

CAPITAL IMPROVEMENTS ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL 1: THE CITY SHALL UTILIZE SOUND FISCAL POLICIES THROUGH THE USE OF A CAPITAL IMPROVEMENTS PROGRAM TO PROVIDE ADEQUATE PUBLIC FACILITIES TO ALL CITY RESIDENTS CONCURRENT WITH, OR PRIOR TO DEVELOPMENT, IN ORDER TO ACHIEVE OR MAINTAIN THE LEVEL OF SERVICE STANDARDS AND GOALS, OBJECTIVES AND POLICIES IDENTIFIED IN THIS PLAN.

Objective 1.1: The City shall provide needed capital improvements to eliminate existing deficiencies, to repair or replace obsolete or worn out facilities and to meet the needs of future development and redevelopment resulting from previously issued and new development orders. With respect to public education facilities, the School District of Palm Beach County shall maintain minimum level of service standards for public school facilities, as defined in the Public School Facilities Element.

Policy 1.1.1: The City shall provide, or arrange for others to provide, all public facilities identified in the other Plan Elements and, as identified in the Capital Improvements Element.

Policy 1.1.2: All capital improvements shall be consistent with the goals, objectives and policies of the Elements of this Comprehensive Plan and shall incorporate maintenance initiatives for the City's infrastructure to ensure a sustainable environment.

Policy 1.1.3: All projects of relatively large scale and high cost (\$25,000 or greater) shall be identified as capital improvements for inclusion in the Capital Improvements Schedule of this Element while all projects less than this amount shall be included in the annual operating budget.

Policy 1.1.4: The City shall update the Capital Improvements Schedule annually during the budget review process.

Policy 1.1.5: The City shall be permitted to amend the Capital Improvements Schedule two times during any calendar year, and as allowed for emergencies, developments of regional impact, and certain small-scale development activities pursuant to Florida Statutes 163.3187.

Policy 1.1.6: Pursuant to Florida Statutes 163.3177, the Capital Improvements Schedule may be adjusted by ordinance for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction of any facility enumerated in the Capital Improvements Schedule and not be deemed to be an amendment to the Comprehensive Plan.

Policy 1.1.7: Any act, or failure to act, that causes any project listed in the Capital Improvements Schedule of this Comprehensive Plan to be scheduled for completion in a fiscal year later than the fiscal year indicated in the Capital Improvements Schedule shall be effective only if the act causing the delay is subject to one of the following:

- 1) Projects providing capacity equal to, or greater than the delayed project are accelerated within, or added to the Capital Improvements Schedule, in order to provide capacity of

public facilities in the fiscal year at least equal to the capacity scheduled prior to the act which delayed the subject project.

- 2) Modification of development orders issued conditionally or subject to the concurrent availability of public facility capacity provided by the delayed project. Such modification shall restrict the allowable amount and schedule of development to that which can be served by the capacity of public facilities according to the revised schedule.
- 3) Amendment of the Plan to reduce the adopted standard for the level of service for public facilities until the fiscal year in which the delayed project is scheduled to be completed.

Policy 1.1.8: The City shall include in the capital appropriations of its annual budget all the capital improvement projects listed in the Capital Improvements Schedule for expenditure during the appropriate fiscal year, except that the City may omit from its annual budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year.

Policy 1.1.9: The City shall determine, prior to the issuance of development orders, whether there is sufficient capacity of public facilities to meet the standards for levels of service, identified in Policy 1.3.4. For public school facilities, the applicant for a Development Order or Development Permit, which includes any residential component, shall provide a determination of capacity by the School District of Palm Beach County that the proposed development will meet the public school facilities level of service. A determination by the School District is not required for the following:

- 1) Existing single-family lots of record, in accordance with Public School Facilities Element Policy 1.1.
- 2) Any residential development or any other development with a residential component that received final approval of a Development Order prior to the commencement date of school concurrency or is exempt from concurrency under a local government's concurrency regulations is considered vested for that component which was previously approved and shall not be considered as proposed new residential development for the purposes of school concurrency.
- 3) Any new Residential Development that has filed a complete application for a Development Order or any amendment to any previously approved Development Order pending prior to the commencement date of the School Concurrency Program shall be exempt from the School Concurrency Requirements.
- 4) Any amendment to any previously approved residential development which does not increase the density is exempt from school concurrency.
- 5) Any previously approved residential development or any other previously approved development with a residential component located within an existing "Transportation Concurrency Exception Area," as defined in Section 163.3180(5), Florida Statutes, is exempt from school concurrency.

