

CAPITAL IMPROVEMENTS ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

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**CAPITAL IMPROVEMENTS ELEMENT
TABLE OF CONTENTS**

A. INTRODUCTION 1

 1. BACKGROUND AND HISTORY1

 2. PROCESS FOR ANNUAL ADOPTION AND REVIEW2

 3. GENERAL COMPONENTS OF THE SCHEDULE2

 a. Time Period.....2

 b. Project Description and General Location2

 c. Consistency with Other Elements3

 d. Projects and Costs3

 e. Revenue Sources3

 f. “Committed” versus “Planned” Funding Sources3

 g. Grants as a Funding Source4

 4. PROJECTS TO BE INCLUDED IN THE SCHEDULE.....4

 a. Projects to Achieve and Maintain LOS standards4

 b. Projects to Reduce Existing Deficiencies4

 c. Replacement Projects5

 d. Projects to Meet Future Demand5

B. CAPITAL IMPROVEMENTS INVENTORY 8

 1. Need Derived from Other Elements8

 2. Existing Financial Resources9

 3. Local Revenue Sources9

 a. Property Taxes (Ad Valorem).....9

 b. Public Utility or User Charges9

 c. Other taxes, fees, and charges10

 d. Franchise Fees.....10

 e. Public Service or Utility Tax10

 f. Special Source of Revenue10

 g. Special Assessment11

 h. Borrowing11

- 4. State Sources12
 - a. Revenue Sharing Trust Fund12
 - b. Other Shared Revenue12
 - c. Mobile Home Licenses13
 - d. Local Option Taxes.....13
 - e. Alcoholic Beverage License13
 - f. Other Sources of Shared Revenues.....13
- 5. Federal and State Grants and Loans.....13
- C. LOCAL POLICIES AND PRACTICES 14
 - 1. Level of Service Standards14
 - 2. Capital Improvements Program (CIP)15
 - 3. Impact Fees15
 - 4. Utility Service Areas.....15
 - 5. User Charges and Connection Fees16
 - 6. Concurrency Management System16
 - 7. Mandatory Dedication or Fees in Lieu Of17
 - 8. Moratoria.....17
- D. DATA AND ANALYSIS 17
 - 1. POTABLE WATER18
 - 2. WASTEWATER.....18
 - 3. PUBLIC RECREATION AND OPEN SPACE19
 - 4. TRANSPORTATION.....19
 - a. Level of Service Analysis20
 - 5. STORMWATER.....21
 - a. Level of Service Analysis21
 - 6. SOLID WASTE22
 - a. Level of Service Analysis23
 - 7. PUBLIC SCHOOL FACILITIES23

E. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES 24

LIST OF TABLES

TABLE 1:	ADOPTED TRANSPORTATION LEVEL OF SERVICE STANDARDS	19
TABLE 20	5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS	39
TABLE 20A	5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS	40

CHAPTER 8 CAPITAL IMPROVEMENTS ELEMENT

ANNUAL UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN

A. INTRODUCTION

1. BACKGROUND AND HISTORY

The preparation of the annual update to the *Capital Improvements Element (CIE)* was conducted consistent with and following the guidelines prepared by the Florida Department of Community Affairs (DCA) in *A Guide to the Annual Update of the Capital Improvements Element*. Staff followed the guide to ensure compliance and consistency with the requirements of the Florida Statutes and the Florida Administrative Code.

There is often confusion about the difference between the *CIE* and the *Capital Improvements Program (CIP)*. In brief, the *CIE* is a required element of the *Comprehensive Plan* and is concerned with the capital improvement projects necessary to meet or maintain the adopted Level of Service (LOS) standards established in the *Comprehensive Plan* or to implement the Goals, Objectives, and Policies of the *Comprehensive Plan*. The *CIP* provides a schedule of all capital projects to be undertaken by the Town, including the purchase of equipment and the construction of new governmental facilities and buildings.

The update of the *CIE* includes two parts: The Data and Analysis section and the *Schedule of Capital Improvements*. The Data and Analysis section includes an explanation of Level of Service (LOS) standards, the public facilities to be included in the report, an analysis of the existing and projected LOS for the planning period covered by the schedule, a projection of future revenues and expenditures, and most importantly an analysis of the Schedule's financial feasibility.

The second section of the update is the *Capital Improvements Project Schedule (the Schedule)*. This is a table with information on every capital project necessary to meet or maintain the adopted LOS standards. Information such as a brief project description, the funding source, and the fiscal year for funding different phases of the project are also included in the Schedule. The Schedule establishes a link between the proposed improvements and the LOS standards established for the public infrastructure.

Chapter 163.3180, F.S., requires that all local governments shall maintain concurrency and establish LOS standards for the following public facilities:

1. Potable Water,

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2. Wastewater,
3. Public Recreation and Open Space,
4. Transportation,
5. Drainage or stormwater,
6. Solid Waste,
- ~~7.~~

Where the local government elects to adopt a public school facilities element, a level of service for schools must be included as well. The Town does participate with the Lake County School Board in schools planning via an interlocal agreement and the goals, objectives and policies established in this comprehensive plan.

2. PROCESS FOR ANNUAL ADOPTION AND REVIEW

The purpose of the annual update is to maintain a financially feasible *5-year Schedule of Capital Improvements*. The *CIE* is a statement of budgetary policy and a planning document for capital expenditures and improvements for public use.

Section 163.3177 (3)(b), F.S. mandates that the *CIE* must be updated “on an annual basis”. The adoption of the annual update is done by local ordinance and then submitted to the State review agency as evidence of compliance.

3. GENERAL COMPONENTS OF THE SCHEDULE

In general, the schedule must include those capital improvement projects for which the local government has fiscal responsibility. The schedule must also include projects such as school facilities, certain transportation facilities funded by other agencies (FDOT, or County), and privately funded projects necessary to ensure that adopted LOS standards are achieved or maintained.

a. Time Period

The schedule must be sub-divided into five one-year (fiscal year) periods.

b. Project Description and General Location

The schedule should include a brief general description of each project. The description must contain enough detail to demonstrate that the project is consistent with the facility needs identified in the other elements of the plan or in the data and analysis section of the *CIE*.

The schedule should indicate the location of the project. Identifying the location of the project informs the community and landowners where infrastructure improvements are scheduled. If necessary, a map indicating the location of the capital improvements may be included as part of the update.

c. Consistency with Other Elements

The schedule must include a demonstration of consistency with the individual elements of the *Comprehensive Plan*.

d. Projects and Costs

A local government has discretion in establishing the types of projects that will be included in the schedule. A “capital improvement” is defined as physical assets “which are large scale and high in cost ... generally nonrecurring and may require multiyear financing”. The schedule must identify the cost for each project.

e. Revenue Sources

The revenue sources that will be used to fund each project must be identified in the schedule. The supporting data and analysis needs to identify “existing funding sources” and include a projection of the amount of revenue expected to be collected from existing sources and other revenue sources.

Revenue sources could include any source that can be used to fund capital projects, including ad valorem taxes, bonds, state and federal funds or grants including FDOT funding, tax revenues, impact fees, and developer contributions.

f. “Committed” versus “Planned” Funding Sources

A “committed funding” source is one which is available for and dedicated to financing capital improvements included in the schedule and is based on expected revenues from an existing source. Thus, “committed funding source” means that expected revenues from an existing revenue source have been dedicated to funding the capital improvements included in the schedule. A developer’s contribution becomes a committed funding source when it is included in a legally binding agreement.

A “planned funding” source is one that is not currently available to the local government to use to fund capital projects. Examples of these include grants or the issuing of bonds based on referenda. A local government must demonstrate that a source is planned by adopting in the *CIE* a reasonable strategy that will be pursued to secure the revenue source. For example, the strategy could commit the local government by a certain date to initiate the referendum process or submit a grant application.

g. Grants as a Funding Source

Grants may be used to fund *CIE* projects. When reporting grants as a funding source it is necessary to identify the specific grant program to be used, the amount of the grant, and the funding source of any required local match. Depending on the status of a grant application, grants may be a “committed” or “planned” funding source. Grants which have been approved may be used as “committed funding” source for any of the five years of the *CIE Schedule*.

4. PROJECTS TO BE INCLUDED IN THE SCHEDULE

The projects to be included in the *Schedule* must include all the capital projects necessary to achieve and maintain the LOS standards, reduce existing deficiencies, provide for necessary replacements, and meet future demands during the time period covered by the schedule.

