Beach	Shore Park, Ph. II	59	0	\$50,000	\$0	
18	Town of Lake Clarke Shores	Palm Beach	Pine Tree Park, Ph. III	56	0	\$50,000	\$0	

SMALL PROJECTS FUND - DEVELOP. NT - \$368,096

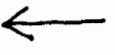
RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
19	Santa Rosa County	Santa Rosa	Cypress Tree Park	53	1	\$50,000	\$0	\$368,096
20	Town of Lady Lake	Lake	Rolling Acres Playground	53	2	\$50,000	\$0	
21	City of Leesburg	Lake	Leesburg Recreational Complex	53	3	\$50,000	\$0	
Total						\$1,050,000	\$368,096	

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
1	Village of Royal Palm Beach	Palm Beach	Village Commons Park, Ph. I	111	0	\$200,000	\$200,000	\$200,000
2	Pasco County	Pasco	Upper Pithlachascolee River Preserve	109	0	\$200,000	\$200,000	\$400,000
3	City of Palm Coast	Flagler	Waterfront Park	107	0	\$200,000	\$200,000	\$600,000
4	City of Sanford	Seminole	Coastline Park	106	0	\$200,000	\$200,000	\$800,000
5	City of Mount Dora	Lake	Recreation & Nature Park	105	0	\$200,000	\$200,000	\$1,000,000
6	Marion County	Marion	Brick City Park	104	0	\$200,000	\$200,000	\$1,200,000
7	City of Clearwater	Pinellas	McMullen Tennis Complex	103	0	\$200,000	\$200,000	\$1,400,000
8	Port LaBelle Community Devlp. District	Hendry	Birchwood Park	101	1	\$200,000	\$200,000	\$1,600,000
9	Port LaBelle Community Development Dist.	Hendry	Collingswood Park	101	2	\$200,000	\$200,000	\$1,800,000
10	City of Pompano Beach	Broward	Mitchell/Moore Park Upgrades	101	3	\$200,000	\$200,000	\$2,000,000
11	City of Homestead	Dade	Mayor Roscoe Warren Municipal Park Ph. I	101	4	\$200,000	\$200,000	\$2,200,000
12	City of Homestead	Dade	Mayor Roscoe Warren Municipal Park Ph. II	101	5	\$200,000	\$200,000	\$2,400,000
13	City of Miramar	Broward	Vizcaya Park Facilities	101	6	\$200,000	\$200,000	\$2,600,000
14	Hardee County	Hardee	Hardee County Complex, Ph. II	101	7	\$200,000	\$200,000	\$2,800,000
15	City of Marianna	Jackson	Wynn Street Park	101	8	\$200,000	\$200,000	\$3,000,000
16	City of Miramar	Broward	Vizcaya Park	100	0	\$200,000	\$200,000	\$3,200,000
17	Marion County	Marion	Horseshoe Lake Park & Retreat	99	1	\$200,000	\$200,000	\$3,400,000
18	City of Tamarac	Broward	Aquatic Center Annex/Skate Park	99	2	\$200,000	\$200,000	\$3,600,000
19	Village of Royal Palm Beach	Palm Beach	Village Commons Park, Ph. II	99	3	\$200,000	\$200,000	\$3,800,000
20	Liberty County	Liberty	Hosford/Telogia Sports Complex, Ph. II	99	4	\$200,000	\$200,000	\$4,000,000
21	City of Stuart	Martin	Memorial Park, Ph. II	98	0	\$200,000	\$200,000	\$4,200,000
22	City of Orange City	Volusia	Veterans Memorial Park	97	1	\$112,500	\$112,500	\$4,312,500
23	City of Stuart	Martin	Memorial Park, Ph. I	97	2	\$200,000	\$200,000	\$4,512,500
24	City of Palm Beach Gardens	Palm Beach	City Park, Ph. III	97	3	\$200,000	\$200,000	\$4,712,500

