

City of Dade City

AGENDA MEMO

To: Mayor and Members of the City Commission
From: Karla S. Owens, City Attorney/Community Development Director
Subject: Proposed Comprehensive Plan Amendment to Implement School
Concurrence/Final Adoption Hearing
Date: May 28, 2009

It is requested that the City Commission consider the following information and recommendation(s):

BACKGROUND:

In 2005, the Florida Legislature enacted Senate Bill 360 (SB 360) into law. SB 360 requires that local governments adopt and implement programs of mandatory school concurrency, and that all comprehensive plan capital planning be “financially feasible” as the Legislature defines the term. Prior to that bill, the statutes allowed school boards and local governments to voluntarily develop and implement their own programs of school concurrency. Beginning in February 2008, however, all local governments must develop mandatory school concurrency programs jointly with their school boards. The difficulty is that school boards are subject to the planning mandates in Chapter 1013, Florida Statutes, while cities and counties are subject to the mandates of Chapter 163, Florida Statutes. A significant task involved in implementing this mandatory school concurrency has been blending these two processes.

The County, the municipalities and the school board have been working on this project for some time. Compliance with school concurrency is established through execution by all parties of an Interlocal Agreement (ILA), and adoption of applicable comprehensive plan amendments by the County and each municipality. The ILA has finally been completed and adopted, and the County and the School Board have resolved their previous issues.

ISSUES:

The attached Ordinance adopts the following changes to the City’s Comprehensive Plan:

1. The existing Capital Improvements Element (CIE) has been amended to reflect the School Board’s future capital improvement plan. The School Board is required to develop and adopt its own financially feasible capital improvement plan pursuant to Chapter 1013, Florida Statutes. The proposed amendments to the

City's CIE incorporate the School Board's plan. The proposed CIE amendment also imposes a process to test financial feasibility of the School Board's capital plan. In addition, a new goal has been created for the Public School Capital Facilities Program. Within this new goal are new objectives and policies that: (1) incorporate and adopt the School Board's Financially Feasible Capital Improvement Program, as the same is submitted annually by them to the State Department of Education; (2) establish uniform Levels of Service of different types of schools (elementary, middle and high); and (3) establish a process annually to update the School Board's capital plan. The proposed new policies expressly note that the City does not have any responsibility to fund the School Board's capital plan. The School Board's capital program itself is provided in the form of a table accompanying the proposed amendments.

2. The Intergovernmental Coordination Element (ICE) has been amended to create a new objective regarding coordination with the School Board including joint planning and co-location of facilities. Other new policies address review and comment on development applications, coordination of school concurrency programs, financially feasible capital plans, demographic information, and dispute resolution.
3. Finally, the Public Schools Facilities Element (PSFE) is a new element in the City's Comprehensive Plan. PSFE Goal 1 has been created to comply with new school concurrency mandates. PSFE Goal 3 contains the policies regarding school siting and development. PSFE Goal 1 also includes new components restating the levels of service, school concurrency review including review of developments for compliance with school concurrency requirements and proportionate share mitigation, adoption of the School Board's five year capital plan, and land use and schools facilities coordination and coordination of supporting infrastructure. Also of interest is PSFE Policy 1.2.4 which governs proportionate share mitigation to offset development impacts on schools. This language tracks the statutory language.

This Ordinance and attachments are presented today for **final adoption**. Upon approval of the proposed amendments by the Commission and submittal to the DCA, the DCA shall have sixty (60) days to review the proposed amendments and send us a Notice of Intent to find the proposed amendments in compliance.

ALTERNATIVES:

1. Adopt the attached Ordinance and authorize staff to submit same to the Department of Community Affairs;
2. Do not adopt the Ordinance; or
3. Direct staff to take another course of action.

RECOMMENDATION:

Staff recommends Alternative No. 1 above.

FUNDING:

No funding is required for this item.

