

ORDINANCE NO. 2008 - 08

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING AMENDMENTS TO THE TEXT OF THE CAPITAL IMPROVEMENT AND INTERGOVERNMENTAL COORDINATION ELEMENTS OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN AND THE ADDITION OF THE PUBLIC SCHOOL FACILITIES ELEMENT TO THE COMPREHENSIVE PLAN, ALL PERTAINING TO PUBLIC SCHOOL FACILITY PLANNING AND THE IMPLEMENTATION OF SCHOOL FACILITIES CONCURRENCY THROUGH THE ESTABLISHMENT OF A FINANCIALLY FEASIBLE PUBLIC SCHOOL CAPITAL FACILITIES PROGRAM; ESTABLISHING LEVEL-OF-SERVICE STANDARDS FOR MAXIMUM PERMISSIBLE SCHOOL UTILIZATION RATES RELATIVE TO CAPACITY; COORDINATING PROCEDURES FOR IMPLEMENTING SCHOOL CONCURRENCY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and

WHEREAS, the Town of Southwest Ranches, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, has prepared and adopted a comprehensive plan which has been found in compliance by the Florida Department of Community Affairs (DCA); and

WHEREAS, Chapter 163, Part II, F.S. was recently amended to require adoption of a Public School Facilities Element and implementation of school concurrency; and

WHEREAS, the implementation of public school facility planning and concurrency requires a text amendment to the Capital Improvements and Intergovernmental Coordination elements and the addition of a Public School Facilities Element to the Town's adopted Comprehensive Plan; and

WHEREAS, the Town has prepared a text amendment to the objectives and policies of the Capital Improvements and Intergovernmental Coordination elements and the addition of the Public School Facilities Element to the Town's adopted Comprehensive Plan, to address the implementation of public school facility planning and concurrency, as described in Exhibit "A", attached hereto, and specifically made a part of this Ordinance; and

WHEREAS, the Local Planning Agency of the Town of Southwest Ranches reviewed the proposed text amendments on January 10, 2008; and has made a recommendation to formally transmit same to the DCA for review; and

WHEREAS, the Town Council of the Town of Southwest Ranches, after conducting a transmittal public hearing as required by law, hereby authorized the transmittal of the proposed text amendments to the DCA for compliance review, all as provided by law; and

WHEREAS, following the issuance of comments from DCA, the Town Council of the Town of Southwest Ranches conducted a public hearing to adopt the text amendments, as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1: Recitals Adopted. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof.

SECTION 2: Code Amendment. The text amendments, attached hereto and made a part of this Ordinance as shown on Exhibit "A", are hereby adopted.

SECTION 3: Inclusion. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Comprehensive Plan and the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions. The Town Administrator is further directed to make the necessary text changes to the Town's Comprehensive Plan in order to reflect the above-stated changes.

SECTION 4: Conflicts. All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 6: Effective Date. The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, Florida Statutes;


or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Section 163.3184, Florida Statutes

PASSED ON FIRST READING this 10th day of January, 2008 on a motion made by Council Member Aster Knight and seconded by Council Member Don Maines.

PASSED AND ADOPTED ON SECOND READING this 5th day of June, 2008, on a motion made by Council Member Don Maines and seconded by Council Member Aster Knight.

Fink	<u>Y</u>
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Maines	<u>Y</u>
Knight	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>




Mecca Fink, Mayor

Attest:



Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
FTL_DB: 1089356_1

PROPOSED TEXT AMENDMENTS TO THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN

Below are proposed text amendments to the Capital Improvement Element of the Town of Southwest Ranches Comprehensive Plan. The text amendments are being proposed to satisfy the statutory requirements of public school facility planning and concurrency.

Please note that ~~stricken~~ language is a deletion, and underlined language is an addition.

PART II – G

School capital facilities planning.

CAPITAL IMPROVEMENTS ELEMENT

Objective II-G2

The Town, in collaboration with the School Board, Broward County and the local governments within Broward County, shall ensure that public school facilities are available for current and future students consistent with available financial resources and the adopted level of service (LOS).

Monitoring and Evaluation:

- School enrollment projections compared to the School District's Adopted Five-Year District Educational Facilities Plan (DEFP), as adopted by reference into the Capital Improvement Element (CIE).

Policy II-G2.1

Consistent with policies and procedures within the Amended Interlocal Agreement for Public School Facility Planning (ILA), the DEFP shall contain a five-year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted LOS in all concurrency service areas (CSAs). Pursuant to the ILA, this financially feasible schedule shall be updated by the School Board on an annual basis and annually adopted into the Town's CIE.

Policy II-G2.2

The uniform, district-wide LOS shall be 110 percent of the permanent Florida Inventory of School Houses (FISH) capacity for each public elementary, middle, and high school.

Policy II-G2.3

Pursuant to the ILA, the adopted LOS shall be applied consistently by Broward County, the Town, the municipalities and the School Board, district-wide to all schools of the same type.

Policy II-G2.4

The School Board's DEFP, adopted by the School Board on August 1, 2007, is adopted by reference into the Town's CIE.

PART II – H

INTERGOVERNMENTAL COORDINATION ELEMENT

Coordinate the Town's Future Land Uses with the availability of public elementary and secondary education facilities.

Objective II-H3

~~Coordinate with Broward County School Board to ensure through the future land use planning process that public elementary and secondary education facilities will be available to meet the current and future needs of the Town's school population.~~

The Town of Southwest Ranches, in conjunction with Broward County, Broward County municipalities, and the Broward County School Board, will follow the processes and procedures established in the adopted Amended Interlocal Agreement for Public School Facility Planning (ILA) for coordination and collaborative planning and decision making of land uses, public school facilities siting, population projections, location and extension of public facilities subject to concurrency, and siting of facilities with a countywide significance.

Measurable Objective:

- Adopt standards in the Town's Land Development Code for reviewing the availability of land for public schools consistent with State and County laws.
- Attendance to pertinent municipal and county meetings to ensure implementation of school concurrency.
- Regular attendance to School Board meetings, including the Superintendent's Site Review Committee meetings, the Oversight Committee and Staff Working Group meetings to ensure compatibility with

land uses, future school sites, and implementation of school concurrency.

Policy II-H3.1

The Town shall consider the individual and cumulative impacts of the Land Use Plan amendments on existing and planned public elementary and secondary education facilities.

Policy II-H3.2

~~The Town shall coordinate with the School Board of Broward County to achieve an expedited development review procedure for public and secondary education facilities.~~

The Town shall coordinate with the School Board, Broward County and municipalities within Broward County to maintain the adopted level of service standards for public school facilities and any amendments affecting public school concurrency.

Policy II-H3.3

~~The Town shall continue to coordinate with the School Board of Broward County and enter into an interlocal agreement to establish joint processes for collaborative planning and decision making on population projections and public school siting in order to accomplish consistency and coordination between the Town's adopted Comprehensive Plan and the long range plans of the School Board.~~

The Town shall coordinate their planning and permitting processes with Broward County, Broward County municipalities, and the School Board consistent with the processes and procedures established within the ILA as follows:

1. Review and update of the annual District Educational Facilities Plan (DEFP) containing the financially feasible schedule of capital improvements for school facilities needed to achieve and maintain the adopted level of service standards in all concurrency service areas (CSAs).
2. Coordinate County and municipal land use planning and permitting processes with the School Board's site selection and planning process to ensure future school facilities are consistent and compatible with land use categories and enable a close integration of existing and planned school facilities and the surrounding land uses.
3. Coordinate the preparation of County and municipal projections for future development with the School Board's school enrollment projections to ensure consistency between the County and municipal future land use maps and the long term school planning process.
4. Coordinate with the School Board through the Staff Working Group and Oversight Committee regarding the preparation of County and municipal annual comprehensive plan updates and the School Board's annual update of the DEFP to ensure consistency between the plans.
5. Coordinate with the School Board on the planning, siting, land acquisition, permitting and development of new school facilities to ensure the

availability of public facilities, services and grounds, especially for purposes of exploring collocation opportunities.