The schedule may include other facilities related to locally approved concurrency, or facilities not required to address either state-required or locally approved concurrency. In general, the schedule need only include projects for which the local government has fiscal responsibility. However, the schedule must include certain public and privately funded projects for which the government does not have fiscal responsibility. These could include: (1) Water supply projects, (2) public schools, (3) MPO’s TIP, and (4) developer funded projects necessary to maintain LOS standards.

a. Projects to Achieve and Maintain LOS standards

As previously stated, the schedule must address the facility needs identified in the other elements of the plan for which LOS Standards must be adopted; these are the facilities for which concurrency is required. The concurrency facilities are: (1) Sanitary Sewer, (2) Potable Water, (3) Drainage or Stormwater, (4) Solid waste, (5) Parks and Recreation, (6) Transportation facilities, including mass transit, and (7) Public Schools.

b. Projects to Reduce Existing Deficiencies

In addition to projects to achieve and maintain LOS standards, the schedule must also include projects to reduce existing deficiencies. A deficiency is a facility or service that is operating below the adopted LOS standard. If the annual update demonstrates that LOS standard will not be met during the five-year planning period, then the local government must adopt either a long-term concurrency management system or planning strategies to address these deficiencies.

c. Replacement Projects

The schedule must include projects that are needed as “replacement” for facilities that wear out or are obsolete. Such projects may include facilities that have are malfunctioning or are constantly out of service such that the facility is unable to meet the demand for services.

d. Projects to Meet Future Demand

The updated schedule must include projects to meet future demand. Such projects should be identified in the data and analysis section of each element. The basic concurrency requirement included in the statute states that facilities must be “available when needed”. The exact definition varies from facility to facility and only water, sewer, drainage and solid waste concurrency is mandated by State law. The function of the schedule is to time the construction of capital projects so that they are available when needed.

The following discussion defines “available when needed” for each type of concurrency:

Sanitary sewer, solid waste and drainage

- At the time of issuance of a Certificate of Occupancy (CO), the necessary facilities are in place, or
- At the time of issuance of Development Order (DO), the necessary facilities are guaranteed in an enforceable development agreement to be in place at the time of issuance of CO.

Potable Water

- Potable water facilities must be available as described in Section A. 1, above and prior to approving a building permit the local government must check with its water supplier to verify that adequate water supplies will be available no later than the anticipated date of issuance of a CO.
- If the local government is located in an area for which the water management district (WMD) has prepared a *Regional Water Supply Plan (RWSP)*, the *Potable Water sub-element* must incorporate the water supply projects chosen by the local government from those identified in the *RWSP* or proposed by the local government to meet projected demand within the area served by the local government.

In addition, the *Potable Water sub-element* must include a 10-year water supply facilities work plan for building needed facilities. The first five years of the adopted work plan must be included in the schedule.

Recreation and Open Space: The statute distinguishes between open space and outdoor recreation acreage and the actual facilities constructed on such land.

- Before a local government can issue a CO, the acreage for needed park and recreation facilities must be dedicated or acquired by the local government. If developer fair share funds are to be used to acquire the acreage, then these funds must be committed before the local government can grant approval to begin construction.
- The actual facilities needed to serve new development must be in place or under actual construction no later than one (1) year after the local government issues a CO. The schedule should be constructed so that the local government is able to meet both these tests and avoid denying COs. The list of park and recreation facilities in the Schedule must be consistent with the supporting data and analysis in the *Recreation and Open Space Element*.

Public Schools:

The Town has elected to continue with concurrency for public schools. This process is governed by an interlocal agreement adopted by the school board and the local governments in Lake County. The agreement establishes procedures and processes for evaluating projects relative to school needs, and the school district provides an annual five-year capital budget that is reviewed as part of the Town's annual CIE update.

Transportation Facilities (Including mass transit): A *Comprehensive Plan* is financially feasible for transportation facilities if it can be demonstrated that LOS standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by Chapter 163.3180, F.S.

- Concurrency Test: Transportation facilities needed to serve new development must be in place or under actual construction within three (3) years after the local government issues a building permit.
- List of projects: The schedule must include projects on which the local government has relied or intends to rely for concurrency purposes. The schedule need not include costs related to project planning and design since this phase of a project does not add roadway capacity and cannot be used to satisfy concurrency.
- Right-of-way acquisition projects can be included in the schedule as one component of the total cost of a project. If a right-of-way acquisition project is included in the schedule, the schedule must also include the construction phases of the project.

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Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

Metropolitan Planning Organization (MPO) Projects: The schedule must include transportation improvements included in the first five years of the applicable MPO's *Transportation Improvement Program (TIP)* to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable MPO's long range transportation plan.

Strategic Intermodal System (SIS) Projects: The local government must adopt LOS Standards for SIS facilities that are consistent with FDOT standards. Projects needed to maintain the Standards must be included in the Schedule. MPO's are required to update their *TIP* every summer (July 1) and to include all regional/county projects in the new five-year work plan.

- Proportionate-share: A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the *5-year Schedule of Capital Improvements* or if contributions for such facilities or segments are incorporated in the next update of the *5-year Schedule of Capital Improvements Element*.
- De Minimis Report Requirement: A de minimis impact is an impact that affects no more than 1% of the maximum service volume at the adopted LOS standard. Development which causes only a de minimis impact is not subject to traffic concurrency. However, total traffic volume should not exceed 110% of the maximum service volume at the adopted LOS standard. Local governments must maintain records to ensure that the 110% criterion is not exceeded.

The annual update of the *CIE* must demonstrate that the 110% criterion has not been exceeded or, if it has been exceeded, that the impacted roadway is scheduled for improvement in the schedule. No de minimis exceptions may be granted on roadways where the 110% criterion is exceeded until such time as the volume of the roadway is reduced below 110%. A single-family home on an existing lot of record will always constitute a de minimis impact regardless of the level of deficiency.

B. CAPITAL IMPROVEMENTS INVENTORY

1. Need Derived from Other Elements

The analysis documented in the other comprehensive plan elements have identified facility improvements needed to meet the existing service deficiencies and those needed to meet the demands of future growth.

The Town does not provide public education services. Public education in Lake County is a function of the elected Lake County School Board. Lake Hills School, which serves students with moderate to profound disabilities from Pre-K to the 12th grade, is the only public school located in Town. ~~There are three Lake County public schools (Astatula Elementary School, Tavares Middle School and Lake Technical Center – Astatula) within 5 miles of Howey-in-the-Hills. There are no public school facilities planned in the Town during the short-range and long-range planning period. The Town is currently served by Astatula Elementary School, Tavares Middle School and Tavares High School. The Town includes three schools serving special needs populations and some administrative offices. In addition, the school district has purchased a 22-acre site on CR 48 in the Town limits for a future elementary school. Planned construction of this school is outside the current five-year plan. The former Howey Academy buildings house some administrative functions for the school district.~~ Appendix B of the *Public School Facilities Element* features the concurrency service areas for the public schools in Lake County.

The State Department of Children and Families (DCF) determines the need for new health care facilities with a formula based on occupancy rates, historic use by age group, and population projections by age group. Although the Town currently has no full-service hospitals, there is the ~~Florida Hospital Waterman~~ Anthem Waterman Hospital located about 8 ½ miles northeast in the City of Tavares and the ~~Leesburg Medical Center~~ UF Health Hospital located about 11 miles northwest in the City of Leesburg that serve the Howey-in-the-Hills area. The nearest Emergency Medical Service station is located about 4 miles northeast of Town in the City of Tavares on Lane Park Cutoff

Individual capital improvement needs identified in this element are, for the most part, those improvements, which cost ~~\$1,500~~ \$5,000 or more and are generally non-recurring purchase items. The capital improvements identified in the other elements of this *Comprehensive Plan* are listed with a brief description in the Town's *5-year Schedule of Improvements* along with their estimated costs and projected year of expenditure. The improvements are listed by type of service, related to the various elements of the *Comprehensive Plan*. The *Capital Improvements Element* addresses existing and future capital improvements needed for at least the first five fiscal years after the adoption of the *Comprehensive Plan*.

It should be noted that the capital improvement projects contained in the Town's *5-year Schedule of Improvements* are not inclusive of all the anticipated capital expenditures by the Town during the planning period. The Town's *5-year Schedule* is limited only to those major components identified by the preceding elements of the Town's *Comprehensive Plan* in order to analyze development impacts and trends at a level of detail which is both manageable and fairly accurate.

The cost estimates for the capital improvements indicated in this element were developed using standard engineering practice regarding construction costs, in conjunction with information derived from actual construction costs of similar projects, certified bid documents on similar projects, and engineering cost estimates conducted on similar projects.

2. Existing Financial Resources

The first step in planning capital improvements, as well as arranging the necessary financing through the budgeting process, is to inventory the major sources of funding available to the Town. The revenue sources listed below comprises a working inventory for which the Town's ability to fund the needed capital improvements will be assessed. In addition, the current status of each revenue source currently used by the Town is indicated. It is important to note that the list below includes all of the major financial resources available to the Town and is not limited to the funds which will be used for the capital improvement projects identified in the *5-year Schedule of Improvements* included in this element. These currently utilized financial resources comprise, in part, the revenue sources which will be used to fund the identified capital improvements projects.