BY THE CITY COMMISSION

ORDINANCE NO. 2009-06

AN ACT TO BE ENTITLED

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING ORDINANCE NO. 89-00 ADOPTING THE DADE CITY COMPREHENSIVE PLAN, AS SUBSEQUENTLY AMENDED; REVISING THE TABLE OF CONTENTS TO INCLUDE CHAPTER 9: PUBLIC SCHOOL FACILITIES ELEMENT; REVISING CHAPTER 7 INTERGOVERNMENTAL COORDINATION ELEMENT, ICE 1.1 TO INCLUDE DISPUTE RESOLUTION PROVISIONS; ADDING ICE 2.4 THROUGH 2.4.6 TO PROVIDE TO MAINTAIN MECHANISMS FOR SCHOOL CONCURRENCY, CO-LOCATION OF FACILITIES AND JOINT PLANNING; REVISING CHAPTER 8 CAPITAL IMPROVEMENTS ELEMENT, CIE 1.1 TO ALIGN THE CITY'S CAPITAL IMPROVEMENT ELEMENT WITH RECENT CHANGES IN STATE LAW PERTAINING TO SCHOOL FACILITIES; INCLUDING CIE, GOAL 2: PUBLIC SCHOOLS CAPITAL FACILITIES PROGRAM, OBJECTIVE CIE 2.1 CAPITAL FACILITIES, POLICY 2.1.1 SCHOOL BOARD'S FINANCIALLY FEASIBLE CAPITAL IMPROVEMENT PROGRAM, POLICY CIE 2.1.2 ADOPTED LEVEL OF SERVICE STANDARD FOR PASCO COUNTY PUBLIC SCHOOLS, POLICY CIE 2.1.3 ANNUAL UPDATES, AND POLICY CIE 2.1.4 FINANCIAL RESPONSIBILITY FOR PUBLIC SCHOOL FACILITIES 5-10 YEAR CAPITAL PROJECTS, INCLUDING EXHIBIT "A"; CREATING A NEW CHAPTER 9: PUBLIC SCHOOL FACILITIES ELEMENT WITH ASSOCIATED GOALS, OBJECTIVES AND POLICIES; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, Florida Statutes authorize and require the City Commission of Dade City to prepare and enforce a Comprehensive Plan for the development of the City; and

WHEREAS, the City Commission originally adopted a Comprehensive Plan on June 13, 1989 by Ordinance No. 89-00; and

WHEREAS, on January 13, 2009, the City Commission authorized transmittal of the proposed amendment to the adopted Comprehensive Plan to the Florida Department of Community Affairs (FDCA) to obtain review and comment on the proposed amendment; and

WHEREAS, on April 10, 2009, the City Commission received a FDCA Objection, Recommendation, and Comment (ORC) Report (DCA 09-PEFE1) on the proposed amendment to the adopted Comprehensive Plan; and

WHEREAS, the City Commission, as part of the said report, was requested to attach a copy of the executed interlocal agreement for school concurrency; and

WHEREAS, the City Commission, on June 12, 2009, held an adoption public hearing on the proposed amendment to the Comprehensive Plan with due public notice provided pursuant to Section 163.3184, Florida Statutes, and has considered all comments received during the public hearing and provided for necessary revisions, if applicable.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Dade City, Florida, as follows:

SECTION 1. AMENDMENT.

The following amendments, as attached, are hereby adopted for the Comprehensive Plan:

Revising the TABLE OF CONTENTS to include CHAPTER 9: PUBLIC SCHOOL FACILITIES ELEMENT; and

Revising CHAPTER 7: INTERGOVERNMENTAL COORDINATION ELEMENT Table of Contents to include ICE 1.1 requiring Dispute Resolution; and

Revising CHAPTER 7: INTERGOVERNMENTAL COORDINATION ELEMENT ICE 2.4 to maintain mechanisms for school concurrency, co-location of facilities and joint planning with the County and the School Board; and

Revising CHAPTER 8: CAPITAL IMPROVEMENTS ELEMENT to include Goal 2: PUBLIC SCHOOLS CAPITAL FACILITIES PROGRAM, Objective CIE 2.1 CAPITAL FACILITIES, Policy CIE 2.1.1 SCHOOL BOARD'S FINANCIALLY FEASIBLE CAPITAL IMPROVEMENT PROGRAM, Policy CIE 2.1.2 ADOPTED LEVEL OF SERVICE STANDARD FOR PASCO COUNTY PUBLIC SCHOOLS, Policy CIE 2.1.3 ANNUAL UPDATES, and Policy CIE 2.1.4 FINANCIAL RESPONSIBILITY FOR THE SCHOOL BOARD'S CAPITAL PROJECTS, EXHIBIT "A" : PUBLIC SCHOOL FACILITIES FIVE-YEAR CAPITAL PROJECTS; and

Creating a new CHAPTER 9: PUBLIC SCHOOL FACILITIES ELEMENT with associated Goals, Objectives and Policies.

SECTION 2. REPEALER.