6. Revise County and municipal land development codes and School Board policies to establish a county-wide public school concurrency system.

Policy II-H3.4

Regional Community Facilities, except for schools, shall be located adjacent to major traffic corridors and bus transit routes adequate to carry the volume of traffic generated by such facilities.

Policy II-H3.5

The joint use of Broward County school property and facilities for the Town's public recreational and civic purposes shall be encouraged and supported.

PART II – I
PUBLIC SCHOOL FACILITIES ELEMENT
GOALS, OBJECTIVES & POLICIES

PUBLIC SCHOOL CONCURRENCY

GOAL A

The Town of Southwest Ranches (Town) in collaboration with the School Board of Broward County (School Board), Broward County Board of County Commissioners (Broward County) and Broward County municipalities (municipalities) shall ensure that public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards (LOS). This will be accomplished by recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of adequate public school facilities as well as the authority of Broward County, the Town, and municipalities for development permitting and comprehensive planning.

FINANCIALLY FEASIBLE DISTRICT EDUCATIONAL FACILITIES PLAN

OBJECTIVE II – IA1

Pursuant to Chapters 163.3177 and 163.3180 F.S. and the Interlocal Agreement for Public School Facility Planning (ILA), the Town shall provide comments to the School Board during its annual preparation, update, and adoption of the Five-Year District Educational Facilities Plan (DEFP). Consistent with the provisions of the ILA the School Board shall also ensure that school facilities are planned to meet the long-term planning period of the Public School Facility Element (PSFE) of the Town of Southwest Ranches Comprehensive Plan,

Monitoring and Evaluation:

- Town review of number of residential building permits issued with annual update of DEFP.

Policy II-IA1.1

The financially feasible schedule of the DEFP shall be annually adopted into the Town of Southwest Ranches Comprehensive Plan Capital Improvements Element (CIE) by reference.

Policy II-IA1.2

Pursuant to the ILA, the School Board, through the Adopted DEFP, shall depict the capacity needed to achieve and maintain the adopted LOS for each concurrency service

area (CSA) within the five-year planning period. These projections are included in the supporting documents of the PSFE.

Policy II-IA1.3

Consistent with the provisions of the ILA, the School Board, through the DEFP, shall provide a five-year financially feasible schedule for the remodeling/renovation of existing schools to meet the identified needs of aging schools and replace worn facilities.

Policy II-IA1.4

Pursuant to the ILA, the School Board shall amend the DEFP on an annual basis to:

1. add a new fifth year;
2. reflect changes in estimated capital revenues, planned capital appropriations costs, planned capital facilities projects, CSAs and school usage; and,
3. ensure the DEFP continues to be financially feasible for the five-year planning period.

Policy II-IA1.5

Annual updates to the CIE shall be coordinated with adopted updates to the DEFP and CSA maps. The annual plan amendments shall ensure that the schedule of capital improvements within the CIE continues to be financially feasible and the LOS will be achieved and maintained.

CONCURRENCY MANAGEMENT SYSTEM

Objective II-IA2

The Town shall participate in the Broward County county-wide public school facilities concurrency management system for implementation of public school concurrency to ensure that public school facilities are available at the adopted level of service standard concurrent with the impact of proposed residential development.

Monitoring and Evaluation:

- Town review of number of residential building permits issued with annual update of the DEFP.

Policy II-IA2.1

The Town of Southwest Ranches in collaboration with the School Board and Broward County shall implement concurrency management systems consistent with the policies included in the Broward County's and the Town's Public School Facilities Element with procedures and requirements included within the Town's Land Development Code (LDC) and the ILA.

Policy II-IA2.2

The CSAs shall be the annually adopted school attendance boundaries for each elementary, middle and high school. The maps of the CSAs are maintained in the data and analysis section of this Element.

Policy II-IA2.3

The level of service standard shall be 110 percent of the permanent Florida Inventory of School Houses (FISH) capacity for each public elementary, middle and high school.

Policy II-IA2.4

If adequate capacity is not available in a CSA for a proposed residential development, but capacity exists in one or more contiguous CSAs, the development may proceed consistent with the provisions and procedures in the Town's LDC and the ILA.

Policy II-IA2.5

If adequate capacity is not currently available in a CSA or contiguous CSA, for a proposed residential development, but capacity is scheduled in the DEFP to be available within three years after the issuance of final subdivision or site plan approval, (or functional equivalent), development of the project may proceed in accordance with the provisions and procedures in the Town's LDC and the ILA.

Policy II-IA2.6

Pursuant to the ILA, the CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public schools in accordance with the level of service standards and the permanent capacity, taking into account special considerations such as core capacity, special programs, transportation costs, geographic impediments, diversity programs, and class size reduction requirements to prevent disparate enrollment levels between schools of the same type (elementary, middle, high) and provide an equitable distribution of student enrollment District-wide.

Policy II-IA2.7

The Town shall not approve a residential plat or site plan or functional equivalent until the School Board has reported that the school concurrency requirement has been satisfied consistent with the provisions and procedures in the Town's LDC and the ILA.

Policy II-IA2.8

The projected student impact of a proposed residential development shall be determined using the student generation rates approved by the School Board and adopted within the Town's LDC. The student generation rates shall be reviewed and updated at least every three years.

Policy II-IA2.9

The public school concurrency approval for residential plats shall expire if development within the plat does not commence within five years following the date of County Commission approval.

PROPORTIONATE SHARE MITIGATION

Objective II-IA3

The School Board, pursuant to Chapter 163.3180 F.S. and the ILA, shall include proportionate share mitigation alternatives that provide an option for residential developments unable to meet the public school concurrency requirement.

Monitoring and Evaluation:

- Number of residential developments that require proportionate share mitigation alternatives.

Policy II-IA3.1

A residential development's proportionate share mitigation value shall be determined by multiplying the number of additional student stations needed to mitigate the impact of the proposed development on schools within the affected CSA(s) not meeting the adopted LOS standards by the State cost per student station for each school type plus a land impact cost share, if applicable. Pursuant to Section 163.3180(13)(e)(2), F.S., the applicant's proportionate share mitigation obligation shall be credited toward any other impact or exaction fee imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

Policy II-IA3.2

Proportionate share mitigation shall enhance the capacity of the schools (or provide for the construction of new schools) serving the proposed residential development. The mitigation shall equate to at least one permanent classroom, which may be funded by one or more residential developments, or other identified funding sources. Mitigation that results in the need for school site(s) shall primarily be the dedication of land. Proportionate share mitigation shall include the following options, as further defined and subject to, procedures and requirements in the ILA:

1. Purchase or dedication of needed elementary, middle or high school sites.
2. Construction of capacity improvements identified in years four or five of the DEFP, including advancement of such improvements into the first three years of the DEFP.
3. Construction of previously unplanned schools, classroom additions, modular classrooms or similar facilities. Such facility capacity shall be included in the first three years of the DEFP through an amendment approved by the School Board.
4. Construction of the needed capacity at one or more charter schools.
5. Other mitigation options approved by the School Board on a case-by-case basis

contingent upon a School Board finding that the option mitigates the impact of the proposed development.

Policy II-IA3.3

Mitigation shall be assured by a legally binding agreement between the School Board, the applicant and the Town executed prior to the issuance of the final subdivision plat or the final site plan approval (or functional equivalent). The School Board must commit in the agreement to placing the improvement required for mitigation in the first three years of the DEFP.

COLLABORATE & COORDINATE TO MAXIMIZE QUALITY EDUCATION

GOAL B

The Town, the School, Broward County, and municipalities shall maximize collaboration and coordination to effectively plan for public elementary and secondary school facilities to meet the current and future needs of Broward County's public school population.

Monitoring and Evaluation:

- Annual review of properties owned by the School Board, Broward County, and Town.
- Annual review and comment on the School District's Tentative Five-Year DEFP.
- Regular attendance to School Board meetings, including the Superintendent's Site Review Committee meetings, the Oversight Committee and Staff Working Group meetings to ensure compatibility with land uses, future school sites, and implementation of school concurrency.

