

**ORDINANCE NO. 2024-001**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE CITY OF COCONUT CREEK COMPREHENSIVE PLAN TO UPDATE SCHOOL CONCURRENCY STANDARDS IN ACCORDANCE WITH THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING OF BROWARD COUNTY, FLORIDA; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the provisions of the Community Planning Act, within Part II of Chapter 163, Florida Statutes, require adoption and continuous review of a municipal comprehensive plan; and

**WHEREAS**, the City of Coconut Creek, pursuant to the Community Planning Act, currently has an adopted Comprehensive Plan, which was submitted to and reviewed by the applicable agencies authorized by Chapter 163, Florida Statutes, and has been found in compliance with Chapter 163, Florida Statutes, and has been certified by the Broward County Planning Council; and

**WHEREAS**, the Third Amended and Restated Interlocal Agreement for Public School Facility Planning of Broward County, Florida 2017 was executed by the City in accordance with Resolution No. 2017-325 adopted on December 14, 2017; 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 amending the Public School Facilities Element of the Comprehensive Plan to update school concurrency criteria and statutory references consistent with the Third Amended and Restated Interlocal Agreement for Public School Facility Planning of Broward County, Florida 2017; and

**WHEREAS**, the reviewing agencies authorized by Chapter 163, Florida Statutes, may make objections, recommendations, and comments (“ORC Report”) to the City not later than thirty (30) days after receiving the City’s proposed amendment; and

**WHEREAS**, the City Commission may consider said ORC Report and adopt the amendment with changes at the appropriate adoption stage; and

**WHEREAS**, the City Commission shall hold at least two (2) public hearings on the proposed amendment; one (1) at the transmittal stage and one (1) at the adoption stage in compliance with Section 163.3184(11), Florida Statutes; and

**WHEREAS**, all staff reports, minutes of meetings, findings of fact, and supporting documents within the official City Development/Project file held by the Department of Sustainable Development are hereby incorporated by reference and provide sufficient legal basis for such amendment; and

**WHEREAS**, the City Commission has considered the amendment in its entirety, staff reports, minutes of meetings, findings of fact and supporting documents, and determines the amendment is consistent with the City’s adopted Comprehensive Plan and 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, recitals, findings of fact, minutes of meetings, and all staff reports and supporting documents within the official City Development/Project file held by the Department of Sustainable Development are true and correct, and are hereby incorporated by reference.

**Section 2: Amendment.** That the Public School Facilities Element of the City of Coconut Creek Comprehensive Plan is hereby amended as follows:

***Objective X-1.1.0 Financially Feasible District Educational Facilities Plan***

The School Board, pursuant to Chapters 163.3177 and 163.3180 F.S. and the Interlocal Agreement for Public School Facility Planning (ILA), as amended, shall prepare and annually update and adopt the Five-Year District Educational Facilities Plan (DEFP) which shall contain a five-year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted level of service in all concurrency service areas (CSAs). The DEFP shall also contain an LOS plan which reflects the data required to demonstrate the achievement and maintenance of the adopted LOS. 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 Broward County Comprehensive Plan.

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**Policy X-1.1.5**

~~Annually adopted updates to the DEFP and CSA maps shall be coordinated with annual plan amendments to the CIE of the Broward County Comprehensive Plan and comprehensive plan of the City of Coconut Creek. 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.~~

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**Policy X-1.2.3**

~~The Level of Service standard shall be 100% of gross capacity (with relocatable classrooms) for each 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 110% of permanent FISH capacity for each public elementary, middle and high school. Consistent with the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (“TRILA”), the minimum LOS for school facilities shall be as follows:~~

- ~~1. 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. The LOS for School Type A shall be 100% gross capacity.~~
- ~~2. 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 for School Type B shall be 110% permanent FISH capacity.~~

~~The LOS shall be achieved and maintained within the period covered by the five (5) year schedule of capital improvements.~~

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**Policy X-1.2.9**

The public school concurrency approval for residential plats shall expire if development within the plat does not commence within 5 years following the date of Broward County Commission approval, unless extended by the Broward County Commission.

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**Policy X-1.3.1**

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 any. Pursuant to Section ~~463.3180(13)(e)(2)~~ 163.3180(6)(h)2.b, 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.

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**Policy X-1.3.2**

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 and School Board Policy:

1. Purchase or dedication of needed elementary, middle or high school sites.
2. Construction of capacity improvements identified in years four (4) or five (5) 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, which meet the qualifying criteria contained in the ILA.
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.

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**Goal X-2.0.0 Collaborate and Coordinate to Maximize Quality Education**

Broward County, the School Board, and the municipalities will Maximize maximize collaboration and coordination ~~between Broward County, the School Board and the City~~

of Coconut Creek, to effectively plan for public elementary and secondary school facilities to meet the current and future needs of Broward County's public school population. Pursuant to Chapter 163.3177 F.S., Broward County and all non-exempt municipalities within the County, shall coordinate and cooperate to ensure the adopted public school facilities elements are consistent with each other.