All provisions of the Dade City Comprehensive Plan adopted pursuant to Ordinance No 89-00 as subsequently amended, in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, then the said holding shall in no way affect the validity of the remaining portions of this ordinance having contained such section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective as provided by City Charter. The effective date of his Comprehensive Plan amendment shall be twenty-one (21) days after the FDCA issues a Notice of Intent to find the amendment in compliance if no appeal is filed. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status; and a copy of such resolutions shall be sent to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Adopted this 9th day of June, 2009.

ATTEST:

CITY OF DADE CITY

James D. Class, City Clerk

Scott Black, Mayor

Approved as to Form and Legal Content

Karla S. Owens, City Attorney

**COMPREHENSIVE PLAN-2010
CITY OF DADE CITY, FLORIDA**

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Review of Intergovernmental Coordination Goals, Objective and Policies

GOAL ICE 1: IMPROVE THE EXISTING SYSTEM OF INTERLOCAL COORDINATION TO SUCCESSFULLY IMPLEMENT LOCAL GOVERNMENT COMPREHENSIVE PLANS AND TO RESOLVE CONFLICTS RESULTING FROM THE PLANS AND DIRECTIVES.

TO ALIGN THE INTERGOVERNMENTAL COORDINATION ELEMENT SECTION WITH RECENT CHANGES IN STATE LAW PERTAINING TO SCHOOL FACILITIES, OBJECTIVE 1.1 AND POLICY 1.1.2 HAVE BEEN UPDATED TO EXPLICITLY INCLUDE THE REQUIREMENT OF DISPUTE RESOLUTION FOR SCHOOL CONCURRENCY.

Objective ICE 1.1: As an ongoing objective, the City shall maintain close coordination and cooperation with Pasco County, the City of Zephyrhills, the Town of St. Leo, the City of San Antonio, and the District School Board of Pasco County in the evaluation and integration of local comprehensive plans and development proposals.

Policy ICE 1.1.2: In instances where the resolution of issues requiring intergovernmental concurrence has not been achieved, the City of Dade City shall seek relief through Chapter 164, Florida Statutes, unless otherwise provided herein. ~~the Dispute Resolution Process of the Tampa Bay Regional Planning Council as a mediator and conciliator as outlined in Rule 29H-13, FAC.~~ All disputes between the City and the School board pertaining to school concurrency shall be resolved in accordance with the Amended and Restated Interlocal Agreement, as may be amended from time to time.

OBJECTIVE 2.4 HAS BEEN CREATED TO MAINTAIN MECHANISMS FOR SCHOOL CONCURRENCY , CO-LOCATION OF FACILITIES, AND JOINT PLANNING

Objective ICE 2.4 District School Board of Pasco County

Maintain mechanisms for intergovernmental coordination and cooperation and implement school concurrency management between the City of Dade City and the District School Board of Pasco County.

Policy ICE 2.4.1 Co-Location of Schools, Parks and Libraries.

The City of Dade City shall coordinate with the School Board in the development of an Interlocal Agreement to implement the criteria and guidelines developed in the Feasibility Study for the Co-Location of Schools, Parks and Libraries in Pasco County.

Policy ICE 2.4.2 Joint Planning with the School Board of Pasco County.

The City of Dade City shall implement the Amended and Restated Interlocal Agreement for Coordination of Planning Activities to include a School Concurrency Management Program among Pasco County, the municipalities and the District School Board of Pasco County, as may be amended from time to time.

Policy ICE 2.4.3 School Board Review and Comment on Development Applications.

The City of Dade City shall continue to request review and comment by the School Board on all proposed Comprehensive Plan amendments, applications for residential rezoning and other development applications, which proposed to increase residential densities, per the process agreed to in the Amended and Restated Interlocal Agreement, as may be amended from time to time.

Policy ICE 2.4.4 Coordination of Sharing Information with the School Board.

The City of Dade City, in conjunction with the School Board and consistent with the requirements of the Amended and Restated Interlocal Agreement, as may be amended from time to time, shall provide information to the School Board regarding population growth and development and receive from the School Board information on student enrollment, annual updates to the District Facilities Work Program, and other such information as proposed school closures, significant renovations, new school sites, concurrency, service area modifications, and comments on the effect of proposed development applications on schools.

Policy ICE 2.4.5 Coordination of School Concurrency with the School Board.

The City of Dade City, in conjunction with the School Board and consistent with the requirements of the Amended and Restated Interlocal Agreement, as may be amended from time to time, and the Public School Facilities Element, shall implement uniform school concurrency procedures.

Policy ICE 2.4.6 Coordination of Financially Feasible Capital Planning.

On an annual basis, the City's Capital Improvement Element shall be amended to incorporate the most recent updates to the School Board's capital improvements schedule of the District Facilities Work Program.