3. Local Revenue Sources

a. Property Taxes (Ad Valorem)

Property taxes are normally based on a millage rate (i.e. one mill equates to \$1 per \$1,000 of assessed value, or .1%), which is then applied to the taxable value of all real property, as well as all other tangible personal property. The revenue from ad valorem taxes may be used to fund both operating costs and capital projects, unless prohibited by local policies. Provisions at the State level exist for raising the millage rate above the 10-mill cap set by local referendum for debt service or provision of municipal-type services within the Town.

b. Public Utility or User Charges

The revenue from these charges is generated primarily as a result of the rates charged to Town residents for utilization of Town-owned utilities such as water,

drainage, and solid waste removal/disposal. Revenue from these operations include user fees, miscellaneous customer service charges, and interest income.

c. Other taxes, fees, and charges

This category of revenue source includes special assessments, various administrative fees, and other charges for using services or facilities owned and operated by the Town. Some examples of these charges are public document sales, property appraisal fees, fines and forfeitures, permit and license fees, Town fund interest income, Town property sale income, rental income, and all private contributions (real estate, gifts, donations, etc) to the Town.

d. Franchise Fees

The Town currently charges a franchise fee (based on the applicable gross revenues charged) for utility services, which are provided by private companies within the Town.

e. Public Service or Utility Tax

A municipality may levy a tax on the purchase of electricity, metered or bottled gas, water, cable television, and telecommunication services. The tax may be levied upon only the purchases within the municipality and may not exceed ten (10) percent of the applicable payments received by the seller of the taxable item from the purchaser of the purchase of such service.

f. Special Source of Revenue

Additional funding mechanisms are sometimes required due to the availability of existing revenue sources and/or the project priorities assigned by the Town Council. The options available to the Town regarding alternate sources of revenue for funding capital improvement projects are listed below.

- 1) **System Development of Impact fees.** Fees which are charged in advance of new development to pay for infrastructure needs, but not operating costs, resulting directly from the new development. The fees must be equitably allocated to the specific group(s) which directly benefit from the capital improvements. In addition, the assessment levied must fairly reflect the true cost of the capital improvements.

g. Special Assessment

Like impact fees, special assessments are charged to residents, agencies or areas who directly benefit from the provision of a new service or facility by the Town. For example, the construction of a gravity sewer system for an existing neighborhood may be financed through a special assessment to the neighborhood's individual homeowners rather than through a revenue fund of the Town.

h. Borrowing

Occasionally, many local governments are required to resort to borrowing funds to pay for capital improvements due to their extremely high cost. Usually, either long-term or short-term financing is used to provide these funds. The short-term financing option is normally handled by local banks and is used to raise the required revenue for periods of one to five years. The more customary method is to authorize long-term bond issues, which range in length from five to thirty years.

Listed below are several types of bond issues available to the Town.

- 1) **General Obligation Bonds.** These are bonds which are backed by the full faith and credit of the local government and are required to be approved by a voter referendum. Since these bonds are secured by the taxing power of government, they generally offer lower interest rates than other bonds. The revenues collected from ad valorem taxes on real estate, as well as other sources of revenue are used to service the government's debt. General obligation bonds should be used to fund capital improvements which benefit the whole Town rather than specific areas or groups of citizens.

- 2) **Revenue Bonds.** The revenue obtained from the issuance of these bonds is normally used to finance publicly owned facilities such as water treatment and wastewater treatment facilities. The charges collected from the users of the facilities are used directly to retire the bond obligations. This basically allows the capital project to be self-supporting. It should be noted that the interest rates generally tend to be higher than those of general obligation bonds. Also, the issuance of the bonds may be approved by the Town Council without a voter referendum.

- 3) **Industrial Revenue Bonds.** This type of bond, though issued by a local government, is actually assumed by companies or industries that use these funds to construct facilities. The low interest rates associated with this type of bond (due to their tax-exempt status) makes it particularly attractive to industry. The advantages to the local government is that the private sector is responsible for the retirement of the debt and that the new employment opportunities are created in the community.

4. State Sources

The Town also depends on annual disbursements from State government to supplement its revenue sources. The revenue sources discussed above represent those funds generated by Town levies which may be collected and disbursed at the local level. The revenue sources discussed in this section represent those funds which are:

- (1) generated locally, but collected and later reimbursed to the Town by the State;
- (2) adopted as a local option tax or license fee, collected and reimbursed by the State;
or
- (3) shared by the State in the form of grants to the local government, but originate from State general revenues. The amounts available from these sources may vary widely from year to year depending on legislative actions.

a. Revenue Sharing Trust Fund

This component of revenue consists of 1 percent of sales and use tax collections, 1 percent of the State alternative fuel use decal fee collections, and the remainder is generated from the one-cent municipal fuel tax. The sales and use tax collections were substituted for the cigarette tax revenues that previously were used for this fund by the Florida Legislature. The municipal fuel tax funds are restricted for transportation related expenditures.

b. Other Shared Revenue

This category of revenue sources includes several major financial resources which, like the Revenue Sharing Trust Fund, are shared between local and State government agencies.

The following taxes and licensing fees generate a large portion of the total annual revenue for the Town's General Fund.

- 1) **Sales Tax** – The current sales tax in the State is 6%, and is levied on retail sales, and such things as commercial rentals, admission fees to

entertainment facilities, and motor vehicle sales. The collection is returned to the counties and municipalities in accordance with specific formulae. The variables of the formulae, in the case of towns, include the population of the municipality, as well as the total and unincorporated population of the County.

c. Mobile Home Licenses

Mobile Home licenses ~~currently range from \$31.60 to \$86.60~~ vary in cost depending on what time length is established in the rate structure. Each city or town in the State shares in the allocation of the revenues from this source based on the number of units located in the city or town. The city or town in turn shares a portion of the revenue with the local school board. This has proven to be a relatively stable revenue source over time.

d. Local Option Taxes

Currently, there are four (4) possible sources of revenue available to the Town within this category. All the funds are generated locally, but the funds are collected and disbursed by the Florida Department of Revenue. ~~The Town currently shares in only two (2) of these revenue sources.~~

e. Alcoholic Beverage License

The Division of Alcoholic Beverages and Tobacco for the State of Florida administers the issuance of licenses associated with the sale and/or consumption of alcoholic beverages. ~~The State collects in excess of \$37 million annually from this fee. Of this amount,~~ A portion of the license fee is returned to counties and municipalities as a State shared revenue.

f. Other Sources of Shared Revenues

The Town also receives other shared revenues from both the County and other government agencies. These revenues include the Excise Tax, County Business Tax Receipt fees, Court fines and forfeits, and County Library Member Agreement fees.

5. Federal and State Grants and Loans

The Federal Government and State of Florida offer a variety of funding opportunities including block grants, loans and specific use grant programs that may be available for projects within the Town. For a Town with limited financial resources these programs can be highly useful sources of revenue. The Town regularly monitors these funding opportunities and applies for funding when the opportunity arises.

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C. LOCAL POLICIES AND PRACTICES

To guide the location and timing of land development, local policies and practices are used, particularly in support of the goals, objectives, and policies of the *Future Land Use Element*. State agencies and water management districts which provide public facilities within the Town's jurisdiction will directly influence these policies and practices. One such influence was found to be generated by the Florida Department of Transportation's (FDOT) 5-year Transportation Plan. This influence stemmed from the fact that State Road 19 is within the Town's jurisdiction, and therefore largely the financial responsibility of the FDOT. Plans for the improvement of State Road 19 may be included in the before mentioned 5-year Transportation Plan. However, there are other such roadways not included in the Plan. Either scenario affects the capacity of the roadways, which in turn affects the level and intensity of development, as well as the degree of financial commitment for which the Town must plan.

In the absence of improvement plans by FDOT, special provisions may be made when the Town desires improvement of a State road to maintain local levels of service standards. These provisions may include the Town expending funds for roadway improvements or providing FDOT with the funds, either of which may be collected through an impact fee or "fair share" contribution.

In this section, many of the local practices and policies used by the Town are described in terms of their general concept and the circumstances surrounding their use. The policies and practices both used in the past and currently in use are identified. Policies and practices not in use which have the potential for being used by the City are discussed in a later section of the *CIE*.

1. Level of Service Standards

Level of Service (LOS) standards indicate the degree of service provided or proposed to be provided by public facilities based on their operational characteristics. Basically, the LOS indicates the capacity per unit of demand for each public facility. Therefore, the LOS is a summary of the existing or desired public facility conditions. These LOS standards are to be established for the specific purpose of issuing permits or development orders to ensure that adequate capacity is available and will be maintained in public facilities for future development.

LOS standards can affect both the timing and location of development by encouraging development of those areas which have public facilities with excess capacity. In addition, development is not allowed unless the needed facilities and services are available. This development and provision of services usually occur in a phased sequence over a period of time.

2. Capital Improvements Program (CIP)

A *Capital Improvements Program* is a plan for capital expenditures to be incurred each year over a fixed period of years to meet anticipated facility improvements and needs. The *CIP* identifies each capital project or other capital expenditures anticipated by the Town, as well as presenting estimates of the resources needed to finance the project.