Policy 1.1.10: “Concurrent with” shall be defined as the issuance of a final development order, after May 31, 1990, if sufficient capacity of public facilities is available to meet the standards for levels of service for the existing population and for the proposed development according to the following:

- 1) The building permit may be issued if the level of service standard for potable water, sanitary sewer and solid waste and drainage are met concurrent with the impacts of development.
- 2) The building permit may be issued if the level of service standards for parks are met within 12 months and the level of service standard for roads are met within 3 years.
- 3) The building permit may be issued if the level of service standards for public education facilities are met by one of the following methods:
 - a) The construction of the facilities is the subject of a binding and guaranteed contract with the School District of Palm Beach County.
 - b) Construction appropriations are specified within the first three years of the most recently approved School District of Palm Beach County Five Year Capital Improvement Schedule, as reflected in this Element (Located in the Appendix).
 - c) In accordance with Policy 1.1.9 and upholding the exceptions detailed therein, prior to issuance of a Development Order/Permit, the School District of Palm Beach County shall determine that the level of service for public school facilities can be achieved and maintained. The necessary public school facilities shall be considered to be in place when sufficient capacity exists in the Concurrency Service Area (CSA) in which the proposed development is located, or an immediately adjacent CSA.

Policy 1.1.11: The applicant for a preliminary development order may request a determination of the capacity of the mandatory public facility as part of the review and approval of the preliminary development order provided that:

- 1) The determination that such capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant, and
- 2) The determination that such capacity is available shall be valid for development that is completed within a period not to exceed two years.
- 3) The determination that such capacity is available shall be valid for development that is completed within any period of time acceptable to the City and the applicant, provided that:
 1. The period of time is explicitly set forth in a binding development agreement as authorized by Florida Statutes, and
 2. The applicant provides one or more of the following assurances, acceptable to the City in form and amount, to guarantee the applicant’s pro rata share of the City’s financial obligation for public facilities which are constructed by the City for the benefit of the subject property:

- a. performance bond
 - b. irrevocable letter of credit
 - c. prepayment of impact fees
 - d. prepayment of capacity, or
 - e. formation of a Community Development District pursuant to Chapter 190, FS.
3. Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the City shall do one of the following:
- a. contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share, or
 - b. obtain assurances similar to those in Subsection 2 above from other sources.
- 4) Pursuant to subsections (1), (2) and (3), no further determination of capacity for the subject property as required by Policy 1.1.10 shall be required prior to the expiration of the determination of capacity for the preliminary development order, and the subject property shall be vested with the right to obtain final development orders subject to the requirements of this section.

Policy 1.1.12: As an alternative to Policy 1.1.11, the applicant for a preliminary development order may also elect to request approval of a preliminary development order without a determination of the capacity of the mandatory public facilities provided that any such order is issued subject to requirements in the applicable land development regulation or to specific conditions contained in the preliminary development order that:

- 1) Final development orders for the subject property are subject to a determination of capacity of the mandatory public facilities as required by Policy 1.1.10, and
- 2) No rights to obtain final development orders, nor any other rights to develop the subject property have been granted or implied by the City's approval of the preliminary development order without determining the capacity of public facilities.

Policy 1.1.13: The City shall adopt a Five Year Capital Improvement Program as part of the annual budget process and assure it's accordance with the Capital Improvement Element of the Comprehensive Plan.