CHAPTER 8

CAPITAL IMPROVEMENTS ELEMENT

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Review of Capital Improvements Goals, Objective and Policies

GOAL CIE 1: TO UNDERTAKE FISCAL ACTIONS NECESSARY TO PROVIDE AND MAINTAIN PUBLIC FACILITIES FOR ALL RESIDENTS OF DADE CITY AT THE ADOPTED LEVELS OF SERVICE STANDARDS.

TO ALIGN THE CAPITAL IMPROVEMENTS ELEMENT SECTION WITH RECENT CHANGES IN STATE LAW PERTAINING TO SCHOOL FACILITIES, OBJECTIVE 1.1 AND POLICY 1.1.1 HAVE BEEN UPDATED TO EXPLICITLY INCLUDE THE REQUIREMENT OF MULTI-YEAR FISCAL MANAGEMENT.

Objective CIE 1.1: Use the Capital Improvements Element as a capital facility management tool to correct existing deficiencies, accommodate desired future growth, replace worn out or obsolete facilities, and organize capital expenditures. A financially feasible program of capital improvements will be implemented.

Policy CIE 1.1.1: The City Commission shall continue to evaluate and rank, in order of priority, projects proposed for inclusion in the City's five-year LOS-Related Schedule of Capital Improvements. Capital improvements shall be programmed consistent with available revenues in the major areas of Transportation, Water/Sewer, Stormwater, and Parks. Financial feasibility is annually demonstrated by calculating the amount of revenue capacity of those sources which can be generated by action of the City Commission (excluding resort to voter approved revenue sources). The projected revenue is then matched against the proposed five-year capital improvements schedule to identify whether a deficit exists. This same process is required to be used by the District School Board of Pasco County to verify the financial feasibility of its Five-Year Capital Plan prior to its incorporation into the City's Schedule of Capital Improvements and relied upon by the City.

GOAL 2: PUBLIC SCHOOLS CAPITAL FACILITIES PROGRAM

Objective CIE 2.1 Capital Facilities Planning

To the extent required by law, the City shall ensure that existing deficiencies and future needs are addressed consistent with the adopted Levels of Service standards for public schools.

Policy CIE 2.1.1 School Board's Financially Feasible Capital Improvement Program.

The City of Dade City hereby incorporates by reference tables/sections of the School Board's Financially Feasible Capital Improvement Program which includes proposed school capacity at the adopted Levels of Service sufficient to meet anticipated student demands projected by the School Board in conjunction with the City. **The title of the work program document is the District School Board of Pasco County's 5-Year District Facilities Work Program for 2008-2012. This plan was approved by the**

School Board on September 16, 2008. The District Superintendent, Heather Fiorentino, and Chief Financial Officer, Olga Swinson, have approved the information contained in the 5-year district facilities work program, and they have approved the submission and certify to the Department of Education, Office of Educational Facilities, that the information contained in the Plan is correct and accurate.

Policy CIE 2.1.2 Adopted Level of Service Standard for Pasco County Public Schools.

The Levels of Service are defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The Levels of Service standard is the maximum level of school utilization that will be permitted in the Pasco County School District. The Levels of Service shall be established for all school types within the Pasco County School District as:

- a. Elementary Schools 115% of FISH capacity
- b. Middle Schools 115% of FISH capacity
- c. High Schools 105% of FISH capacity.
- d. Alternative Educational Facilities: 70% of FISH capacity.

If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity. **The City also hereby establishes a long term concurrency management system based upon permanent capacity as determined by the Florida Inventory of School Houses (FISH) and as authorized in section 163.3180(9) (a), Florida Statutes, within the specially designated Long Term School Concurrency Management Service Areas. The ten-year Long Term Concurrency Management System shall apply to, and be effective in, elementary school SCSAs number 2.**

LONG-TERM CONCURRENCY MANAGEMENT PLAN -
SCHOOL YEARS 2008-2018
ELEMENTARY SCHOOLS INTERIM LOS (%)

SCSA	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
2	112%	110%	116%	121%	127%	125%	109%	108%	112%	111%

Policy CIE 2.1.3 Annual Updates

The City of Dade City, in coordination with the School Board and municipalities, shall annually update Exhibit A of this element reflecting the School Board’s financially feasible Capital Improvement Program to ensure maintenance of a financially feasible capital improvements program and to ensure that Level of Service standards will continue to be achieved and maintained during the five-year planning period. Annual plan amendments shall include the addition of a new fifth year to the Five Year Schedule of Capital Improvements updating of the financially feasible public schools capital facilities

program, coordinating the program with the five-year district facilities work plan, the plans for other local governments, and, as necessary, updates to the Concurrency Service Areas maps. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the Level of Service standards will continue to be achieved and maintained.