The *CIP* is designed to be consistent with the *CIE* of the local comprehensive plan because it reflects the goals, objectives, and policies of the *Element* and its implementation strategy, including the *5-year Schedule of Improvements*. In addition, the *CIP* is not restricted to only those public facilities addressed in the comprehensive plan, as is the *CIE*.

The first year of a *CIP* becomes [input into](#) the annual capital budget with longer range capital expenditures identified for the 5-year program. The capital budget encompasses enacting appropriations for those capital projects delineated for the first year of the *CIP*. The *CIP*, similar to *CIE*, is reviewed on an annual basis.

3. Impact Fees

Impact fees are imposed by many local governments on new developments to offset the costs of new public facilities necessitated by the development. Local government may use this strategy as one method of implementing the *CIE*.

Impact fee development is a logical outgrowth of the *CIE* preparation. A rational basis for developing an impact fee ordinance comes from the assessment of the local government's capital improvement needs and its capability to provide for those needs.

Infill development location and timing may be affected and controlled through the use of impact fees. This is because infill development usually occurs in those areas having capital facilities with excess capacity. If the local government chooses not to recover the costs of capital facilities in underutilized service areas, infill development may be encouraged by the absence of impact fees on developments proposed within those areas.

4. Utility Service Areas

The delineation of utility service areas within a comprehensive plan or *CIP* may be used to describe areas where local governments intend to provide public facilities and services. When used in conjunction with a *CIE* and *CIP*, utility service areas can be used as a tool to coordinate the timing of public facilities and service provision within areas planned for development.

Additionally, the following benefits may be the result of using utility service areas:

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- a) Encourage efficient and orderly growth patterns;
- b) Preserve agricultural and environmentally sensitive areas; and
- c) Support control on facility extensions

5. User Charges and Connection Fees

User charges are designed to recover the costs of public facilities or services from those who benefit from them. Many areas of local government employ the use of user charges. Monthly sewer charges paying for the operation and maintenance of wastewater facilities as well as retiring debt service on revenue bonds is a good example of user charge usage. This technique may also be applied to transportation, potable water, solid waste, recreation, and parking facilities and services.

These charges may be designed to vary, depending on the quantity and location of the services rendered, in order to affect the pace and pattern of development. In other words, the greater the distance from the service area, the higher the user charge.

6. Concurrency Management System

This controls the timing and location of development by conditioning new development approvals on evidence that sufficient facilities and services are present or will be provided in order to maintain adopted LOS standards. Therefore, development approval becomes contingent on the ability of local governments to provide facilities and services, and furthermore, may require the development itself to furnish the facilities and services in order to maintain the adopted LOS standards. Additional benefits associated with a Concurrency Management System are as follows:

- a) Supports the consistency of the *CIE* with the *Future Land Use Element*;
- b) Provides for the orderly expansion of public facilities;
- c) Stabilizes capital improvement expenditures and taxing structures for capital improvements; and
- d) Reduces the possibility of damage to the environment from the use of overburdened facilities.

Typically, the Concurrency Management System interacts with the development approval process by requiring that all zoning, subdivision, or planned unit development (PUD) approval be granted only upon demonstrated compliance with the system. The building permit stage is another level at which a Concurrency Management System may function. In this context, the Concurrency Management System may control development in areas that are already approved, but not as yet built on, such as pre-platted lands.

7. Mandatory Dedication or Fees in Lieu Of

The Town ~~may~~ shall require, as a condition to plat approval, that subdivision developers dedicate a portion of the land within the development to be used for public purposes such as roads, parks, and schools. Dedication may be made to the governing body, or to a private group such as a homeowner's association.

When a subdivision is of such small scale or topographic conditions that a land dedication cannot reasonably be required, the Town ~~may~~ shall require that the subdivider pay a fee in lieu of dedication which is equivalent to the amount of land that otherwise would have been dedicated by the developer. The fee ~~may~~ shall be deposited into a separate account for use in the future towards the provision of such facilities.

As a result of the public facility provision, the adjacent area benefiting from the initiative would likely become more attractive to development. Therefore, the acquired service potential ~~may~~ shall be used to encourage growth in desired areas.

8. Moratoria

A moratorium, or stop-gap ordinance, is used to temporarily halt or freeze development in an area for a specified period of time on an emergency basis. The ordinance may be imposed on building permits, development approvals, or governmental services such as potable water connections or wastewater system extensions and/or connections. The moratorium normally is imposed for a "reasonable time" to allow the necessary planning activities to take place pending comprehensive plan preparation, adoption, or amendment. The State of Florida's legal system has found development moratoria to be a valid measure of last resort in the protection of local public health, safety, and welfare when adopted in accordance with applicable procedures. Some other considerations in adopting a moratorium include:

- a) Determining legal status of existing permit applications and approvals to determine the extent of "vested rights" for those developments approved prior to ordinance adoption;
- b) Specifying the geographic extent of the moratorium (whether it will include the entire Town limits, or limited to specific hazard areas with existing service insufficiencies); and
- c) Specifying the time frame and conditions under which the moratorium will be imposed.

D. DATA AND ANALYSIS

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The data and analysis for public facilities is detailed in the individual plan elements and may be referenced there. Specific note is taken regarding the ongoing master planning being done for the Town's potable water and sanitary sewer systems. ~~This is a detailed engineering study which will identify short term and long term capital needs and projects. These studies will not be complete prior to the adoption of the 2018 capital improvements program, and, therefore, will be more heavily referenced in future CIP annual updates.~~ The following sections layout the level of service requirements for each class and type of public facility.

1. POTABLE WATER

The Town of Howey-in-the-Hills maintains and operates the potable water system that provides potable water service to the Town. The *Comprehensive Plan* sets two different levels of service for potable water usage. The first LOS standard is 242.0 gallons per day per capita for the overall customer usage and the second LOS standard is 150.8 gallons per day per resident for the residential customers. (Policy 1.10.1 of the *Public Facilities Element*)

2. WASTEWATER

The Town does not have a wastewater treatment plant. The Central Lake Community Development District (CDD) currently provides wastewater treatment for the Lake Hills School, the Venezia South Subdivision, the Talichet Subdivision and a few other adjacent properties. ~~The Town is in the process of installing a collection system to serve Central Avenue. The Town has completed installation of a sewage collection system to serve Central Avenue, and some hook-ups have been completed. Some other minor additions have been made to the collection system. Additional connections are pending the resolution of available treatment capacity with the CDD.~~ . Howey in the Hills has also entered into an agreement with the Central Lakes CDD to obtain wholesale wastewater treatment for the Town for ~~three proposed Planned Unit Developments~~ the Reserve development with the first residential phase of this project beginning in 2024. Under that agreement, the Town is the 'customer' and will in turn supply the wastewater service to individual homes and businesses in those PUDs. The Town will own and maintain the collection system (mains, lift stations, etc.) within the Town limits. The Town is also ~~working on~~ considering entering into similar arrangements with neighboring local governments to supply wastewater treatment to future growth or establishing its own treatment facility.

The Town has adopted a level of service standard of 120 gallons per day per resident for sanitary sewer. ~~The Town has also implemented a wastewater impact fee. Although Howey in the Hills has no current plans to build its own wastewater treatment plant, The~~ impact fee is a standard mechanism used to finance the cost of providing wastewater collection and treatment services to serve new growth. This may include financing for construction of the collection system as well as the cost of purchasing treatment capacity at existing plants. ~~One developer has already installed collection lines and lift stations to~~

~~support the first phase of its development. Those lines and lift stations will be owned and maintained by the Town.~~

3. PUBLIC RECREATION AND OPEN SPACE

The Town has adopted LOS standards for parks and recreation facilities. LOS standards for parks are based on availability of recreational resources divided by the total number of users. This is the basic system for calculation of recreational LOS as established by the National Park and Recreation Association (NPRA). Utilization of such standards by the Town provides for adequate public access to recreational facilities and parkland. Employing these same standards into the future should likewise continue to satisfy LOS requirements.

The Town's *Comprehensive Plan* establishes the Recreation and Open Space LOS standards as 6.5 acres per 1,000 residents. (Policy 1.1.1) The Town also uses the following guidelines to help in determining the provision of recreation facilities:

<u>Facility</u>	<u>Guidelines per Population</u>
Playground	1 per 1,000
Tennis Court	1 per 1,000
Baseball/Softball	1 per 2,000
Football/Soccer	1 per 4,000
Handball/Racquetball Court	1 per 3,000
Basketball Court	1 per 2,000
Shuffleboard *	1 per 1,000
Boat Ramps	1 per 6,500
Swimming Pool	1 per 15,000

* May be substituted for horseshoe pits, bocci court, or other lawn game.

An analysis of the existing and projected population increase and the available acreage for parks and recreational facilities indicate that the Town currently has a surplus in parks and recreation acreage to meet the demand for public park land/open space.