Objective 1.2: The City shall protect the coastline and avoid loss of life and property by limiting public expenditures within the Coastal High Hazard Area to those improvements identified in the Coastal Management Element.

Policy 1.2.1: The City shall expend funds within the Coastal High Hazard Area only if the expenditure is for the restoration or enhancement of natural resources, recreational facilities or public access, the improvement of existing infrastructure facilities, or the reconstruction or development of existing seawalls and bulkheads.

Objective 1.3: The City shall utilize the land development process to insure that public facility level of service standards are provided for all existing and future development.

Policy 1.3.1: The City shall integrate its land use planning and decisions with its plans for public facility capital improvements by using the implementation programs described in this element.

Policy 1.3.2: The location of, and Level of Service provided by, projects in the Capital Improvements Schedule and individual land use decisions shall maintain adopted standards for Levels of Service for existing and future development in a manner consistent with the Future Land Use Element of this Plan.

Policy 1.3.3: The City shall identify “mandatory” public facilities as roads, drainage, potable water, sanitary sewer, solid waste, parks and recreation facilities owned and operated by the City and public education facilities.

Policy 1.3.4: The City shall adopt standards for levels of service for mandatory public facilities as follows:

- 1) City streets shall operate at a policy level of service standard for motor vehicles of “E.”
- 2) County, State, or FIHS facilities (within West Palm Beach) shall operate a policy level of service standard for motor vehicles of “D,” or as identified by their respective agencies.
- 3) Utility facilities shall operate at the following level of service standards:

Water

	Average Water Consumption Rate (gpd)
West Palm Beach Service Area	269

Sewer

Single Family	350	gallons per day/Dwelling Unit
Multifamily	250	gallons per day/Dwelling Unit
Commercial	0.20	gallons per day/Square Feet
Industrial	0.15	gallons per day/Square Feet
Hotel	100	gpd/room

- 4) Solid waste facilities shall operate at the following level of service standards:

Collection

The City shall adhere to the Franchise Agreement of the Solid Waste Authority by providing a minimum level of service for residential garbage collection of twice per week, bulk trash collection of once per week, vegetation collection of once per week, and recyclable collection of once per week.

Disposal

The City shall ensure delivery of solid waste material collected to the Solid Waste

Authority (SWA) North County Landfill and shall continue to seek annual certification from the SWA that it has sufficient disposal capacity to accommodate the solid waste generated for both the five (5) year and ten (10) year planning periods. The SWA certification letter shall constitute compliance with the City's Solid Waste LOS standard.

5) Drainage facilities shall operate at the following level of service standards:

Storm sewer systems:	3-year, 1-hour storm
Canal systems:	25-year, 24-hour storm

6) Level of service standards for Parks shall be as reflected below:

Community Parks	2.5 acre/1,000 persons
Regional Parks	1.5 acre/1,000 persons

7) Level of service standards for Public Education Facilities shall be established in the Public Education Facilities Element and be monitored by the School District of Palm Beach County.

Policy 1.3.5: The standards for levels of service will not be the exclusive determinant of the need for a capital improvement when pertaining to the Coastal High Hazard Area, as reflected in Policy 1.2.1, when a repair, remodeling, renovation, and replacement of an obsolete or worn out facility, as determined by the Mayor, is necessary or when capital improvements are provided in excess of the standards adopted in this Plan based upon the following criteria:

- 1) The capital improvement does not make financially infeasible any capital improvement of the same type that is needed to achieve or maintain the standards for levels of service adopted in this Comprehensive Plan, and
- 2) The capital improvement does not contradict, limit or substantially change the goals, objectives and policies of any element of this Plan,
- 3) The excess capacity is an integral part of a capital improvement that is needed to achieve or maintain standards for levels of service, or
- 4) The excess capacity provides economies of scale making it less expensive than a comparable amount of capacity if acquired at a later date,
- 5) The asset acquired is land that is environmentally sensitive, or designated by the City as necessary for conservation, recreation or protection of coastal high hazard areas, or
- 6) The excess capacity is part of a capital project financed by general obligation bonds approved by referendum.

