

City of Marco Island
2035 Comprehensive Plan
Capital Improvements Element
DRAFT

GOAL 1: THE CITY WILL PROVIDE PUBLIC FACILITIES AND SERVICES TO SERVE THE NEEDS OF BOTH EXISTING AND FUTURE POPULATIONS THROUGH A FINANCIALLY SOUND AND EFFICIENT CAPITAL IMPROVEMENT PROGRAM (CIP).

Commented [BDM1]: PB: Consider adding maintaining to the goal

Objective 1.1: Pursuant to adopted Levels of Service (LOS) as described in the Concurrency Management System (CMS), the City will fund and implement those capital projects necessary to ensure that facilities and services provided by the City of Marco Island will be in place to accommodate projected growth and development in five year increments.

Policy 1.1.1: City Council will prioritize capital improvement projects on an annual basis to ensure that all CMS deficiencies, if any, are prioritized, properly funded and resolved in advance of actual need.

Policy 1.1.2: In conjunction with the Annual LOS Report, the City will establish maintenance guidelines and criteria to ensure that existing systems continue to function at or above adopted LOS standards.

Policy 1.1.3: Except for roadways—the City shall renew, expand, or replace such facilities on a planned and prudent basis to ensure that all other systems continue to function at or above adopted LOS standards.

Policy 1.1.4: The City will prepare a study to consider the need for a storm water utility, with supporting funding alternatives.

Commented [BDM2]: PB: Consider whether a utility is desired and/or whether this is the direction the City wants to go or broaden to reference a utility or more generalized stormwater water master plan.

Policy 1.1.5: The City shall annually prepare and adopt by ordinance a Capital Improvements Program showing all public facility development projects to be undertaken during the ensuing five-year period. The City shall also annually review this Capital Improvements Element.

PB possible option: The City will prepare a study to consider the need for stormwater utility or strategies for city-wide stormwater improvements.

Policy 1.1.6: The Schedule of Capital Improvements shall be updated annually and will incorporate by reference the School District of Collier County’s “Annual Capital Improvements Plan” in order to achieve and maintain the adopted LOS for public school facilities. The School District’s Five-Year Capital Improvement Plan shall identify the financially feasible school facility capacity projects necessary to address existing deficiencies and future needs based on achieving and maintaining adopted LOS standards for schools. As part of the annual update, the District Facilities Work Program prepared by the School District pursuant to Section 1013.35 (1) (b) FS, shall be adopted as part of the data and analysis in support of the School District’s Five-Year Capital Improvement Plan. Updates to the Work Program and CIP shall occur annually thereafter.

Or the City shall consider preparing a study for a stormwater utility.

Commented [BDM3]: PB: Not required by state law, consider eliminating.

Objective 1.2: Level of Service Standards. Establish, monitor and maintain the following LOS standards to provide the basis for facility planning and design, setting impact fees, and for the operation of the Concurrency Management System (CMS).

Policy 1.2.1: The adopted LOS standard for potable water will be 200 gallons per capita per day.

Commented [BDM4]: PB: Consider whether this is appropriate standard.

Policy 1.2.2: The adopted LOS standard for sanitary sewers is 100 gallons of wastewater treatment capacity per capita per day.

Policy 1.2.3: All LOS standards to be measured at P.M., Peak hour. Adopted LOS standard for roads is as follows:

Commented [BDM5]: PB: Is peak hour/PM still appropriate standard? Public Works should consult.

- a. Arterials - LOS D
- b. Collier Blvd. from the Jolley Bridge to San Marco Road – LOS C
- c. Collector roadways - LOS D.
- d. Local roads - LOS D.

Policy 1.2.4: The LOS design standard for new stormwater management facilities will be the ten-year, one-hour storm event, with a 3.3 inches/hour intensity duration. For existing and future drainage system components the following design LOS standard hierarchy is provided:

Commented [BDM6]: PB: Consider a policy that addresses creating strategies for more specific stormwater treatment that is sensitive to the different needs of the island for stormwater. Consider elimination of detailed LOS.