LAND USE CONSISTENCY, COMPATIBILITY & ADEQUATE INFRASTRUCTURE

Objective II-IB1

The Town shall coordinate with the School Board, Broward County, and municipalities to ensure that the locations of existing and proposed school sites are compatible with and proximate to the existing and planned land uses they serve. Such coordination shall also ensure there is adequate public infrastructure available to serve existing and planned school sites including infrastructure which provides safe access to schools.

Policy II-IB1.1

The Town will coordinate through the procedures established in the ILA and through the Broward County and Town land use planning processes to ensure that existing and proposed public school facility sites are consistent and compatible with the land use

categories, future land use maps and policies of the County and the Town comprehensive plans.

Policy II-IB1.2

The Town will coordinate with the School Board, Broward County, and municipalities to prepare projections of future development and public school enrollment growth and to ensure such projections are consistent with the Town's future land use map and the School Board's Long Range Public School Facilities Map, consistent with the procedures and requirements identified in the ILA.

Policy II-IB1.3

Consistent with Section 163.3177 (12)(g), F.S., the Town shall adopt by reference the portion of the Broward County PSFE that includes the future conditions maps showing existing and anticipated school facilities for the short-term (5 year) and long-term (10 year) planning time frames. Maps I.1 through I.12 of this Element depict the short and long term existing and anticipated public school facilities and ancillary plants.

Policy II-IB1.4

Consistent with provisions and procedures in the ILA, the School Board will advise the Town of inconsistencies in the Town's Comprehensive Plan and Comprehensive Plan Amendments with the DEFP and Long-Range School Facilities Plan.

Policy II-IB1.5

Consistent with the provisions of the ILA, the School Board shall monitor and participate in the Town's plat review and site plan review processes, the Development of Regional Impact (DRI) process, the land use plan amendment process and other development order/permit processes.

Policy II-IB1.6

The Town shall utilize the procedures identified within the ILA, including the Staff Working Group and Oversight Committee established by the ILA, to coordinate the annual review of school enrollment projections in addition to the preparation and annual reviews of public school facilities elements and ensure that the elements are consistent with each other.

Policy II-IB1.7

The Town shall annually amend its CIE after the School Board annually updates and adopts the DEFP and transmit it to the Town consistent with the provisions and procedures of the ILA, including any supplemental amendments.

Policy II-IB1.8

The Town shall share and coordinate information with the School Board and Broward County through the municipal platting, site plan and school siting processes and procedures identified in the ILA to ensure the location, phasing, and development of

public school facilities, including additions to existing facilities, is coordinated with the provision of necessary public infrastructure and facilities.

Policy II-IB1.9

The Town shall coordinate with the School Board, Broward County, and the municipalities through the school siting process identified in the ILA and Broward County and municipal platting and site plan approval processes to implement strategies, consistent with Florida's Safe Ways to School Program, which reduce hazardous conditions and provide direct, unobstructed and safe access for pedestrian travel (including sidewalks, bicycle paths, signage and signalization) to existing and new school facilities.

SCHOOL FACILITY SITING, COLLOCATION & DESIGN

Objective II-IB2

The Town pursuant to the ILA, shall coordinate the location of public school facilities, with the School Board and Broward County relative to the location of other public facilities such as parks, libraries and community centers and promote schools to be focal points within the community.

Policy II-IB2.1

Consistent with the provisions of the ILA, in the planning, siting, land acquisition, permitting and development of a new school facility or significant renovation or expansion, the School Board shall coordinate with the Town on the availability of public facilities, services and grounds (especially for the purposes of collocating parks, libraries, ball fields, community centers, public safety facilities, parking facilities, drainage facilities and other appropriate facilities).

Policy II-IB2.2

The Town shall pursue shared-use and collocation of school sites with the School Board and County facilities having similar facility needs, such as libraries, parks, ball fields, and other recreation facilities.

Policy II-IB2.3

Through the design of school facilities, establishment of school siting standards and pursuit of collocation opportunities, the School Board is encouraged to promote school facilities to serve as community focal points.

Policy II-IB2.4

The Town will coordinate with the School Board and Broward County on efforts to build new school facilities, which are designed to serve as emergency shelters as required by Section 1013.372, F.S.

LIST OF ADOPTED MAPS

Short-Range Maps: (2007– 2012)

Map I.1: Future Conditions - Elementary Schools – Five Year Plan

Map I.2: Future Conditions - Middle Schools – Five Year Plan

Map I.3: Future Conditions - High Schools – Five Year Plan

Map I.4: Future Conditions - Charter Schools – Five Year Plan

Map I.5: Future Conditions - Special Schools – Five Year Plan

Map I.6: Future Conditions - Ancillary Plant Locations – Five Year Plan

Long-Range Maps: (2007 – 2017)

Map I.7: Future Conditions - Elementary Schools – Ten Year Plan

Map I.8: Future Conditions - Middle Schools – Ten Year Plan

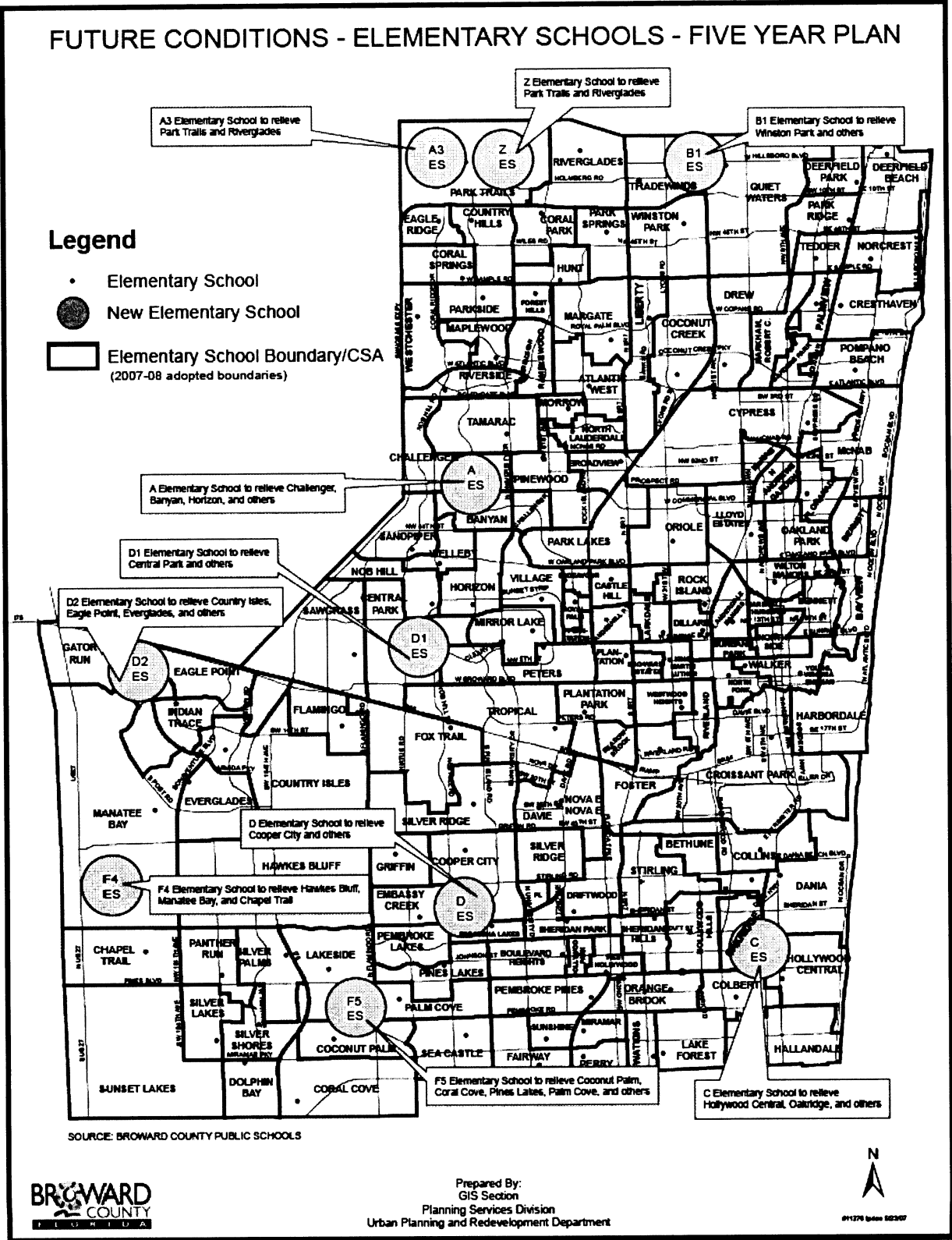
Map I.9: Future Conditions - High Schools – Ten Year Plan