4. TRANSPORTATION

A LOS C represents stable traffic flow operations. However, ability to maneuver and change lanes may be more restricted than LOS B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds. A LOS D borders on a range in which small increases in traffic flow may cause substantial increase in approach delay and, hence, decrease in speed. This may be due to adverse signal progression inappropriate signal timing, high volumes or some combination of these.

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LOS E represents traffic flow characterized by significant delays and lower operating speeds. Such operation may be due to some combination of adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing. For planning purposes, this LOS equals lane capacity.

a. Level of Service Analysis

The Town's *Comprehensive Plan* establishes Transportation LOS standards as featured below (Policy 1.1.1 of the *Transportation Element*):

TABLE 1: ADOPTED TRANSPORTATION LEVEL OF SERVICE STANDARDS

Road Class	Minimum LOS
Minor Arterials (SR 19)	LOS D (AADT)
Major Collectors (CR 48)	LOS D (AADT)
Minor Collectors - E. Revels Road, S. Lakeshore Blvd., S. Florida Avenue, and Central Ave./County Road No. 2	LOS D (Peak Hour Minimum)
Local Roads	LOS D (Peak Hour Minimum)

The Howey-in-the-Hills *Comprehensive Plan* lists five roads that the Town monitors for LOS: (1) State Road 19 (minor arterial), (2) County Road 48 (major collector), (3) Lakeshore Boulevard/East Revels Road (~~local road~~) (minor collector), (4) Number Two Road (~~local road~~) (minor collector), and (5) North Buckhill Road (~~local road~~) (minor collector). The adopted LOS for minor arterials and major collectors is an Annual Average Daily Traffic Minimum LOS D. The adopted LOS for minor collectors and local roads is a Peak Hour Minimum LOS D.

The three primary roads that carry traffic in and around Howey-in-the-Hills are S.R. 19, C.R. 48, and C.R. 455. All three of these roads operate at a LOS D or better using the Generalized Annual Average Daily Volumes for Areas Transitioning into Urbanized.

The Town does not collect road impact fees. These fees are collected by Lake County and dispersed to appropriate districts for improvements to roadways.

As developments apply for Final Plan approval, they will be required to provide the number of peak hour, peak direction trips for each of the road segments in the above table. If there is adequate capacity available a certificate of concurrency for transportation shall be issued.

Once the certificate is issued, that capacity is deemed reserved, and needs to be deducted from the remaining capacity left in the system. That reserved capacity then becomes part of future annual concurrency reports. As the reserved capacity becomes actual trips on the road, that part of the reservation is deducted from the total that was reserved.

5. STORMWATER

The Town's stormwater management system relies upon the natural drainage patterns to convey, reduce, and control the stormwater run-off. When necessary to provide adequate flood protection, the natural drainage pattern was altered. Also, the drainage basins were interconnected to provide adequate relief during major storm events. The system was originally designed to handle a 100-year/24-hour storm event without flooding adjacent lands.

a. Level of Service Analysis

In the Town, all proposed development projects are reviewed for compliance with the rules and regulations established in the *Land Development Code*. In addition to approval by the Town, new development exceeding thresholds established in Chapter 40C-42, F.A.C are required to apply for a SJRWMD Environmental Resource Stormwater Permit (ERSP). ~~Existing stormwater management systems that increase pollutant loadings, peak discharge rate, decrease on-site detention storage, or meet the thresholds established under new stormwater management systems are also required to apply for a new ERSP or a modification to their existing permit.~~

The *Comprehensive Plan* sets various LOS standards for drainage. The first set of standards is for Retention Volume and Design Storm. (Policy 2.1.2 of the *Public Facilities Element*)

Retention Volume: Complete retention of the post-development minus the pre-development run off occurring at the established design storm.

Design Storm: The following interim LOS standards will be used until the Comp Plan is amended to incorporate findings and recommendations of the programmed Stormwater Master Plan:

Facility Type	Design Storm
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year

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Facility Type	Design Storm
Storm Sewers	10 Year
Major Detention/Retention Structures	For the probable maximum precipitation as required by SJRWMD
Minor Detention/Retention Structures	25 Year

Note: Major/Minor Detention/Retention Structures are based on Hazard Classification for Dams and Impoundments as defined by the SJRWMD.

The second set of LOS standards for drainage outlined in the *Comprehensive Plan* is for pollution abatement treatment. (Policy 2.1.3 of the *Public Facilities Element*)

The following minimum stormwater drainage LOS standards are required for pollution abatement treatment:

Facility Type	Pollution Abatement Treatment
Retention with percolation or detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

Note: If the site's runoff directly discharges to Class I, Class II, or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-line detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

The Town of Howey-in-the-Hills ensures the provision of adequate stormwater drainage systems through the development review process. The above standards are used in reviewing all new development. Permits are also required from all applicable State, Federal, and local agencies with regard to stormwater. No development is approved or is allowed to begin construction until all such permits are received by the Town.

6. SOLID WASTE

The Town of Howey-in-the-Hills provides twice weekly curbside garbage collection through a contract with a private hauler. Service also includes a weekly recycling collection.

a. Level of Service Analysis

The adopted Level of Service (LOS) for solid waste in the Howey-in-the-Hills *Comprehensive Plan* is 6 pounds per person per day. (Policy 1.6.1 of the *Public Facilities Element*) This LOS was derived taking into consideration the capacity of the landfill.

7. PUBLIC SCHOOL FACILITIES

The Town has elected to retain public school concurrency as part of its public facility requirements. Policy 1.1.1 of the *Public Schools Facilities Element* of the *Comprehensive Plan* states that “LOS is defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The LOS standard is the maximum level of school utilization that will be permitted in the Lake County School District. The LOS for all schools shall be set at 100% of FISH permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity.” Appendix B: *Lake County School Districts 5-Year District Facilities Work Program* is attached.

New development is required to obtain a certificate of capacity from the school district based on the district’s application and review procedures. The review is required of all residential development other than single-family homes on existing lots. The Reserve development is exempt from the school concurrency requirements based on their approval prior to the establishment of school concurrency. Developments which proposed restricting residents to age 55 and older, may be determined to be exempt from school impact fees, but they are still required to complete a review and approval process through the school district.

E. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

GOAL 1: To provide for timely and efficient provision of adequate public facilities that upholds quality of life through the use of sound growth management and fiscal policies.

Purpose of Capital Improvements Management

OBJECTIVE 1.1: *Capital Improvements Provision and Programming.* Capital Improvements shall be provided for purposes of correcting existing deficiencies, accommodating desired future growth, and replacing deteriorated or obsolete facilities. Capital Improvements shall be programmed within the *Five-Year Schedule of Capital Improvements*, according to the rank of priorities and timing set forth therein.

POLICY 1.1.1: *Qualification and Scheduling of Capital Improvements.* The Town shall include within the *Five-year Schedule of Capital Improvements* only those improvements identified in any of the respective elements of the Town's *Comprehensive Plan* which meet the requirements cited below for qualification as a capital improvement:

- Infrastructure - Improvements shall be a permanently fixed structure with a minimum life expectancy of five-years or more, and have an estimated cost of ~~\$1,500~~ \$5,000 or more;
- Land Acquisitions - All land acquisitions;
- Service or Supporting Facilities - Facilities and services necessary to support the maintenance of infrastructure or to provide a needed service, and having an estimated cost of ~~\$1,500~~ \$5,000 or more;
- Preparatory Services - Expenditures for professional engineering, planning, or research services that may be necessary prior to the implementation of infrastructure projects, supporting facilities and services, land acquisitions, or other services which exceed \$5,000 or more dollars; and
- Bond Issues - Any infrastructure, land acquisitions, supporting facility improvements, or services requiring financing through the issuance of a bond

POLICY 1.1.2: *Distinguishing and Classifying Capital Improvements.* The *Capital Improvements Element* and the *Five-Year Schedule of Improvements* shall distinguish and classify capital improvements according to the following three categories:

- Current Deficiencies – improvements required to eliminate a current deficiency in the provision of facilities and services;
- Replacement facilities – improvements required to replace existing facilities which are obsolete or worn-out to a degree which threatens the maintenance of an adopted level of service standard;
- New Capital Improvements – improvements necessary to provide new facilities and services to meet demands generated by anticipated growth and development identified within the *Future Land Use Element*.

Level of Service

OBJECTIVE 1.2: *Maintaining LOS standards.* Maintain adopted LOS standards, as defined in the individual *Comprehensive Plan* elements, and meet existing and future needs by coordinating land use decisions with the *Five-year Improvement Schedule of Capital Improvements* provided by the *Capital Improvements Element (CIE)*

~~**POLICY 1.2.1:** *Adequate Facility Ordinance.* The Town Council shall adopt an adequate facilities ordinance to ensure that at the time the development order is issued adequate facility capacity is available or will be available when needed to serve the development.~~

~~**POLICY 1.2.2:** *Financially Feasible CIP.* The Town of Howey in the Hills shall construct a financially feasible *Capital Improvements Plan*.~~

POLICY 1.2.3: *Adopted Level of Service Standards.* The following levels of service are hereby adopted and shall be maintained for existing or previously permitted development and for new development or redevelopment in the Town or in the Town utility service area.