Policy CIE 2.1.4 Financial Responsibility for the School Board's Capital Projects

The City of Dade City, by incorporating the School Board's Capital Improvements Programs into this Comprehensive Plan pursuant to the requirements of Florida Statutes, is not liable for the funding of any School Board Capital Project or any requirements of the School Board's District Facilities Work Program.

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PUBLIC SCHOOL FACILITIES ELEMENT GOALS, OBJECTIVES, AND POLICIES

GOAL 1: THE CITY SHALL COOPERATE WITH THE SCHOOL BOARD TO CREATE A PUBLIC SCHOOL SYSTEM THAT OFFERS A HIGH QUALITY EDUCATIONAL ENVIRONMENT, PROVIDES ADEQUATE SCHOOL CAPACITY TO ACCOMMODATE ENROLLMENT DEMAND WITHIN A FINANCIALLY FEASIBLE SCHOOL BOARD FIVE AND TEN-YEAR CAPITAL FACILITIES WORK PROGRAM.

OBJECTIVE 1.1 CONCURRENCY MANAGEMENT SYSTEM [9J-.025(3)(b)(1)F.A.C.]

The City shall adopt into its concurrency management system public school Levels of Service standards for each School Concurrency Service Area and coordinate with the School Board to address the need for correction of school facility deficiencies through long term planning periods.

Policy PSF 1.1.1 Levels of Service Standards [9J-5.025(3)(c)(7)F.A.C.]

The City hereby adopts the following Levels of Service (LOS) standards for each School Concurrency Service Area (SCSA), based upon capacity as determined by the Florida Inventory of School Houses (FISH):

- (a) Elementary schools: 115% of FISH capacity.
- (b) Middle schools: 115% of FISH capacity.
- (c) High schools: 105% of FISH capacity.
- (d) Alternative Educational Facilities: 70% of FISH capacity.

If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.

Policy PSF 1.1.2 Long Term School Concurrency Management System [s. 163.3180 (9)(a), F.S.]

- (a) The City hereby establishes a long term concurrency management system based upon permanent capacity as determined by the Florida Inventory of School Houses (FISH) and as authorized in section 163.3180(9) (a), Florida Statutes, within the specially designated Long Term School Concurrency Management Service Areas.
- (b) The ten-year Long Term Concurrency Management System shall apply to, and be effective in, elementary school SCSAs number 2.

LONG-TERM CONCURRENCY MANAGEMENT PLAN -
SCHOOL YEARS 2008-2018
ELEMENTARY SCHOOLS INTERIM LOS (%)

SCSA	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
2	112%	110%	116%	121%	127%	125%	109%	108%	112%	111%

Policy PSF 1.1.3 School Concurrence Service Areas [9J-5.025(3)(c)(1) F.A.C.]

The City hereby adopts less than district-wide SCSAs which serve as a basis to establish separate elementary school, middle school and high school SCSAs in which to measure the Levels of Service standard. The SCSAs for elementary, middle, and high schools are set out in Map Appendix, Chapter 9: Public School Facilities Element.

Policy PSF 1.1.4 Modifying School Concurrence Service Areas [9J-5.025(3)(c)(1) F.A.C.]

The City, in conjunction with the School Board and Municipalities shall require that prior to adopting a modification to a School Concurrence Service Area (SCSA), the following standards will be met:

- (a) The adopted Levels of Service standards will be achieved and maintained by the end of the five-year planning period or, for those SCSAs subject to a long term School Concurrence Management System, by the end of the ten-year planning period.
- (b) The utilization of school capacity shall be maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans and other relevant factors but not require the use or implementation of double sessions or a 12 month (“year round”) school year by the School Board.
- (c) At such time as the School Board determines that a SCSA change is appropriate considering the above standards, the School Board shall transmit the proposed School concurrence Service Area Boundaries with data and analysis to support the changes to the City.
- (d) The City shall review the proposed SCSA boundary changes and send its comments to the School Board.
- (e) The change to a SCSA shall become effective upon final approval by the School Board.
- (f) The City shall be required to prepare and adopt amendments regarding changes to a SCSA as part of the City’s next biannual Comprehensive Plan Amendment cycle after changes to a SCSA are finally approved by the School Board.