- a. LOS Standard A: Upstream (US) Ground Elevation Upstream Hydraulic Grade Line (US HGL) > 0.5 Ft.
- c. LOS Standard B: US Ground Elevation US HGL > 0.2 ft.
- c. LOS Standard C: US Ground Elevation US HGL > or = 0.0 ft.
- d. LOS Standard D: US HGL < or = 5.2 ft. NGVD*
- e. LOS Standard E: US HGL > 5.2 ft. NGVD*

For existing drainage system components, a level not to exceed the parameters of LOS shall be adopted.

(*) May be acceptable LOS standard at a limited number of roadway locations due to extreme topographical conditions.

Policy 1.2.5: Adopted LOS standards for park lands is 1.2882 acres of active parkland/1,000 permanent residents.

Policy 1.2.6: The adopted LOS standard for county and privately owned and operated solid waste service and facilities, as contained in the county growth management plan (GMP) is as follows:

- a. 1.10 tons of solid waste per capita per year. (* Tons per capita is used to determine landfill disposal capacity, which is based on the average of the last five complete fiscal years actual lined cell tonnage activity).
- b. A minimum of two years of constructed lined landfill capacity at the calculated waste generation rate.
- c. A minimum of ten years of permittable landfill capacity at the calculated waste generation rate.

Commented [BDM7]: PB: Questions as to what the appropriate measure. For example, there may be static or dynamic measure (e.g., utilization). Public utilities should comment. Not agreement on issue from PB members. Some members are okay with static numbers and LOS as expressed.

Public Works Response: Dynamic LOS is not possible with water and sewer capacity.

Policy 1.2.7: The LOS standard for public schools shall be as follows:

Elementary Schools	95% of Concurrency Service Area Enrollment/Florida Inventory of School Houses (FISH) Capacity
Middle Schools	95% of Concurrency Service Area Enrollment/FISH Capacity
High Schools	100% of Concurrency Service Area Enrollment/FISH Capacity

Commented [BDM8]: PB: Consider removing, not required by statute.

Objective 1.3: Concurrency Management System. To ensure that public facilities are provided in conformance with the City's adopted LOS standards, the City shall adopt, maintain and enforce a Concurrency Management System (CMS).

Policy 1.3.1: The City shall enforce its LOS standards for potable water, sanitary sewer, solid waste, and drainage facilities under the concurrency requirements of Florida law upon development orders or building permits which may cause the LOS to fall below the City's adopted minimum LOS for that facility by issuance of certificate of occupancy.

Policy 1.3.2: The City shall enforce its LOS standards for park and recreation facilities to serve new development. These facilities shall be in place or under actual construction no later than 1 year after issuance of a certificate of occupancy. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy, or funds in the amount of the developer's fair share shall be committed prior to the issuance of a certificate of occupancy.

Policy 1.3.3: Development that may cause roadway LOS standards to fall below the City's adopted minimum LOS may proceed with approval under the condition that it meets the requirements of Chapter 163 Florida Statutes, as amended.

Policy 1.3.3.1: The City of Marco Island will maintain its adopted Transportation Proportionate Fair Share Program as a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. This program will be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with Chapter 163 Florida Statutes, as amended.

