

ORDINANCE NO. 2024-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE II, "SUBDIVISION REGULATIONS," DIVISION 1, "GENERALLY," TO AMEND SECTION 13-147, "PUBLIC SCHOOL CONCURRENCY," IN ACCORDANCE WITH THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING OF BROWARD COUNTY, FLORIDA AND THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Amended and Restated Interlocal Agreement for Public School Facility Planning of Broward County, Florida was executed by the City in accordance with Resolution No. 2017-325, adopted on December 14, 2017; and

WHEREAS, the Third Amended and Restated Interlocal Agreement for Public School Facility Planning of Broward County, Florida requires municipalities to amend their comprehensive plans and land development codes to adopt the required public school concurrency provisions; and

WHEREAS, on May 23, 2024, the City Commission approved Ordinance No. 2024-001, which amended the Public School Facilities Element of the Comprehensive Plan to be consistent with changes to State Statutes and the Third Amended and Restated Interlocal Agreement for Public School Facility Planning of Broward County, Florida as it relates to level of service standards; and

WHEREAS, the City proposes to amend the Land Development Code to include the amended level of service standards consistent with the Public School Facilities Element of the City's Comprehensive Plan; and

WHEREAS, a public hearing was held on August 9, 2023, by the City of Coconut Creek Planning and Zoning Board acting as the City’s Local Planning Agency, in compliance with Chapter 163, Florida Statutes, to consider the above referenced amendment; and

WHEREAS, the City Commission has considered the amendment in its entirety, including staff reports, minutes of meetings, findings of fact and supporting documents, the recommendation of the Planning and Zoning Board, and determines the amendment is consistent with the City’s adopted Comprehensive Plan and is in the best interests of the City.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That Chapter 13, “Land Development Code,” of the City of Coconut Creek Code of Ordinances is hereby amended by amending Article II thereof, entitled “Subdivision Regulations,” by amending Division 1 thereof, entitled “Generally,” by amending Section 13-147 thereof, entitled “Public School Concurrency” to read and provide as follows:

Chapter 13 – LAND DEVELOPMENT CODE

ARTICLE II. - SUBDIVISION REGULATIONS

DIVISION 1. - GENERALLY

Sec. 13-147. - Public school concurrency.

Pursuant to the Public School Facilities Element (PSFE) of the City of Coconut Creek Comprehensive Plan and the ~~Amended~~ Interlocal Agreement for Public School Facility Planning (ILA), as amended, the city, in collaboration with the School Board of Broward County (school board), shall ensure public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards and that such facilities will be available concurrent with the impact of proposed residential development.

(b) *Exemptions and vested development.*

- (1) The following residential applications shall be exempt from the requirements of public school concurrency:
 - a. An application which generates less than one (1) student at each school level in the relevant Concurrency Service Area (CSA). Such development shall nevertheless be subject to the payment of school impact fees.
 - b. An application for age restricted communities with no permanent residents under the age of eighteen (18). Exemption for an age restricted community shall only be applicable provided that a recorded restrictive covenant prohibiting the residence of school aged children in a manner not inconsistent with federal, state or local law or regulations is provided.
 - c. A Development of Regional Impact (DRI) with a development order issued before ~~the effective date of Senate Bill 360 (effective date of Senate Bill 360 is July 1, 2005)~~ or an application submitted before May 1, 2005.
 - d. As may otherwise be exempted by Florida Statutes, including but not limited to, applications within municipalities which meet specific qualifying criteria outlined in the statute and approved by the school board.

(c) *Level of service standards.* ~~The level of service standard (LOS) shall be one hundred (100) percent of gross capacity (with relocatable classrooms) for each concurrency service area (CSA) until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS for each CSA shall be one hundred ten (110) percent of the permanent Florida Inventory of School Housing (FISH) capacity.~~ Consistent with the Third Amended and Restated Interlocal Agreement for Public School Facility Planning ("TRILA"), the minimum level of service standard (LOS) for school facilities shall be as follows:

1. School Type A – 100% gross capacity. School Type A is a bounded elementary, middle, or high school that has the equivalent of a least 10% of its permanent Florida Inventory of School Houses (FISH) capacity available onsite in relocatables.
2. School Type B – 110% permanent FISH capacity. School Type B is a bounded elementary, middle, or high school that has less than the equivalent of 10% of its permanent FISH capacity available onsite in relocatables.

The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements contained in the effective Five-Year Adopted Board Educational Facilities Plan (DEFP). The DEFP shall also

contain an LOS plan, which reflects data required to demonstrate the achievement and maintenance of the adopted LOS.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading, and the amendment herein shall be effective upon the effective date of the amendment to the Comprehensive Plan adopted in Ordinance No. 2024-001.

PASSED FIRST READING THIS 11TH DAY OF JANUARY, 2024.

PASSED SECOND READING THIS 23RD DAY OF MAY, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>
Wasserman	<u>Aye</u>	<u>Aye</u>