Policy PSF 1.1.5 Changes in Use of Schools [9J-5.025(3)(c)(1) F.A.C.]

The City shall work cooperatively with the School Board whenever the School Board determines the need to change the use of a school. The City shall review a requested

change in use following the same procedure as established in Section 3 of the Amended and Restated Interlocal Agreement.

OBJECTIVE 1.2 SCHOOL CONCURRENCY REVIEW PROCESS [9J-5.025(3)(b)(2) F.A.C.]

The City will, in conjunction with the School Board, develop and implement a process for concurrency review of residential development to determine if school facilities will be available, pursuant to the five and ten-year planning periods, at the adopted Levels of Service for students generated by new residential development.

Policy PSF 1.2.1 Development Exempt from School Concurrency Review

The City, through its land development regulations, and in coordination with the School Board, shall establish criteria for determining those uses that are exempt from the requirements of school concurrency. Such uses may include but not be limited to the following: 55 and over communities, assisted living facilities, homeless shelters, college dorms, and non-residential developments.

Policy PSF 1.2.2 Concurrency Determination Application Requirements

The City shall require a School Impact Analysis to be submitted for residential development applications that are not exempt from school concurrency for review by the School Board.

Policy PSF 1.2.3 School Board Review of School Impact Analysis [9J-5.025(3)(c)(8) F.A.C.]

The School Board shall review each School Impact Analysis, in the order in which it is received, to determine whether capacity at the adopted Levels of Service for each type of schools is available to support the development's projected students.

- (a) In determining if school capacity is available, the School Board shall first review the available capacity within the directly impacted School Concurrency Service Area (SCSA). In the event that capacity is not available in the directly impacted SCSA, the SCSAs adjacent to the directly impacted SCSA shall be reviewed for available capacity at the adopted Levels of Service. If said capacity exists, a Concurrency Determination Letter shall be issued by the School Board.
- (b) If the School Board determines that capacity at the adopted Levels of Service is not available in all SCSAs reviewed, the School Board shall issue a Preliminary Concurrency Deficiency Letter and provide an opportunity for the Applicant/Developer to negotiate Proportionate Share Mitigation.

Policy PSF 1.2.4 Proportionate Share Mitigation [9J-5.025(3)(c)(9) F.A.C.]

The City shall coordinate with the School Board during the negotiation of Proportionate Share Mitigation options with the Applicant /Developer and upon reaching agreement,

the City, School Board and Applicant/Developer shall enter into an enforceable and binding agreement as specified in the Interlocal Agreement.

- (a) Any Proportionate Share Mitigation must be directed by the School Board to a school capacity project identified in the capital improvement schedule in the District Facilities Work Program (DFWP) and in the City's Capital Improvement Element to maintain financial feasibility based upon the adopted Levels of Service. If a capacity project does not exist in the DFWP, the School Board may, in its sole discretion, add a capacity project to satisfy the impacts from a proposed residential development, as long as financial feasibility of the DFWP can be maintained.
- (b) Proportionate Share Mitigation options include, but are not limited to:
 - (i) Contribution of land for an entire school site meeting the applicable School Siting Standards or adjacent to an existing school site.
 - (ii) Provision of additional Permanent Student Stations through the donation of buildings for use as a primary or alternative public school facility, provided that such building meets SREF standards and provided that such student stations are not relocatables or other temporary classrooms;
 - (iii) Provision of additional Permanent Student Stations through the renovation of existing buildings for use as public school facilities; or
 - (iv) Construction of Permanent Student Stations or Core Facilities; or
 - (v) Construction of a school in advance of the time set forth in the DFWP; or
 - (vi) Creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity created; or
 - (vii) Construction of a charter school designed in accordance with School Board standards, providing Permanent Student Stations. Use of a charter school for mitigation must include provisions for its continued existence, including but not limited to the transfer of ownership of the charter school property and/or operation of the school to the School Board; or
 - (viii) The contribution of funds or other financial or financing initiatives acceptable to the School Board to ensure that the financial feasibility of the DFWP can be maintained by the implementation of the mitigation options; or
 - (ix) The contribution of funds or other financial or financing initiatives acceptable to the School Board to ensure that infrastructure improvements to support a public school facility that are the obligation of the School Board will be in place when necessary.

Policy PSF 1.2.5 Ordinance Implementing School Concurrency 9J-5.025(3)(c)(4) F.A.C.]

No later than February 1, 2008 and after the City has adopted the Interlocal Agreement Implementing School Concurrency, the City shall adopt school concurrency provisions into its land development regulations to implement school concurrency.