Policy 1.3.4: The City shall enforce its facility LOS standards under the concurrency requirements of Florida law prior to issuance of development orders or building permits which may cause the LOS to fall below the City's adopted minimum LOS for that facility by:

- a. Withholding approval, or
- b. Proceeding with approval, upon the condition that:
 1. The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance with state law.
 2. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.
 3. The local plan includes a Capital Improvements Element that provides for the facilities adequate to serve the proposed development, and the local government has not implemented that Element.
 4. The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the facilities necessary to serve the proposed development.
 5. The landowner has made a binding commitment to the local government to pay the proportionate share of the cost of providing the facilities needed to serve the proposed developments. Funds in the amount of the developer's fair share shall be committed to the City no later than the City's approval to commence construction; or, the landowner has entered into a statutory development agreement or legally binding agreement ("agreement") that specifies that the new development will provide for the upgraded facility. Commencement of actual construction of facilities or provision of services must be made within one year of issuance of the development permit, unless the agreement specifies otherwise.
 6. The facilities needed to serve the new development are in place by the time a certificate of occupancy or its functional equivalent is issued.

Objective 1.4: Limit public expenditures for infrastructure facilities that would have the effect of directly subsidizing private development.

Policy 1.4.1: The City shall limit the funding of public infrastructure expansion if such funding and such expansion would have the effect of directly subsidizing a specific private development in the City, unless deemed necessary to serve the Future Land

Use Plan's development pattern or development for which rights were vested prior to enactment of this Plan.

Policy 1.4.2: Such infrastructure improvements shall be consistent with adopted LOS contained in the Concurrency Management System (CMS).

Policy 1.4.3: The City will implement proactive maintenance programs to ensure that all roadways, potable water, sanitary sewer, community parks, and storm water systems continue to function at or above adopted LOS standards.

Objective 1.5: The City will aggressively seek grants, and other funding sources to augment and expand the financial resources available for capital improvement projects.

Policy 1.5.1: The City will actively pursue grant opportunities and will annually allocate sufficient funds with the Capital budget to provide for required local matches.

Policy 1.5.2: The City will utilize, when prudent, assessments as a funding source for projects that provide area-wide improvements.

Policy 1.5.3: The City will investigate the potential for declaring portions of East Elkcarn Circle as a redevelopment district as a means to obtain alternative funding sources for infrastructure improvements including on-street parking, sidewalks, and storm water drainage.

GOAL 2: ENSURE THAT NON-CITY ENTITIES RESPONSIBLE FOR FACILITIES AND SERVICES IDENTIFIED IN THE CONCURRENCY MANAGEMENT SYSTEM MEET ADOPTED LOS STANDARDS OVER THE NEXT FIVE YEARS.

Objective 2.1: The City will regularly monitor service levels and capacities provided by non-city entities to ensure Levels of Service identified in the Concurrency Management System Plan are available to accommodate growth and development on the Island over the next five years.

Policy 2.1.1: Pursuant to the adopted Adequate Public Facilities Ordinance, the City shall prepare an Annual LOS Report to ensure levels of service identified in the CMS Plan are available to accommodate growth and development on the Island over the next five years.

Policy 2.1.2: Should any non-city entity approach 80% of capacity in their adopted LOS standard during the five-year planning period, such entity must notify the City in writing as to how and when the entity will take actions to increase capacity to ensure continued compliance with the adopted LOS.

Policy 2.1.3: The City will thoroughly review all non- LOS based system expansion project proposals submitted by non-City providers to ensure that the project is designed consistent with development densities prescribed in the Future Land Use

Commented [BDM9]: PB: Consider eliminating. Carry over from old policy. Does Council still see this as still relevant?

Other PB Members: Alternatively, should be broadened to include areas city-wide? Does Council want to consider redevelopment districts at all, given the implications of declaring certain areas blighted?

Element to curtail the potential over-sizing of facilities that may encourage urban sprawl.