Policy 1.3.6: Any capital improvement that is determined to be needed as a result of any of the factors mentioned in the previous policy shall be included in the regular Capital Improvements Schedule contained in this Element.

Policy 1.3.7: Capital improvements within a type of public facility are to be evaluated on the following criteria and considered in the priority listed below:

- 1) A repair, remodeling, renovation, or replacement of obsolete or worn out facilities that contribute to achieving or maintaining standards for levels of service adopted in this Plan.
- 2) New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand.
- 3) New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next five fiscal years, as updated by the annual review of this element, in the following priority order to serve a) previously approved orders permitting redevelopment, b) previously approved orders permitting development, c) new orders permitting redevelopment and d) new orders permitting new development.
- 4) New public facilities, and improvements to existing public facilities, that eliminate public hazards not otherwise eliminated by improvements prioritized according to Subsections 1 through 3 above.
- 5) Improvements to existing facilities, and new facilities that significantly reduce the operating costs of providing a service or facility, or otherwise mitigate impacts of public facilities on future operating budgets.
- 6) New facilities that exceed the adopted levels of service for growth during the next five fiscal years by either 1) providing excess public facility capacity that is needed by future growth beyond the next five fiscal years, or 2) providing higher quality public facilities than are contemplated in the County's normal design criteria for such facilities.
- 7) Facilities not described in Subsections 1 through 6 above but which the City is obligated to complete, provided that such obligation is evidenced by a written agreement the City executed prior to adoption of this Plan.

Policy 1.3.8: The issuance of development orders and permits shall be contingent upon meeting the mandatory level of service standards established in Policy 1.3.4.

Objective 1.4: Future development shall be required to bear a proportionate share of the facility improvements necessitated by the development in order to maintain the level of service standards identified in Policy 1.3.4.

Policy 1.4.1: Existing development shall pay for some or all of the capital improvements that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or

worn out facilities, and may pay a portion of the cost of capital improvements needed by future development.

Policy 1.4.2: Future development shall pay for some or all of the capital improvements needed to address the impact of such development, and may pay a portion of the cost of the replacement of obsolete or worn out facilities.

Policy 1.4.3: Development payments may take the form of, but not limited to, voluntary contributions for the benefit of any public facility, impact fees, capacity fees, dedications of land, provision of public facilities, and future payments of user fees, special assessments and taxes. Future development shall not pay impact fees for the portion of any capital improvement that reduces or eliminates existing deficiencies.

Policy 1.4.4: Both existing and future development may have part of their costs paid by grants, entitlements or public facilities from other levels of government and independent districts.

Objective 1.5: The City shall provide only those public facility requirements that are within its funding capabilities or within its authority to require others to provide.

Policy 1.5.1: The estimated costs of all needed capital improvements shall not exceed the conservative estimates of revenues from sources available to the City as identified in this element.

Policy 1.5.2: Public facilities financed by City enterprise funds (i.e. potable water and sanitary sewer) may be financed by debt to be repaid by user fees and charges for enterprise services, current assets or a combination of the two.

Policy 1.5.3: Public facilities financed by non-enterprise funds shall be financed from current assets: revenue, equity and/or debt. Specific financing of specific capital projects shall consider which asset, or group of assets, will be most effective, consistent with prudent asset and liability management, appropriate to the useful life of the project(s) to be financed, and efficient use of the City's debt capacity as reflected in this Plan.

Policy 1.5.4: Debt financing shall not be used to provide more capacity than is needed within the Capital Improvements Schedule for non-enterprise public facilities unless any of the factors identified in Policy 1.3.7 (3 through 6) are met.

Policy 1.5.5: The City shall not provide a public facility nor shall it accept the provision of a public facility by others, if the City or other provider is unable to pay for the subsequent annual operating and maintenance costs of the facility.

Policy 1.5.6: In providing capital improvements, the City shall limit the maximum ratio of outstanding indebtedness to no greater than 10% of the property tax base.