Map I.10: Future Conditions - Charter Schools – Ten Year Plan

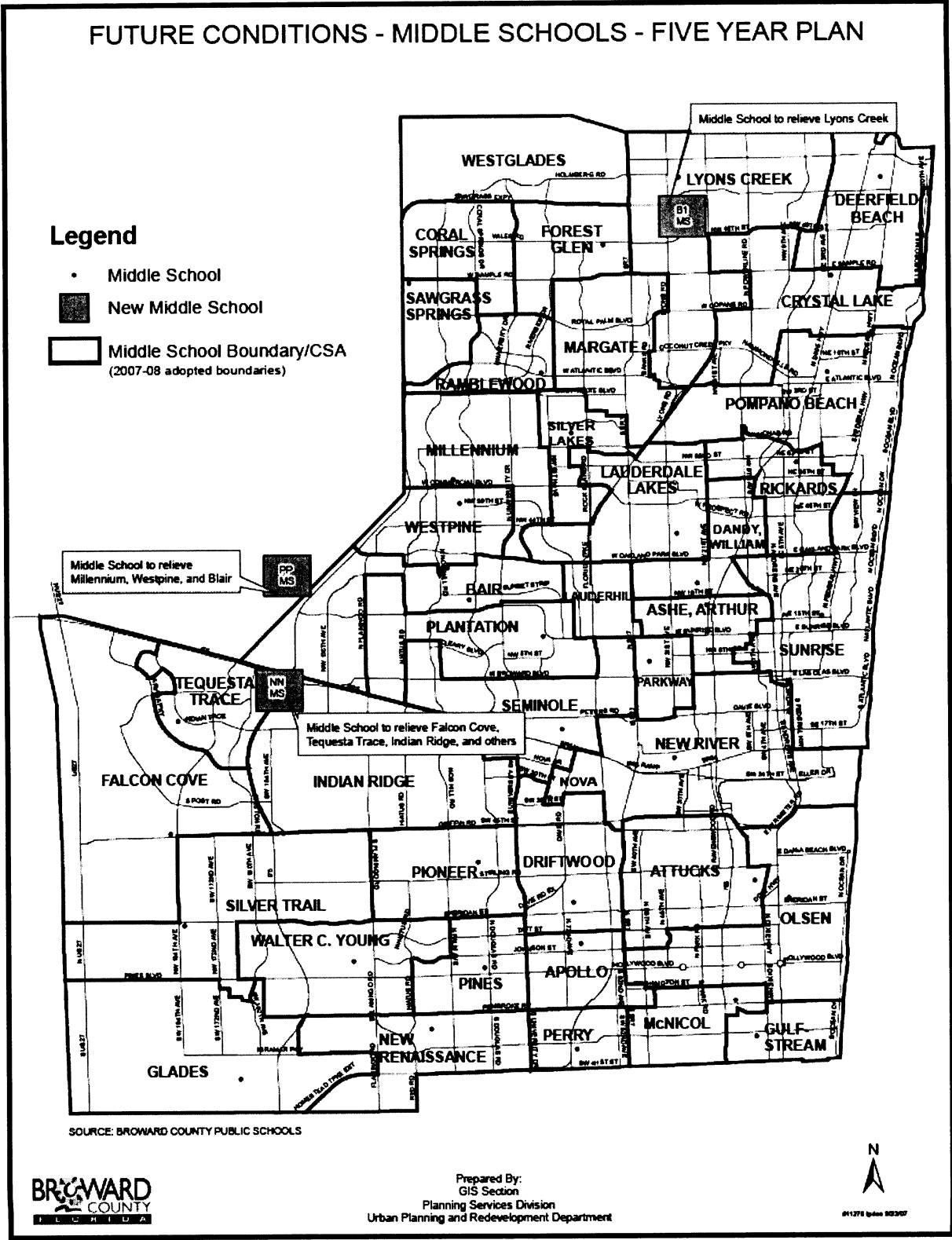
Map I.11: Future Conditions - Special Schools – Ten Year Plan

Map I.12: Future Conditions - Ancillary Plant Locations – Ten Year Plan

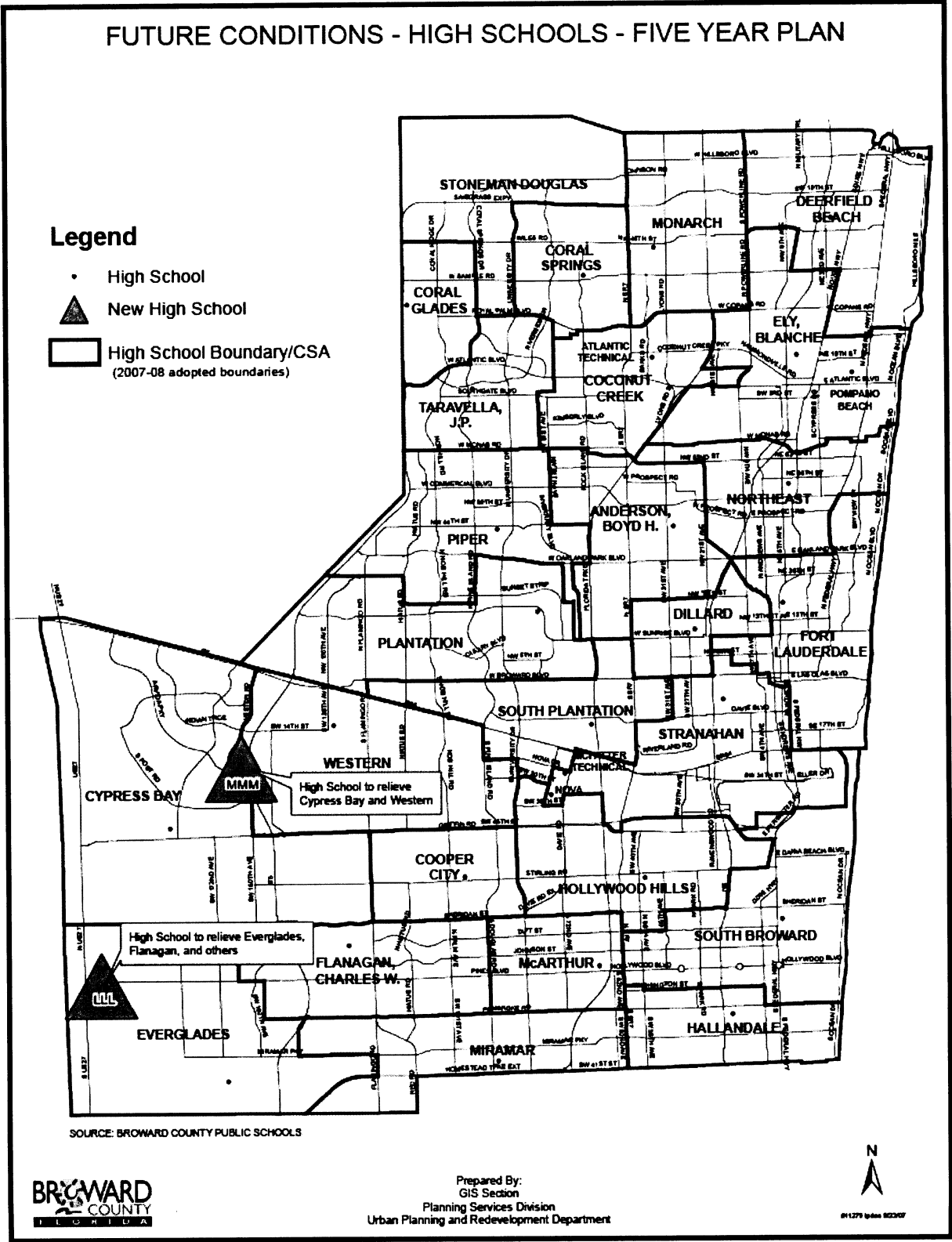
MAP I.1: Future Conditions – Elementary Schools – Five Year Plan