Sanitary Sewer:

Dwelling Unit - 120 gallons per day, per resident

Potable Water:

Overall System Demand - 242.0 gallons per day, per resident

Residential Demand Only - 150.8 gallons per day, per resident

Solid Waste:

6 lbs. per day, per capita

Drainage:

Water Quantity	
Retention Volume	Complete retention of the post development minus the pre-development runoff occurring at established design storm stated below.
<u>Facility Type</u>	<u>Design Storm</u>
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm sewers	10 Year
Major Detention/Retention Structures	For the Probable Maximum Precipitation as required by SJRWMD(1)
Minor Detention/Retention Structures	25 Years(1)
Development occurring in the 100 Year Flood Zone must elevate the first floor 18 inches above the 100 Year Flood Elevation	
Water Quality	
<u>Facility Type</u>	<u>Pollution Abatement Treatment (2)</u>
Retention with percolation or detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

Notes: (1) Major/Minor Detention/Retention structures are based on Hazard Classification for dams and impoundments as defined by SJRWMD.

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- (2) If the site’s runoff directly discharges to Class I, Class II or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment Requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-one detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

Transportation: Level of Service

Principal Arterial “C” based on Average Annual Daily Traffic
 Minor Arterial “D” based on Average Annual Daily Traffic
 Major Collector “D” based on Average Annual Daily Traffic
 Minor Collector and Local “D” based on Peak Hour Directional

Recreation and Open Space:

6.5 acres of park space per 1,000 residents

Population Guidelines for User-Oriented Outdoor Recreation Activities

Activity	Resource* Facility	Population Served
Golf	9-hole golf course	25,000
Golf	18-hole golf course	50,000
Tennis	Tennis court	2,000
Baseball/softball	Baseball/softball field	3,000
Football/soccer	Football/soccer field	4,000
Handball/racquetball	Handball/racquetball court	10,000
Basketball	Basketball court	5,000
Swimming (Pool)	Swimming (Pool)*	8,700
Shuffleboard	Shuffleboard court	1,000
Freshwater fishing non-boat	800 feet of Fishing pier	5,000
Freshwater fishing power boating, water skiing, and sailing	Boat ramp lane	1,500

* Based on a standard community swimming pool measuring 81 ft x 60 ft (4,860 ft).

Size and Population Guidelines for User Oriented Park Sites:

District Park:	5 acres per 1,000 population and a minimum park size of 5 acres
Vest Pocket /Tot Lot Park	0.5 acres per 1,000 population and a minimum park size of 1 acre or 0.25 acres for parks adjoining schools
Community Park	2 acres per 1,000 population and a minimum park size of 20 acres or 5 acres for parks adjoining schools
Neighborhood Park	2 acres per 1,000 population and a minimum park size of 5 acres or 2 acres for parks adjoining schools

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Source: Florida Department of Environmental Protection – Division of Parks and Recreation, Outdoor Recreation in Florida – 2000: Florida’s Statewide Comprehensive Outdoor Recreation Plan, Tables 4.3, 4.4 and 4.5.

- POLICY 1.2.4:** *Monitoring and Tracking De Minimis Impacts.* The Town shall implement a methodology to monitor and track approved de minimis impacts on the roadway network within its jurisdiction. All de minimis impacts (an impact that would not affect more than one percent of the maximum volume at the adopted Level of Service of the affected transportation facility) shall be compiled into an annual report and submitted to the state land planning agency with the annual *Capital Improvements Element* update.
- POLICY 1.2.5:** *Public School Deficiencies and Future Needs.* The Town shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for public schools.
- POLICY 1.2.6:** *Issuance of Development Order.* The Town shall issue no development order for new development which results in an increase in demand on deficient facilities prior to the completion of improvements required to upgrade the respective facility to adopted standards.
- POLICY 1.2.7:** *Level of Service for Public Schools.* The level of service for all schools shall be set at 100% of FISH (Florida Inventory of School Houses) permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity. Coordination with the Lake County School Board’s *Five Year District Facilities Work Plan*, the plans of other local governments, and as necessary, updates to the *Concurrency Service Area Map* is required to ensure that the adopted Level of Service Standards for Concurrency Service Areas will be achieved and maintained.

On or before September 15th of each year and after consideration of the written comments of the County and the Cities, the Lake County School Board will adopt a financially-feasible Work Program that includes school capacity sufficient to meet anticipated student demand within the County, based on the LOS

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standards set forth in the Interlocal Agreement. The School Board will construct and/or renovate school facilities sufficient to maintain the LOS standards set forth in the Interlocal Agreement, consistent with the adopted *5-Year Facilities Work Program*. Nothing in this agreement shall be construed to abrogate the School Board's constitutional authority in determining delivery of student services, including but not limited to school scheduling or to require the School Board to redistrict any school more than once in any three consecutive year period. The Town of Howey-in-the-Hills shall adopt the Schools Board's adopted work program into their CIE updates each December.

OBJECTIVE 1.3: *Local Government and External Agency Plans.* The Town hereby adopts all applicable outside local government and external agency plans necessary to maintain and provide for level of service.

POLICY 1.3.1: *Adoption of School District's Work Plan.* The Town hereby adopts by reference the Lake County School District's current 5-Year Work Program, to meet anticipated school capacity and student demands projected by the County and municipalities based on the adopted Level of Service standards for public schools.

POLICY 1.3.2: *Adoption of FDOT's Work Plan.* The Town hereby adopts by reference the Florida Department of Transportation's current 5-Year Work Program, to meet anticipated demand through improvement of state transportation facilities within the jurisdiction.

POLICY 1.3.3: *Adoption of SJRWMD's Work Plan.* The Town hereby adopts by reference the St. Johns River Water Management District's (SJRWMD) *Water Supply Plan 2005*, to meet anticipated water supply and demand needs within the jurisdiction.

Capital Improvements Prioritization

OBJECTIVE 1.4: *Capital Improvements Priority.* Prioritization of capital improvement projects in a manner that achieves and maintains adopted LOS standards while protecting the Town's investment in existing public facilities.

POLICY 1.4.1: *Town Clerk and Council Authority and Responsibility.* The Town ~~Clerk~~ Manager shall have the authority and responsibility to evaluate and recommend a ranked order of priority for capital improvements which are proposed for inclusion in the *Five-year Schedule of Capital Improvements*. The Town Council shall

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

review and retain its authority to adopt the recommendations of the Town ~~Clerk~~ **Manager** with or without modifications in the proposed *Five-year Schedule of Improvements*.

POLICY 1.4.2: *Evaluation and Ranking of Capital Improvements.* Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines:

- whether the project is needed to protect the public health and safety, to fulfill the Town's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities;
- whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes in-fill development; and,
- whether the project represents a logical extension of facilities and services from the Town to the urban fringe or is compatible with the plans of the state agencies, or the St. Johns River Water Management District.

POLICY 1.4.3: *Ranking 5-year Schedule.* In addition to standards established in Policy 1.4.2, the Town shall rank capital improvement types (defined in Policy 1.1.2) within the *Five-Year Schedule of Capital Improvements* according to the following order of priority:

- a. Current capital improvement deficiencies;
- b. Replacement of worn-out or obsolete facilities;
- c. New capital improvements required to meet demands generated by anticipated future growth and development (as identified within this *Comprehensive Plan*).
- d. Capital improvements financed by grant funds earmarked for a specific use or financed by restricted revenues that can not be applied to an improvement identified as a higher priority may be scheduled before other higher priority projects in the *Five-Year Schedule of Improvements* on the basis that these funds may be forfeited if not used for that specific purpose or within a certain timeframe.

POLICY 1.4.4: *Support of Comprehensive Plan.* Proposed capital improvement projects shall support the Goals, Objectives and Policies of this *Comprehensive Plan*.

OBJECTIVE 1.5: *Coordination of Land Uses and Fiscal Resources.* The Town shall coordinate its land use decisions and available or projected fiscal resources with a schedule of capital improvements in order to maintain adopted levels of service which meet the existing and future facility standards.

POLICY 1.5.1: *Elimination of Public Hazards.* The Town shall eliminate public hazards in its implementation of capital improvements.

POLICY 1.5.2: *Capacity Deficits and Local Budget Impact.* The Town shall work to avoid and eliminate capacity deficits and minimize local budget impact when implementing capital improvements.

POLICY 1.5.3: *Anticipating and Projecting Growth Patterns.* The Town shall anticipate and project growth patterns in its implementation and accommodation of new development and the redevelopment of facility and capital improvements.

POLICY 1.5.4: *Capital Improvements Financial Feasibility.* All capital improvements shall be made in a financially feasible manner and take into account the plans of state agencies, local governments and water management districts that provide facilities within the Town of Howey-in-the-Hills.