OBJECTIVE 1.3 ADOPTION OF SCHOOL BOARD FIVE-YEAR CAPITAL PLAN [9J-5.025(3)(b)(1) and (3)F.A.C.]

No later than **December 31st** of each year, the City shall include in its Capital Improvements Element, the School Board's annually updated five-year schedule of capital improvements as adopted by the School Board, or ten-year schedule of capital improvements for the SCSAs subject to a Long Term School Concurrency Management System, which identifies school facility capacity projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted Levels of Service standard for each SCSA for each school type.

Policy PSF 1.3.1 Development, Adoption and Amendment of the Capital Improvements Element [9J-5.025(3)(c)(2) F.A.C.]

- (a) The City shall annually update and amend the Capital Improvements Element of its Comprehensive Plan to reflect the Levels of Service (LOS) standards for schools and shall include the School Board's financially feasible Five-Year Capital Plan, as annually amended to add a new fifth year, which continues to achieve and maintain the adopted LOS for schools. The City shall annually amend the Capital Improvement Element of its Comprehensive Plans to reflect the ten-year concurrency management system and the School Board's development of a financially feasible plan to achieve and maintain the LOS adopted for the SCSAs that have a backlog within ten years. As necessary, the City will also consider annual updates to the Public School Facilities Element based on but not limited to changes in enrollment and capacity data, revisions to concurrency service area maps, School Board's plan of other local governments, etc.
- (b) The City by adopting the five or ten-year capital improvement schedule of the DFWP into their Capital Improvements Elements shall have neither obligation nor responsibility for funding the DFWP.

OBJECTIVE 1.4 LAND USE AND SCHOOL FACILITIES COORDINATION [9J-5.025(3)(b)(4)(5), and (6) F.A.C.]

The City shall coordinate with the School Board land use and facilities.

Policy PSF 1.4.1 Coordination of Existing School Facilities and Sites

Public school facilities built or school sites purchased prior to the effective date of January 1, 2008 shall be considered consistent with the existing and proposed residential areas they serve. Accordingly, nothing in this Comprehensive Plan shall be construed as

creating a conflict between public school facilities built on school sites purchased prior to the effective date of January 1, 2008 and the Comprehensive Plan land use designation.

Policy PSF 1.4.2 Coordination of Future School Facilities and Sites

As of January 1, 2008 all new public schools built within the City will be coordinated with the School Board to verify consistency between the location of public school with the City's Future Land Use Map, ensure that the new schools are proximate and consistent with existing and proposed residential areas, serve as community focal points, are co-located with other appropriate public facilities when possible, and shall have the on-site and off-site infrastructure necessary in place to support the new school.

Policy PSF 1.4.3 School Locations

The City shall allow schools in all Future Land Use categories except C/P (Conservation Preservation Lands) and Industrial (I), proximate to urban residential areas consistent with the school siting standards of PSF policy 3.3.1. The City shall permit the location of schools within the AG (Agricultural) Future Land Use category only upon demonstrated need consistent with the following criteria. In the planning, siting, land acquisition, and development of the facility, evaluation shall include consideration of:

- (a) The student population density of the area, such as sufficient student population of the existing rural communities;
- (b) The criteria contained in Policy PSF 3.3.1; and
- (c) Public safety.

OBJECTIVE 1.5 COORDINATION OF SUPPORTING INFRASTRUCTURE [9J-.025(3)(c)(5)]

The City shall coordinate with the School Board plans for supporting infrastructure.

Policy PSF 1.5.1 Coordination of Planned Improvements

As required by Objective 1.3 and its supporting policies, the City shall annually update and amend the Capital Improvements Element to include the School Board's five and ten-year Capital Plan.

Policy PSF 1.5.2 Coordinated Map Series [9J-5.025(3)(c)(6), (4)(a) and (4)(b) F.A.C.]

The City, in conjunction with the School Board, the County, and the other Municipalities, through the Elected Officials Oversight Committee, shall annually update and maintain a public school facilities map series which are coordinated with the City's Future Land Use Map or Map Series, including the planned general location of schools and ancillary

facilities for the five-year planning period and the long-range planning period. The Map Series shall include at a minimum:

- (a) A map or maps which identify existing location of public school facilities by type and existing location of ancillary plants
- (b) A future conditions map or map series which depicts the planned general location of public school facilities and ancillary plants and renovated facilities by year for the five year planning period, and for the end of the long range planning period of the host county.