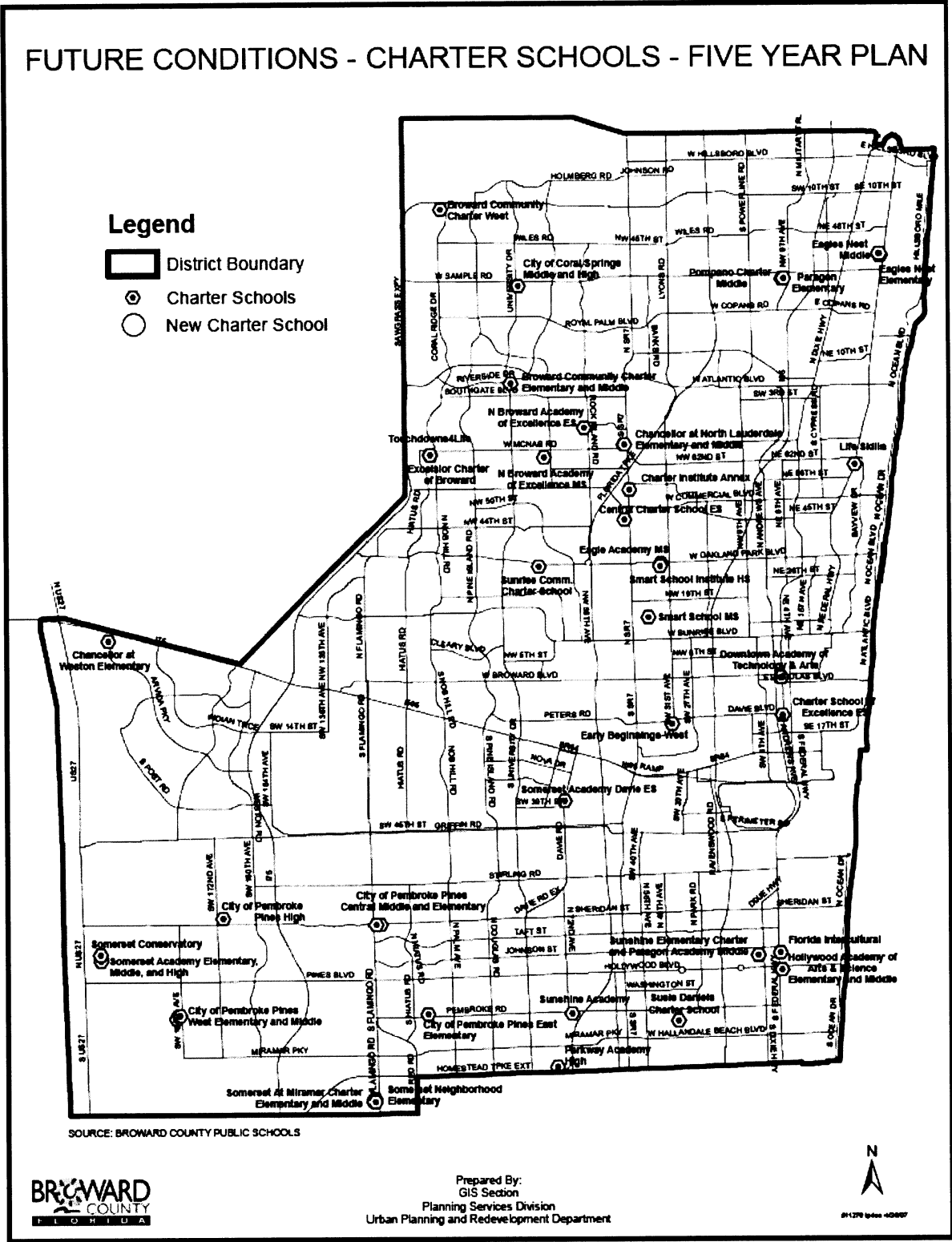
MAP I.2: Future Conditions – Middle Schools – Five Year Plan



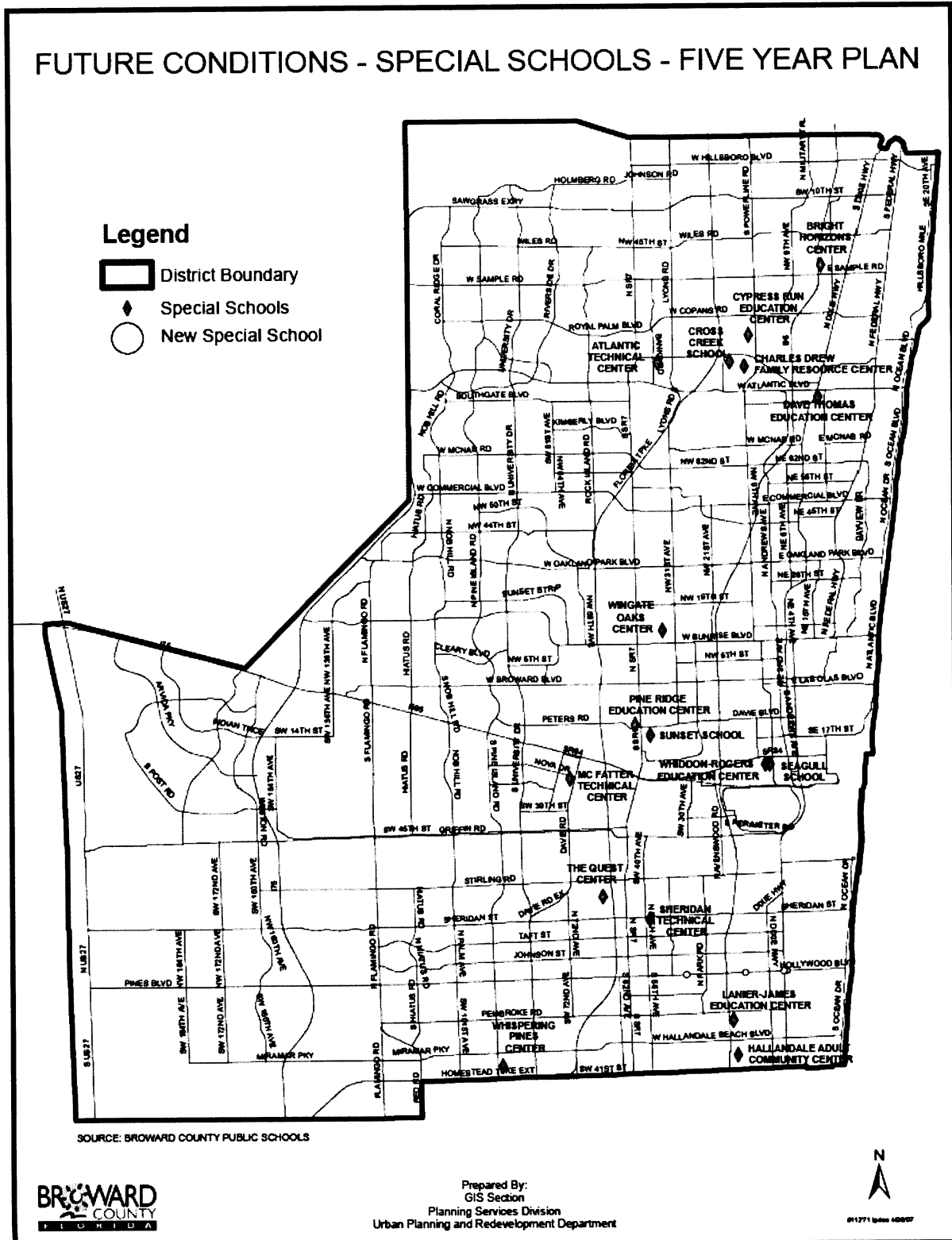
MAP I.3: Future Conditions – High Schools – Five Year Plan