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**Policy X-2.1.2**

Consistent with the procedures and requirements identified in the ILA, Broward County, the School Board and the City of Coconut Creek shall coordinate to prepare projections of future development and public school enrollment growth and to ensure such projections are consistent with the Broward County and City future land use maps and the School Board's Long Range Public School Facilities Map ~~consistent with the procedures and requirements identified in the ILA.~~

**Policy X-2.1.3**

~~Consistent with Section 163.3177 (12) (g), F.S.,~~ the The Broward County PSFE shall include future conditions maps showing existing and anticipated school facilities for the short-term (5 year) and long-term (10 year) planning time frames. Maps 1 through 12 depict the short and long term existing and anticipated public school facilities and ancillary plants.

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**LIST OF ADOPTED MAPS**

The following list of maps are located in the BrowardNEXT2.0 Public School Facilities Element Support Document Comprehensive Plan, which was adopted on March 28, 2019 (Ordinance No. 2019-11) by the Board of County Commissioners and are hereby incorporated into the City of Coconut Creek's Comprehensive Plan list of adopted maps for the City's Public School Facilities Element update (2023).

- Appendix PSF-A: Map – Existing Public School Facilities – 2022
- Appendix PSF-B: Map – Future Conditions – Elementary Schools Five Year Plan (2021-2026)
- Appendix PSF-C: Map – Future Conditions – Middle Schools Five Year Plan (2021-2026)
- Appendix PSF-D: Map – Future Conditions – High Schools Five Year Plan (2021-2026)
- Appendix PSF-E: Map – Future Conditions – Charter Schools Five Year Plan

(2021-2026)

- Appendix PSF-F: Map – Future Conditions – Elementary Schools Ten Year Plan (2021-2031)
- Appendix PSF-G: Map – Future Conditions – Middle Schools Ten Year Plan (2021-2031)
- Appendix PSF-H: Map – Future Conditions – High Schools Ten Year Plan (2021-2031)
- Appendix PSF-I: Map – Emergency Shelters 2022
- Appendix PSF-K: Adopted 5-Year Broward County Public Schools District Educational Facilities Plan (DEFP) Fiscal Year 2021-22 to 2025-26
- Appendix PSF-L: Educational Plant Five Year (2021-2026) Survey Report: Broward County School District, Number 4 – Version 1

These maps can be found on the Broward County Public Schools web page by clicking the hyperlink below at:

[Public School Facilities Element Support Document \(broward.org\) \(https://www.broward.org/BrowardNext/Documents/CompPlanDocs/PSFE%20Support%20Doc-November%202021.pdf\)](https://www.broward.org/BrowardNext/Documents/CompPlanDocs/PSFE%20Support%20Doc-November%202021.pdf)

#### **MAP #**

#### **~~Short-Range – (2010 – 2015)~~**

- ~~1 — Future Conditions – Elementary Schools – Five Year Plan~~
- ~~2 — Future Conditions – Middle Schools – Five Year Plan~~
- ~~3 — Future Conditions – High Schools – Five Year Plan~~
- ~~4 — Future Conditions – Charter Schools – Five Year Plan~~
- ~~5 — Future Conditions – Special Schools – Five Year Plan~~
- ~~6 — Future Conditions – Ancillary Plant Locations – Five Year Plan~~

#### **~~Long-Range – (2010 – 2020)~~**

- ~~7 — Future Conditions – Elementary Schools – Ten Year Plan~~

~~8 — Future Conditions — Middle Schools — Ten Year Plan~~

~~9 — Future Conditions — High Schools — Ten Year Plan~~

~~10 — Future Conditions — Charter Schools — Ten Year Plan~~

~~11 — Future Conditions — Special Schools — Ten Year Plan~~

~~12 — Future Conditions — Ancillary Plant Locations — Ten Year Plan~~

**Section 3: Transmittal of Proposed Amendment.** That upon approval on first reading, this Comprehensive Plan Amendment shall be transmitted to the Department of Economic Opportunity and other reviewing agencies pursuant to Section 163.3184, Florida Statutes.

**Section 4: Prerequisites.** That the amendment to the Comprehensive Plan has been reviewed by all of the reviewing agencies, and all procedural and substantive prerequisites have been completed prior to adoption as set forth in Part II of Chapter 163, Florida Statutes.

**Section 5: Transmittal of Adopted Amendment.** That the amendment to the Comprehensive Plan was recommended for approval by the Planning and Zoning Board as the Local Planning Agency on August 9, 2023, in compliance with Part II of Chapter 163, Florida Statutes, and is hereby adopted as an amendment to the Comprehensive Plan by the City Commission of the City of Coconut Creek, Florida. The City Commission hereby directs the City Clerk to transmit this final action to the Department of Economic Opportunity and the South Florida Water Management District in compliance with Chapter 163, Florida Statutes.

**Section 6: 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 7: 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 8: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading, and at such time the amendment to the Comprehensive Plan shall be deemed adopted. If no challenge is filed, the amendment shall be effective 31 days after the State Land Planning Agency notifies the local government that the amendment package is complete. If a challenge is filed, the amendment shall become effective after issuance of a final order by the State Land Planning Agency or the Administration Commission.

PASSED FIRST READING THIS 11<sup>TH</sup> DAY OF JANUARY, 2024.

PASSED SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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Sandra L. Welch, Mayor

Attest:

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Joseph J. Kavanagh, City Clerk

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