



MARION COUNTY GROWTH SERVICES

Date: 4/30/2021

P&Z: 1/25/2021 BCC Transmittal: 2/16/2021
BCC Adoption: 5/18/2021

Amendment No: 20-L10

Type of Application
Comp Plan Amendment -
text

Request:
**Update the Capital
Improvement Element
(CIE) for compliance with
Florida Statutes**

Staff Recommendation:
Approval

P&Z Recommendation:
Approval (on consent)

Project Planner:
Joanna L. Coutu, AICP,
Deputy Director

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

RECOMMENDATIONS & HEARINGS HELD FOR THIS AMENDMENT

| Action | Result |
|----------------------|----------|
| Staff Recommendation | APPROVAL |
| P&Z Recommendation | APPROVAL |
| BCC Transmittal | TRANSMIT |
| BCC Adoption | PEND |

Marion County Comprehensive Plan –
Future Land Use Element

Policy 1.2.3 - The CIE Schedule shall be updated annually to remove completed projects and add new projects. Projects may also be reprioritized to reflect changed conditions. The CIE Schedule may be amended two times during any calendar year, and as allowed for emergencies, developments of regional impact and certain small scale development activities.

Policy 1.2.4: A Comprehensive Plan amendment is required to add a new project to the CIE Schedule, to delete an existing project, or to defer or delay construction of a project already included in the Schedule. Corrections, updates and modifications concerning costs, revenue sources, facility dedications and construction dates may be made by ordinance and are not deemed to be an amendment to the Comprehensive Plan.

Background/Analysis:

Florida Statute 163.3177(3) requires that the Marion County Comprehensive Plan contains a Capital Improvements Element (CIE) “...*designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities...*”. The statute further describes the schedule of capital improvements that should be included in this element, and mandates an annual update in F.S. 163.3177(3)(b).

The statutory requirements in the County’s Comprehensive Plan have changed significantly over the past few years, and now allow this annual amendment to be adopted via ordinance rather than proceeding through the comprehensive plan amendment process. In addition, other items such as the requirement for financial feasibility for projects, as well as some of the more detailed standards for inclusion in the CIE, have also been removed.

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| | <p>While no longer mandated to be processed as an amendment per statute, the Comprehensive Plan contains Policies 1.2.3 and 1.2.4 which require this additional review process. As such, these policies, as well as other outdated text language such as requiring financial feasibility, committed revenue, and specific debt financing for all projects, are proposed for removal. The CIE was last updated in 2018, and the statutory ordinance review process appears to have been utilized despite the Comprehensive Plan policies requiring the longer comprehensive plan amendment process. This application, if adopted, would permit future annual updates to utilize this shortened review process via ordinance as allowable per Florida Statutes.</p> <p>Finally, the CIE schedule has been updated to reflect the figures from the most recently adopted Capital Improvements Program (CIP) by the BOCC, as well as those of the most recently adopted School District Budget.</p> <p>The Department of Economic Opportunity (DEO) recommended that Policy 1.2.3 be retained and mirror statutory language rather than be removed. Staff does not agree, as the many policies proposed for removal at this time are due to the policies mirroring former statutory language (which have since been amended). If there is a desire for this policy to remain, staff would recommend that it simply note that this element will comply with Florida Statutes (rather than copying specific language that is likely to change over time).</p> |
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