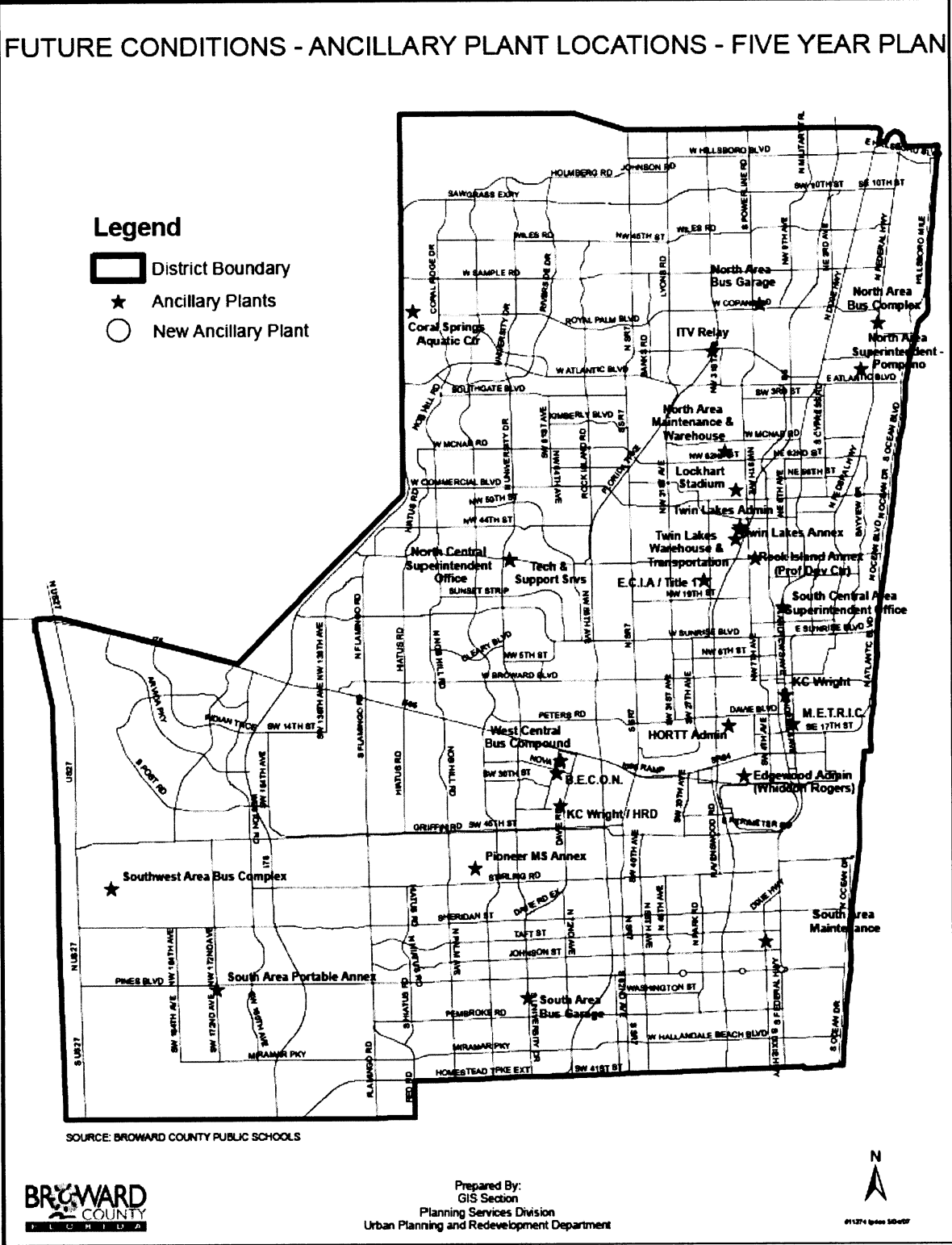
MAP I.4: Future Conditions – Charter Schools – Five Year Plan



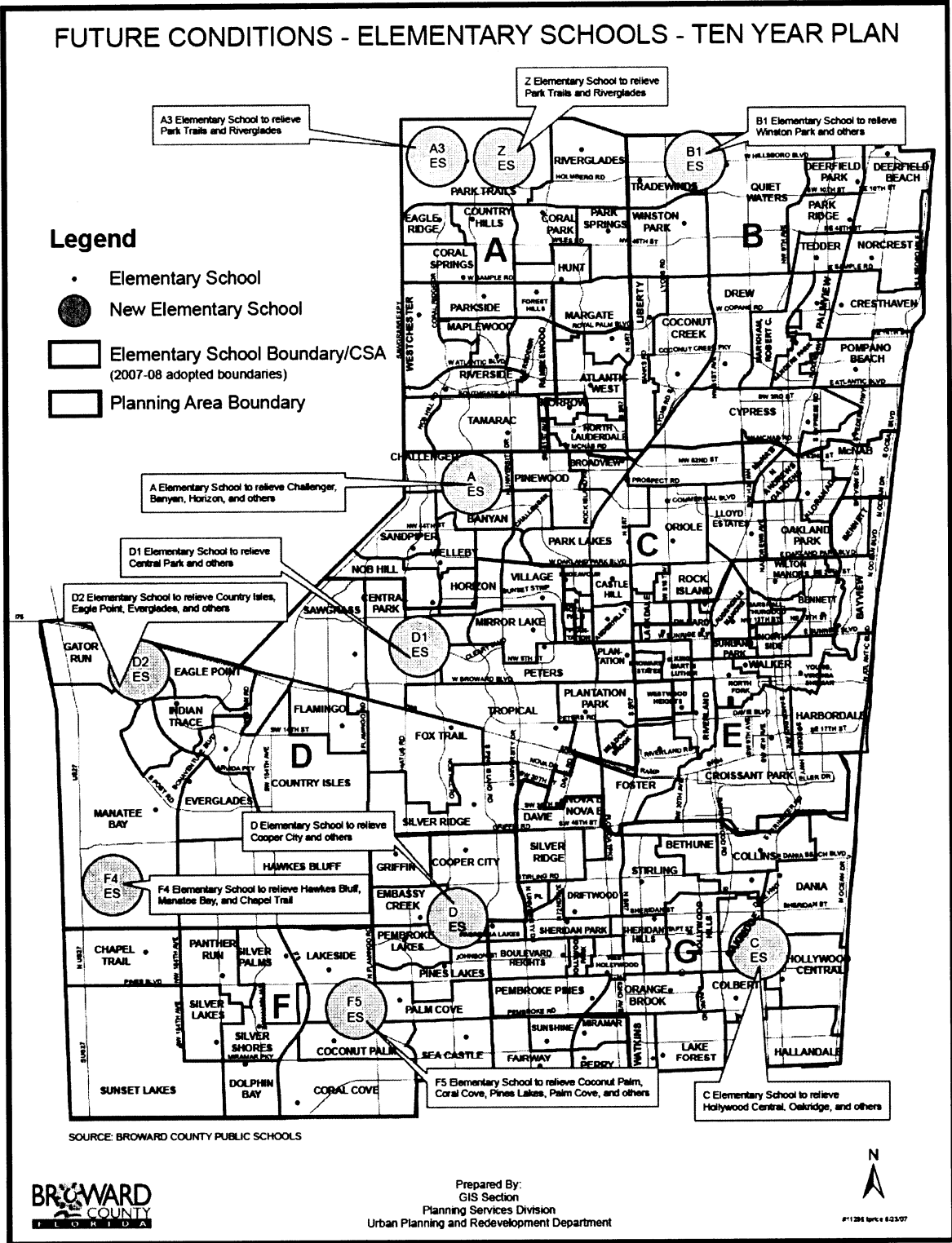
MAP I.5: Future Conditions – Special Schools – Five Year Plan