Capital Improvements Implementation Strategy

The following implementation strategy is in place to ensure that the goals, objectives, policies and programs established in the Capital Improvements Element of the Comprehensive Plan will be achieved:

- 1) **Development order review.** When a development order is requested, the applicant will outline the required facilities, as related to LOS for the proposed development, and how these facilities shall be provided concurrently.
- 2) **Building permit review.** When a building permit is applied for, the applicant will outline the required facilities, as related to LOS, for the proposed development, and how these facilities shall be provided concurrently.
- 3) **Annual budget.** The city's annual budget will identify projects which are targeted to maintain the LOS.
- 4) **Comprehensive plan amendments.** Reports to the State Department of Economic Opportunity concerning amendments to the comprehensive plan due to emergencies, annexation, developments of regional impact, and selected small developments will report on changes, if any, to adopted goals, objectives, policies and programs in the capital improvements element.
- 5) **Annual LOS report.** Each individual facility or service with an adopted LOS will be annually monitored to ensure that the LOS is maintained. The specific details for each monitoring scheduling and report can be found in the specific guidelines for concurrency.

Monitoring

The following monitoring strategy is in place to ensure that ongoing implementation of the Capital Improvements Element of the Comprehensive Plan is being achieved:

- 1) City-owned facilities and services. Monitoring for each adopted LOS shall take place annually.
- 2) County and privately-owned facilities and services. A monitoring report detailing available capacity, available capacity for the next five years, and proposed capital facilities expansions, shall be prepared by each non-city entity providing facilities and services by January of each year.

General procedural guidelines; reporting requirements

(a) Planning Board Requirements

(1) Annual LOS report: On an annual basis the City shall compile a report which addresses the following in terms of the LOS for all services and facilities subject to the concurrency management section of the comprehensive plan:

- a. Adopted LOS versus current LOS;
- b. Current capital improvements program and potential capital improvements program options for maintaining LOS with a five-year timeframe;
- c. Available or potential funding sources;
- d. Current inventory of its facilities;
- e. Current population and five-year projection, by year;
- f. Comparison of the previous year's building permit activity to the past five years' inventory;
- g. Potential developments, redevelopments or annexations which could have an impact on the current LOS; and
- h. Relationship to the goals, objectives and policies of the comprehensive plan.

(2) Public hearings. The Planning Board will hold a public hearing to review the annual LOS Report at which the board will discuss the current and adopted LOS for required public facilities. The annual LOS report shall be available to the board and the public at least two weeks before the public hearing. If the current LOS is below the adopted LOS policy standards, measures may be recommended by the Planning Board including:

- a. Fund the necessary improvements to reestablish the adopted LOS within a two-year transition period;
- b. Adopt a lower LOS which would be consistent with current levels of service; or
- c. Withhold or condition the development order and building permit approvals in accordance with this element.

(3) Recommendation report. The Planning Board shall make recommendations to the City Council regarding the maintenance of the LOS of the facilities and services. This report shall be based on the recommendations of the Planning Board.

(b) Action by City Council. City Council shall take formal action regarding the maintenance of the level of service of the facilities and services based upon the recommendations of the Planning Board.

(1) First reading. The Growth Management Department shall present the annual LOS report and the Planning Board's recommendations to the City Council at a public meeting. A resolution will be presented which adopts the recommendations of the board with additional conditions or modifies the recommendation of the board.

Commented [BDM10]: PB: Consider removing as a Planning Board task, not required per statute. Majority of Planning Board does not want the task of this level of review and furthermore it is not occurring in standard practice over the years.

Commented [BDM11]: PB: Is City prepared at this point to follow these requirements? How is the City enforcing these provisions? Coordination with Public Works needed.

a. If the current level of service is below the adopted LOS, measures must be addressed by the City Council which either:

1. Fund the necessary improvements to reestablish the adopted LOS within a two-year transition period;
2. Adopt a lower LOS which would be consistent with the then existing LOS; or
3. Cease issuing development orders which negatively impact the LOS until the adopted LOS is reestablished.

(2) Second reading and public hearing. The annual LOS report and the board's recommendation report shall be presented by the city manager. At this time, level of service deficiencies and mitigation options shall be discussed. Where necessary, potential changes to the capital improvements program shall also be addressed. At the conclusion of the public of the public hearing, the City Council shall adopt a resolution that adopts the recommendations of the board with additional conditions or modifies the recommendation of the board. The city council shall direct the Growth Management Director to notify the state of its actions.