POLICY 1.5.5: *Concurrency of Public Facilities and Services.* The Town shall make public facilities and services available concurrent with the impacts of development subsequent to the writing of this *Comprehensive Plan*. The Town shall deem which public facilities and services are necessary in cases of phased development but shall require that this provision is made available concurrent to the impact of development.

POLICY 1.5.6: *Public Facilities and Environmentally Sensitive Lands.* The Town shall not invest public funds in public facilities located on designated environmentally sensitive lands, as defined in the *Conservation Element*, within its jurisdiction unless the facility is necessary to:

- a. Preserve environmentally sensitive land;
- b. Provide access to designated passive recreation sites or to connect developable areas; and
- c. Promote the health and safety of citizens.

OBJECTIVE 1.6: *Proportionate Cost of Future Development.* The Town shall ensure future development bears its proportionate cost of facility improvements necessitated by the development in order to adequately maintain adopted levels of service.

POLICY 1.6.1: *Use of Revenue Bonds.* The limitation on the use of revenue bonds as a percent of total debt shall follow applicable Florida statutes and acceptable financial practices.

POLICY 1.6.2: *Total Dept Service.* The maximum ratio of total debt service to total revenue shall follow applicable Florida statutes and acceptable financial practices.

POLICY 1.6.3: *Property Tax Base Indebtedness.* The maximum ratio of outstanding capital indebtedness to property tax base shall follow applicable Florida statutes and acceptable financial practices.

OBJECTIVE 1.7: *Public Facility Needs.* The Town shall demonstrate its ability to require provisions for needed improvements identified in local jurisdictions comprehensive plan elements in order to manage the land development process so that public facility needs created by previously issued development orders or future development do not exceed the ability of local government to fund and provide provisions of future needed capital improvements.

POLICY 1.7.1: *Construction and Replacement Schedule.* The Town shall identify needs and establish construction and replacement schedules within the *Capital Facilities Element*.

POLICY 1.7.2: *Establishing LOS Standards.* The Town shall establish level of service standards for public facilities.

POLICY 1.7.3: *Prior Issued Development Orders.* The Town shall account for needed facilities of prior issued development orders in the assessment of public facility needs for those development orders issued prior to the *Comprehensive Plan*.

Budgetary Procedure

OBJECTIVE 1.8: *Annual Update of Capital Improvements Element.* The *Capital Improvement Element* shall be updated annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures.

POLICY 1.8.1: *Resources for Enterprise Funds.* Available resources for enterprise funds are to be calculated as net income less existing

debt service principal payments plus any new service or special assessment revenue to be generated by the project financed through the anticipated debt proceeds.

- POLICY 1.8.2:** *Resources for General and Specific Revenue Funds.* Available resources for the general and special revenue funds would be calculated as the excess of revenue over expenditures and other uses plus any new revenue or special assessment collections generated by the project financed through the anticipated debt proceeds.
- POLICY 1.8.3:** *Reservation of Enterprise Funds.* The Town shall reserve Enterprise Fund surpluses for planned capital expenditures.
- POLICY 1.8.4:** *Securing Grants or Private Funds.* Efforts shall be made to secure grants or private funds whenever available to finance the provisions of capital improvements.
- POLICY 1.8.5:** *Collection of Impact Fees.* All new development, which has a direct or indirect impact on roads, schools, parks, potable water, or sewer, shall continue to be subject to impact fees collected and/or administered by the Town. Monies collected as impact fees shall be spent to benefit the Town's infrastructure ~~{9J-5.016(3)(b)(4), F.A.C.}~~.
- POLICY 1.8.6:** *Impact Fee Ordinance.* The Town shall assess its impact fee ordinances to assure that new development pays its pro rata share of the costs required to finance capital improvements necessitated by such development.
- POLICY 1.8.7:** *Reviewing All sources of Revenue.* Before the annual budget process is initiated, the Town shall review all sources of revenue not previously utilized as revenue and shall act to obtain and receive revenue from these potential sources where a benefit to the Town can be predicted.
- POLICY 1.8.8:** *Private Contributions.* The Town shall rely upon private contributions as a funding source within the *Five-year Schedule of Capital Improvements* only when the obligation to fund a specific capital improvement is addressed in an enforceable development agreement or development order. The Town shall not be responsible for funding capital improvements that are the obligation of the developer. If the developer fails to meet any capital improvement commitment that is programmed in the *Five-*

year Schedule of Capital Improvements, a plan amendment to delete the capital improvement from the *Schedule* shall be required.

POLICY 1.8.9: *Assessed Property Tax Base.* The assessed property tax base shall be determined by the Lake County Property Appraiser's Office.

POLICY 1.8.10: *Bond or Loan Maturity Date.* The maturity date for any bond or loan shall not exceed the reasonable expected useful life of a financed project.

Capital Improvements Planning

OBJECTIVE 1.9: *Annual Incorporation of 5-year CIP.* Incorporate a *Five-year Capital Improvements Plan* into the annual budget in order to reserve funds for the needed future capital facilities.

POLICY 1.9.2: *Adoption of Annual Capital Improvement Budget.* The Town will, as part of its annual budgeting process, adopt a Capital Improvement budget.

POLICY 1.9.3: *Correcting Deficiencies and Replacing Facilities.* The Town shall provide for necessary capital improvements to correct existing deficiencies, accommodate desired future growth, and replace worn-out or obsolete facilities, as indicated in the *Five-year LOS-Related Schedule of Capital Projects*.

POLICY 1.9.4: *Coordination with Comprehensive Plan.* Review and update the *Capital Improvement Element* annually to ensure close coordination between the *Capital Improvement Plan* process and the annual budgeting process. This coordination shall address development timing, financial feasibility, and the Goals, Objectives, and Policies of the *Comprehensive Plan*.

POLICY 1.9.5: *Projects within the 5-year Schedule.* The *Five-year Schedule of Capital Improvements Plan* projects shall reflect the results of the local infrastructure studies in the annual update of the *Five-year Schedule of Capital Improvements* following completion of each study.

POLICY 1.9.6: *Compliance with State of Florida Law.* The Town of Howey-in-the-Hills shall comply with all State of Florida law regarding the management of debt.

OBJECTIVE 1.10: *Concurrency Management System.* Insurance of development orders and permits by the Town shall be controlled by the Town's Concurrency Management System, which requires that facilities and services which do not reduce the adopted level of service standards are in place, shall be in place or are guaranteed by a binding contract or agreement to be provided prior to the impact of the development.

POLICY 1.10.1: *Concurrency Provisions.* The Town's Concurrency Management System shall provide the following:

- a. the capital improvements budget and a five-year schedule of capital improvements which, in addition to meeting all the other statutory and rule requirements, ~~must be financially feasible~~ and are adopted annually in the budget process;
- b. the *Five-year Schedule of Improvements* which includes both necessary facilities to maintain the established level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the five-year period under the Town's *Schedule of Capital Improvements*;
- c. a realistic, ~~financially feasible~~ funding system based on currently available revenue sources which is 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*;
- d. the *Five-year Schedule of Capital Improvements* must include the estimated date of commencement of actual construction and the estimated project completion date and which areas will be provided with public funds in accordance with the *5-year Capital Improvement Schedule*;
- e. a provision that a plan amendment shall be required to eliminate, defer or delay construction of any facility or service which is needed to maintain the adopted level of service standard and which is listed in the *5-year Schedule of Improvements*;
- f. a requirement that development orders and permits are issued in a manner that will guarantee that the necessary

public facilities and services will be available to accommodate the impact of that development;

- g. a provision that the Town, on an annual basis, shall determine whether it is adhering to the adopted level of service standards and its *5-year Schedule of Capital Improvements* and that the Town has a demonstrated capability of monitoring the availability of public facilities and services;
- h. development 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. At a minimum, the latest point in the application process for the determination of concurrency is prior to the approval of a development order or permit which contains a specific plan for development and which would authorize the commencement of construction of physical activity on the land. Development orders and permits approved prior to the actual authorization for the commencement of construction or physical activity will be contingent upon the availability of public facilities and services necessary to serve the proposed development; and

POLICY 1.10.2: *Requirement for Public Facilities and Services.* The Town's *Concurrency Management System* shall provide that public facilities and services needed to support development are available concurrent with the impacts of such development by meeting the following standards prior to issuance to permit.