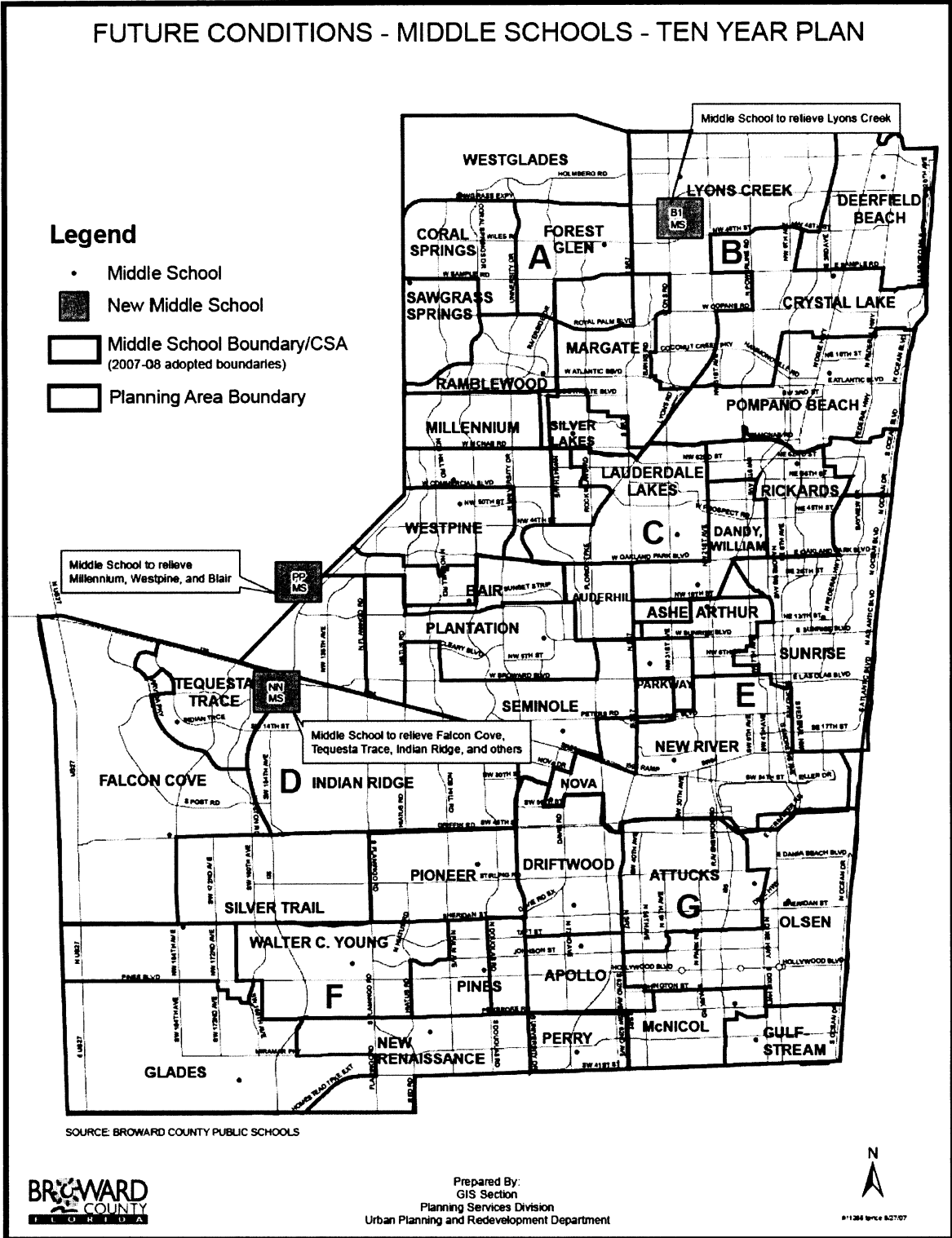
MAP I.6: Future Conditions – Ancillary Plant Locations – Five Year Plan



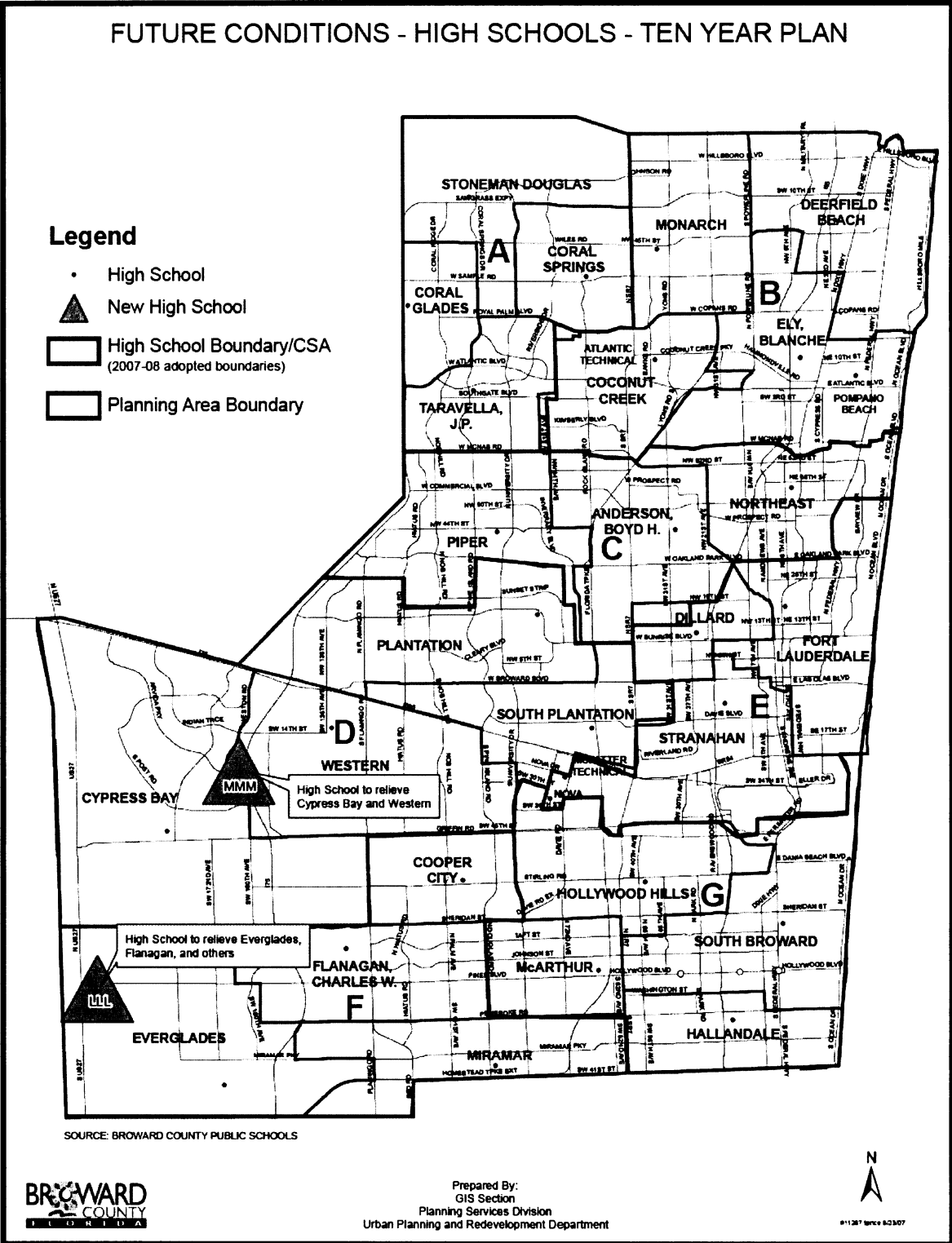
MAP I.7: Future Conditions – Elementary Schools – Ten Year Plan