Responsibility for Monitoring

The **Public Works Director** shall be responsible for monitoring and reporting activities relating to potable water, sanitary sewer, transportation and stormwater drainage facilities.

The Community Affairs Director or Parks, Culture and Recreation Manager is responsible for monitoring and reporting activities relating to community parks.

The Building Official is responsible for monitoring and reporting activities relating to solid waste. The Building Official shall annually compile completed county issued notifications of mandatory garbage assessment forms received prior to the issuance of a certificate of occupancy.

Corrections for LOS standard deficiencies

(a) The purpose of the annual LOS report is to ensure that adequate public facilities are in place to serve existing development, and that adequate capacity will be available to serve future development. The following safeguards are intended to ensure that LOS standards are maintained and future development can be accommodated:

(1) Pursuant to adopted policies throughout the comprehensive plan, non-city entities responsible for the provision of facilities and services subject to LOS standards must notify the City in writing if they reach 80 percent of capacity in their adopted LOS standard within five year's of plan adoption, and any five-year period thereon. Such entity must inform the City as to how and when the entity will take action to increase capacity to ensure continued compliance with adopted LOS standards.

Commented [BDM12]: PB: Consider making changes to update monitoring responsibility per City organizational structure.

(2) For storm water drainage and community parklands, the City shall monitor indices of possible or pending deficiencies and will initiate corrective actions through the five-year capital improvement program to ensure continued compliance with adopted LOS standards.

(3) For transportation related LOS standards, the public works department shall monitor traffic counts and traffic impact assessments (TIA) and traffic impact statements (TIS) to ensure continued compliance with adopted LOS standards.

The City of Marco Island adopted a Transportation Proportionate Fair Share Program to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with Chapter 163 Florida Statutes, as amended.

The Proportionate Fair-Share Program shall apply to all developments in the City of Marco Island that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City Concurrency Management System, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations.

(b) Utilizing the above mentioned information, the Public Works Director shall advise the City Manager of any roadway segment that is forecast to be deficient in the adopted LOS standard within the ensuing five years. The Public Works Director shall base his report to the City Manager on the following information, as deemed necessary to ensure accurate LOS monitoring of transportation facilities:

- (1) A listing of roadway segments, by category, with their individual current and adopted LOS;
- (2) Current and potential LOS deficiencies;
- (3) Current capital improvements program and potential capital improvements program options for maintaining LOS with a five-year timeframe;
- (4) Available or potential funding sources;
- (5) Current population and five-year projection, by year;
- (6) Comparison of previous year's building permit activity to past five years' inventory.
- (7) Potential developments, redevelopments or annexations which could have an impact on the current LOS; and
- (8) Relationship to the goals, objective and policies on the comprehensive plan.

(c) Based on the advice of the Public Works Director, the following actions may be initiated to ensure continued compliance:

Commented [BDM13]: PB: Consider looking at reliability of process over time.

- (1) If the current LOS for transportation facilities is measured at the adopted LOS or better, no mitigating action is required.
- (2) If the current LOS measured is nearing the next lower LOS, quarterly counts will be taken and analyzed for a peak hour/peak season count. If necessary, a detailed study of the capacity of the roadway segment, consistent with the 2000 (or the most current edition) DOT Highway Capacity Manual Data, will be undertaken concurrently with the collection of quarterly data.
- (3) If the current LOS measured is at the next lower LOS, and had been at the adopted LOS the previous year, quarterly counts will be taken and analyzed for a peak hour/peak season count.
- (4) No development orders negatively impacting the affected segment shall be issued until such a time as the development meets the standards for transportation concurrency as set forth in the Capital Improvements Element.
- (5) A comprehensive plan amendment is required to change the LOS for any road segment, or defer or delay construction, beyond the two-year transitional period, which is necessary to maintain or reestablish an adopted LOS.