- a. For potable water, sewer, solid waste, and drainage, at a minimum, 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 the place when the impacts of the development occur; or
 - (3) the necessary facilities are under construction at the time a development permit is issued; or

- (4) the necessary facilities and services are guaranteed in an enforceable development agreement. The agreement must guarantee that the necessary facilities and services will be in place when the impact of development occur; or
 - (5) the necessary facilities and services are in place no later than the issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- b. For parks and recreation, at a minimum, the following standards will satisfy the concurrency requirement:
- (1) at the time the 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 requires 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.; or
 - (3) the necessary facilities and services are in place no later than 1 year after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- c. For roads, at a minimum, 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
 - (3) the necessary facilities are under construction at the time a permit is issued; or
 - (4) at the time the development permit 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 three years of the approval of the development permit as required by Chapter 163.3180, F.S.; fair share contribution equal to the development's impact on transportation facilities.~~

- ~~(5) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within three years of the approval of the applicable development permit as required in Chapter 163.3180, F.S.; or~~
- ~~(6) the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs 1-3 above. An enforceable development agreement may include, but is not limited to, 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; or~~
- ~~(7) the necessary facilities and services are in place or under actual construction no later than 3 years after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.~~

- d. In determining the availability of services or facilities, a developer may propose and the Town Council by a majority of the votes of its total membership may approve developments in stages or phases so that facilities and services needed for each phase shall be available at the time the impacts for that phase occur.
- e. 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 development.

POLICY 1.10.3: *Exemptions from Transportation Concurrency.* The Town shall allow exemptions from transportation concurrency for infill development, redevelopment projects, and downtown revitalization

Adopted on October 11, 2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

as required by Chapter 163.3180 F.S. Such exemptions are contingent upon if the proposed development is otherwise consistent with the Town's adopted *Comprehensive Plan* and is a project that promotes public transportation or is located within an area designated in the *Comprehensive Plan* for:

- a. Urban infill development;
- b. Urban redevelopment;
- c. Downtown revitalization;
- d. Urban infill and redevelopment under s. 163.2517; or
- e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted *Comprehensive Plan* within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the *Capital Improvements Element*.

POLICY 1.10.4: *Exemptions from Transportation Concurrency and Special Part-time Demands.* The Town shall allow exemptions from the concurrency requirement for transportation facilities for developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas established under Chapter 163.2517, which pose only special part-time demands on the transportation system. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

POLICY 1.10.5: *De Minimis Transportation Impact.* The Town shall allow a de minimis transportation impact of not more than 0.1% of the maximum volume of the adopted level of service as an exemption from concurrency as required by Chapter 163.3180 F.S.

POLICY 1.10.6: *Transportation Impact of Redevelopment Projects.* In the event of redevelopment projects, the Town shall allow the redevelopment project to create 110% of the actual transportation impact caused by existing development before complying with concurrency as required by Chapter 163.3180 F.S.

POLICY 1.10.7: *Approved Development and Proportionate Fair Share.* The Town shall allow approved development that does not meet concurrency

to occur if the Town has failed to implement the requirements of this *CIE* and the developer makes a binding commitment to pay the proportionate fair share of the cost for facilities and services associated with the development.

Capital Improvements Implementation

The Town **Clerk Manager** shall have the responsibility for implementing the *Goals, Objectives and Policies* within this *Element*. Specific responsibilities include:

1. During the month of May of each year, request capital budget and public improvements updates from each municipal department head.
2. Request recommendations from each elected official and the Planning Agency.
3. During **July December** of each year, present an updated Table 20 to the Board, with explanations for each addition, deletion or revision.
4. Develop administrative procedures to implement the capital improvement policies. The Town **Planner Manager** shall provide checklists, directions, time frames and such other review criteria as shall be necessary to assure that facilities and services meet the standards adopted as a part of this plan and are available concurrent with the impacts of development.

Table 20 *Five-year Schedule of Capital Improvements* (see next page).

TABLE 20							
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA							
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS							
Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	Total
Public Services							
N. Water Treatment Plant Replacement	Various	\$ 500,000	\$ 2,000,000	\$ 1,500,000	\$ 500,000	\$ 500,000	\$ 5,000,000
Drilling for Well #5 & #6	Various	\$ 1,500,000					\$ 1,500,000
Land Acquisition for WTP #3	Impact Fees (Water)	\$ 100,000					\$ 100,000
Water Mains - North	General Fund	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
Water Mains - South	General Fund				\$ 100,000	\$ 100,000	\$ 200,000
Water Master Plan	General Fund					\$ 80,000	\$ 80,000
Emergency Lift Station Generators	Grant (FDEM)		\$ 200,000				\$ 200,000
Central Avenue Streetscape	General Fund				\$ 30,000	\$ 500,000	\$ 530,000
Venezia South Second Access	General Fund				\$ 34,000		\$ 34,000
Sidewalk Improvements	General Fund	\$ 5,000	\$ 10,000	\$ 30,000	\$ 10,000	\$ 10,000	\$ 65,000
Annual stormwater improvements	Various	\$ 10,000	\$ 130,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 230,000
<i>Road Reconstruction</i>	Various	\$ 215,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,415,000
Citrus and Camellia Intersection	General Fund		\$ 10,000	\$ 50,000			\$ 60,000
Install Sanitary Sewer to South	Various		\$ 510,000				\$ 510,000
Acquire Central Lake CDD	Bond Issue		\$ 500,000				\$ 500,000
Acquire Drake Pointe Water-WW	Bond Issue		\$ 5,000,000				\$ 5,000,000
<i>North Wastewater Treatment Plant</i>	Impact Fees (WW)		\$ 2,500,000				\$ 2,500,000
West Wastewater Treatment Plant (Ced)	Impact Fees (WW)		\$ 2,500,000				\$ 2,500,000
							\$ 20,924,000
Library							
Library Expansion	Impact Fees (Library)	\$ 100,000	\$ 800,000	\$ 100,000			\$ 1,000,000
Digitization Station	Impact Fees (Library)	\$ 5,000					\$ 5,000
Virtual Reality Station	Impact Fees (Library)	\$ 7,500					\$ 7,500
Special Collection: World Literature	Impact Fees (Library)	\$ 15,000					\$ 15,000
LEGO Wall	Impact Fees (Library)	\$ 5,000					\$ 5,000
Toy Lending Program	Impact Fees (Library)	\$ 5,000					\$ 5,000
Outdoor After-Hours Book Locker	Impact Fees (Library)	\$ 20,000					\$ 20,000
Makerspace	Impact Fees (Library)	\$ 10,500					\$ 10,500
							\$ 1,068,000
Police Department							
New police station	Grant (Unspecified)		\$ 2,000,000	\$ 3,000,000	\$ 1,500,000	\$ 500,000	\$ 7,000,000
							\$ 7,000,000
Community Facilities							
Design for New Town Hall	General Fund		\$ 50,000				\$ 50,000
							\$ 50,000
Parks and Recreation							
Convert landfill to park	Impact Fees (Parks)		\$75,000	\$ 200,000	\$ 725,000		\$ 1,000,000
Repair/replace finger piers	Various	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Main Pier Improvements	Various		\$ 100,000				\$ 100,000
<i>Repair/renovate Sara Maude Park</i>	Impact Fees (Parks)	\$ 100,000	\$ 100,000		\$ 100,000		\$ 300,000

Improvements to Griffin Park	Various		\$ 10,000		\$ 90,000		\$ 100,000
Central Park Courts and Upgrades	Impact Fees (Parks)	\$ 48,500		\$ 150,000			\$ 198,500
Neighborhood Park South End (Pine Park)	Impact Fees (Parks)	\$ 35,000	\$42,000	\$ 38,000			\$ 115,000
Grove Square Park	Impact Fees (Parks)	\$ 10,000					\$ 10,000
Community Campus near Public Safety Mausoleum	Impact Fees (Parks)	\$ 10,000					\$ 10,000
Cemetery Sidewalk and Fencing	General Fund	\$ 15,000					\$ 15,000
Lakeshore Shoreline Improvements	Grant (Unspecified)			100,000			\$ 100,000
Central Lake Bike Trail and Town Trails	Various		\$ 620,000	\$ 620,000	\$ 620,000	\$ 620,000	\$ 2,480,000
							\$ 5,328,500
Per Year Program Total		\$ 2,643,500	\$ 16,447,000	\$ 5,708,000	\$ 3,779,000	\$ 2,130,000	\$ 34,370,500

**TABLE 20 A
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS**

Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	CIP Total
Transportation Mitigation Projects							
SR 19 @ CR 48 Intersection	Fair Share		\$ 742,500				\$ 742,500
SR 19 @ Central Ave Intersection	Fair Share		\$ 742,500				\$ 742,500
Revels Rd @ SR 19 Intersection	Fair Share					\$ 742,500	\$ 742,500
Florida Ave @ SR 19 Intersection	Fair Share			\$ 148,500			\$ 148,500
Florida Ave @ Number 2 Rd. Intersection	Fair Share				\$ 148,500		\$ 148,500
Pedestrian Improvements	Various		\$ 20,000	\$ 20,000	\$ 20,000	\$ 40,000	\$ 100,000
Bicycle Improvements	Various			\$ 20,000	\$ 30,000	\$ 50,000	\$ 100,000
Streetscape	Various					\$ 250,000	\$ 250,000
Total		\$ -	\$ 1,505,000	\$ 188,500	\$ 198,500	\$ 1,082,500	\$ 2,974,500