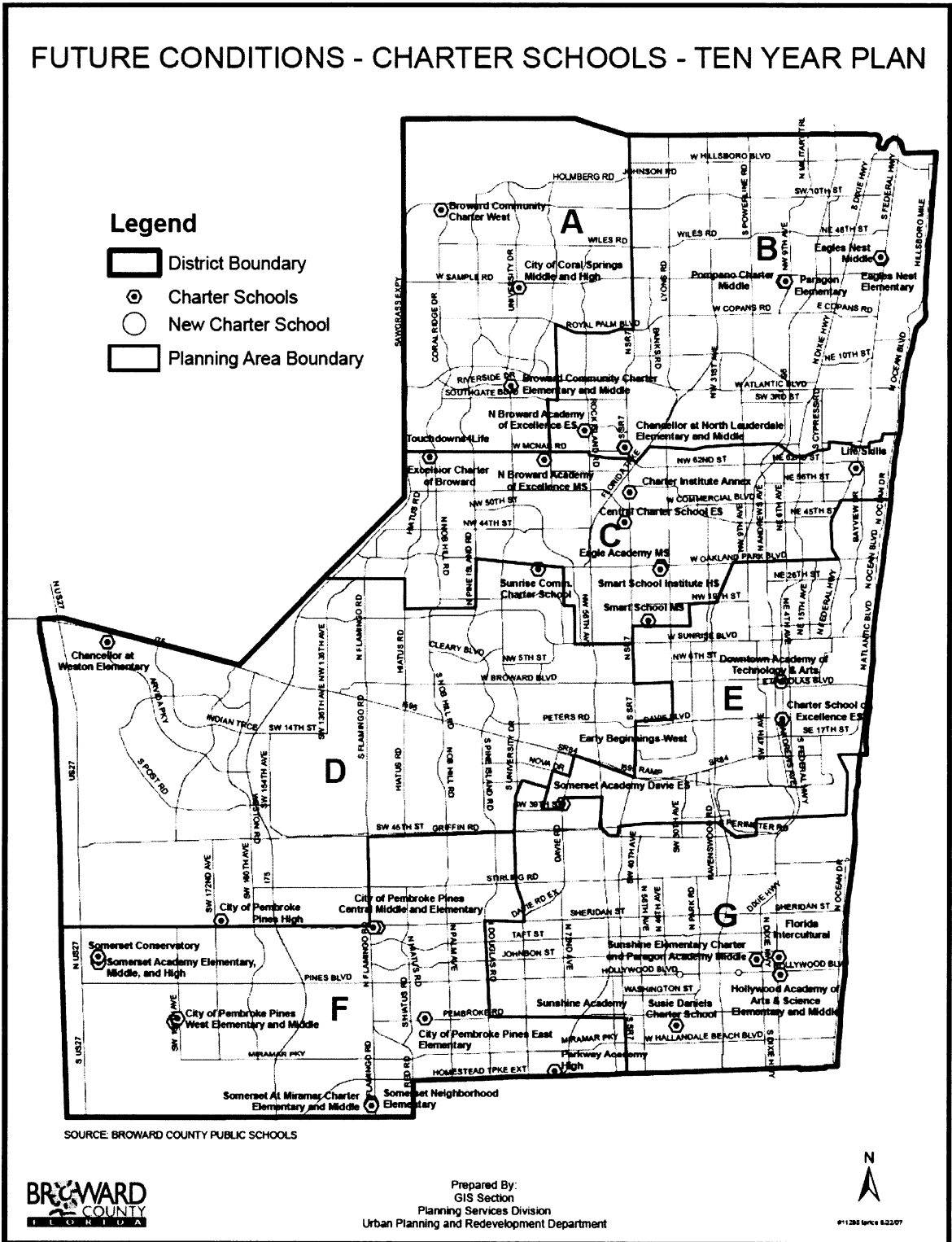
MAP I.8: Future Conditions – Middle Schools – Ten Year Plan



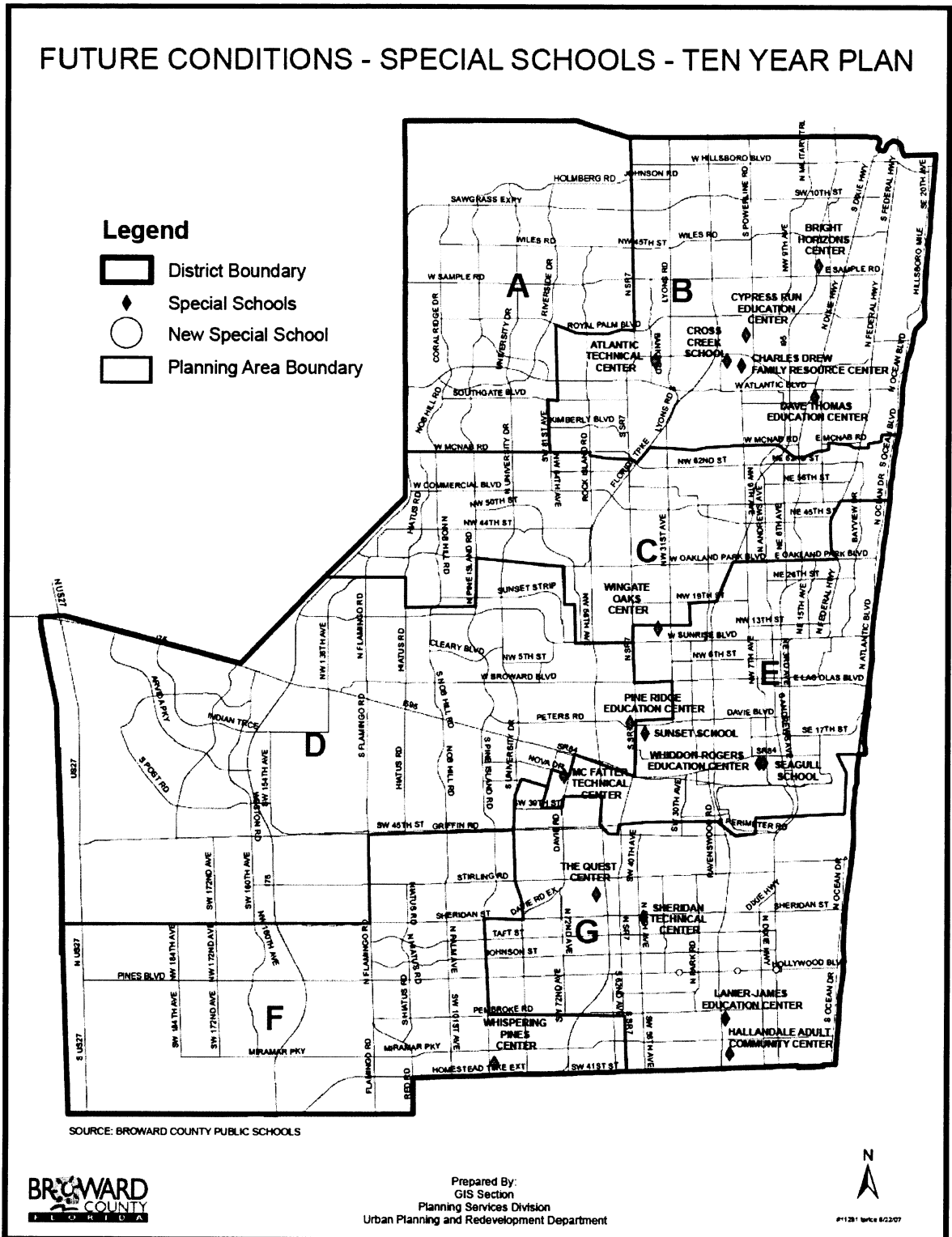
MAP I.9: Future Conditions – High Schools – Ten Year Plan



MAP I.10: Future Conditions – Charter Schools – Ten Year Plan



MAP I.11: Future Conditions – Special Schools – Ten Year Plan



MAP I.12: Future Conditions – Ancillary Plant Locations – Ten Year Plan