LARGE PROJECTS FUND - DEVELOPMENT - \$10,672,964

RANK	APPLICANT	COUNTY	PROJECT	SCORE	TIE BREAKER	AMOUNT REQUESTED	AMOUNT RECOMMENDED	CUMULATIVE AMOUNT
25	Dade County	Dade	Gwen Cherry Park Improvements	96	1	\$200,000	\$200,000	\$4,912,500
26	Town of Miami Lakes	Dade	Sevilla Estates Park	95	2	\$100,000	\$100,000	\$5,012,500
27	City of Lake Wales	Polk	Kwanis Park, Ph. I	96	3	\$200,000	\$200,000	\$5,212,500
28	Calhoun County	Calhoun	Sam Atkins Park, Ph. V	96	4	\$200,000	\$200,000	\$5,412,500
29	City of Wildwood	Sumter	Millennium Park Ballfields, Ph. III	96	5	\$200,000	\$200,000	\$5,612,500
30	Town of Century	Escambia	Anthony Pleasant Sports Complex	95	1	\$200,000	\$200,000	\$5,812,500
31	City of Midway	Gadsden	Midway City Park	95	2	\$200,000	\$200,000	\$6,012,500
32	City of Pembroke Pines	Broward	Tanglewood Park	94	1	\$112,500	\$112,500	\$6,125,000
33	City of Weston	Broward	Tequesta Trace Park	94	2	\$200,000	\$200,000	\$6,325,000
34	Town of Jupiter	Palm Beach	Jupiter Community Park, Ph. I	94	3	\$200,000	\$200,000	\$6,525,000
35	Town of Jupiter	Palm Beach	Jupiter Community Park, Ph. II	94	4	\$112,500	\$112,500	\$6,637,500
36	City of Parkland	Broward	Terramar Park	94	5	\$200,000	\$200,000	\$6,837,500
37	City of Mount Dora	Lake	Palm Island Park	93	1	\$200,000	\$200,000	\$7,037,500
38	Town of Bascom	Jackson	Community Park, Ph. II	93	2	\$200,000	\$200,000	\$7,237,500
39	City of Hialeah	Dade	Bucky Dent Park Facilities	92	0	\$200,000	\$200,000	\$7,437,500
40	Brevard County	Brevard	Marina Park	91	1	\$200,000	\$200,000	\$7,637,500
41	City of Tampa	Hillsborough	Robles Park	91	2	\$200,000	\$200,000	\$7,837,500
42	Sumter County	Sumter	Lake Panasoffkee Park, Ph. II	91	3	\$125,000	\$125,000	\$7,962,500
43	City of Pensacola	Escambia	Roger Scott Municipal Pool	91	4	\$200,000	\$200,000	\$8,162,500
44	City of Delray Beach	Palm Beach	Miller Park, Ph. II	91	5	\$200,000	\$200,000	\$8,362,500
45	City of Wildwood	Sumter	Martin Luther King Park Ballfields	91	6	\$200,000	\$200,000	\$8,562,500
46	City of Port St. Joe	Gulf	James "Benny" Roberts Sports Park	91	7	\$200,000	\$200,000	\$8,762,500
47	City of Palm Coast	Flagler	Longs Landing Estuary	90	1	\$200,000	\$200,000	\$8,962,500
48	Hendry County	Hendry	Pioneer Off Highway Vehicle Park	90	2	\$200,000	\$200,000	\$9,162,500
49	City of Orange City	Volusia	Fieser Property	89	1	\$112,500	\$112,500	\$9,275,000
50	City of Melbourne	Brevard	Pineapple Park	89	2	\$200,000	\$200,000	\$9,475,000
51	Sun N Lake Improvement District	Highlands	Community Center Complex, Ph. III	88	0	\$200,000	\$200,000	\$9,675,000
52	City of Weston	Broward	Gator Run Park	87	1	\$112,500	\$112,500	\$9,787,500
53	City of Cottondale	Jackson	Downtown Park	87	2	\$200,000	\$200,000	\$9,987,500
54	City of Plant City	Hillsborough	Ella-Melvin Park, Ph. IV	86	0	\$200,000	\$200,000	\$10,187,500
55	City of Dunnellon	Marion	Blue Run Park	85	0	\$200,000	\$200,000	\$10,387,500
56	City of Ocala	Marion	Tuscawilla Park	84	1	\$200,000	\$200,000	\$10,587,500
57	City of Hollywood	Broward	Henry Graham Park	84	2	\$150,000	\$85,464	\$10,672,964



Citizen Courtesy Information List