GOAL 2: ENCOURAGE SCHOOLS AS FOCAL POINTS OF COMMUNITY PLANNING AND DESIGN. [9J-5.025(3)(b)(4), (5) and (6)]

OBJECTIVE 2.1 ENHANCE COMMUNITY/NEIGHBORHOOD DESIGN

The City, in conjunction with the School Board, shall promote the neighborhood concept in new developments or redevelopment by requiring, where feasible, the joint planning of schools and public facilities, joint uses and partnerships.

Policy PSF 2.1.1 Collocation of Facilities

The City shall require, where feasible, the location of parks, recreation and community facilities in new and existing communities in conjunction with school sites.

Policy PSF 2.1.2 Joint Use Agreements

The City and the School Board shall, where feasible, enter into agreements for joint-use facilities, to include but not be limited to, schools, community centers, libraries and parks.

Policy PSF 2.1.3 Collaboration on Collocation

Upon notice from the School Board that it is considering contracting for a school site, the City shall promptly notify the School Board of the City's interest, if any, in joint acquisition or collocation for other public facilities.

Policy PSF 2.1.4 Public/Private Partnerships

The City will coordinate with the School Board to encourage the business community and other private organizations to coordinate with the City and the School Board to jointly fund and design community-based services and facilities (i.e. recreational facilities) in conjunction with existing and proposed school sites.

Policy PSF 2.1.5 Connectivity of Public Schools and Facilities

The City shall, where feasible, require interconnectivity of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks.

OBJECTIVE 2.2 DEVELOPERS’ OPPORTUNITIES AND EXPECTATIONS

The City shall require developers of new and revitalized neighborhoods to provide safe, well-connected access to schools.

Policy PSF 2.2.1 Conveyance of School Sites

The City shall require conveyance of land, as required by the School Board to address the impact of residential dwelling units on the school system.

Policy PSF 2.2.2 Density Transfer

The City shall, consistent with this Comprehensive Plan, allow for the transfer of the entitled density of a school site, conveyed pursuant to PSF 2.2.1., onto existing developable areas of the parent site proposed for residential development or redevelopment.

Policy PSF 2.2.3 Connectivity to Schools

The City shall require that new and redevelopment residential projects construct the sidewalks, trails, and bikeways, consistent with this Comprehensive Plan, that are necessary to connect school sites to sidewalks, trails and bikeways systems.

GOAL 3: PROVIDE SAFE AND SECURE SCHOOLS SITED WITHIN WELL DESIGNED NEIGHBORHOODS.

OBJECTIVE 3.1 STANDARDS FOR LOCATION OF SCHOOLS

The City will provide security and safety of children by locating compatible uses adjacent to schools, requiring sidewalks or multiuse trails within communities adjacent to schools, interconnecting communities where schools exist or are planned, and coordinating with the School Board on signage, bus stops, and improvement to Community Development Areas.

Policy PSF 3.1.1 Compatibility of Use

The City shall review development proposals for compatibility of uses adjacent to existing schools and known future school sites.

Policy PSF 3.1.2 School Accessibility

The City shall coordinate with the School Board to require that both existing school facilities and proposed school sites are accessible from and integrated into a planned system of sidewalks, bike trails, and bikeways, and shall continue to enforce the access management guidelines set forth in the Land Development Code.

Policy PSF 3.1.3 Pedestrian Access

The City shall require interconnected pedestrian access between neighborhoods for both new and re-development projects to allow direct access to school sites and bus drop-off locations, when feasible.

Policy PSF 3.1.4 Bus Stops

The City shall, in cooperation with the School Board, develop and adopt design standards for school bus stops and turnarounds in new developments and re-development projects.

OBJECTIVE 3.2 SCHOOL SITING STANDARDS

The School Board will implement siting standards for school planning and construction.

Policy PSF 3.2.1 Joint Site Identification

The City shall continue to coordinate with the School Board in its efforts to identify new school sites and locations through the Development Review Process.

Policy PSF 3.2.2 Location of Elementary and Middle Schools

The City shall require where feasible the location of new elementary and middle schools, unless otherwise required, internal or adjacent to residential neighborhoods.

Policy PSF 3.2.3 Location of High Schools

The City shall coordinate with the School Board to identify the locations for new high schools on the periphery of residential neighborhoods, where access to collector roads or higher is available.

Policy PSF 3.2.4 Pedestrian Friendly Schools

The City shall support and coordinate with School Board efforts to locate new schools within reasonable walking distance of residential neighborhoods served by the school.

Policy PSF 3.2.5 Location of Administrative and Adult Education Services

The City shall support the School Board in locating appropriate school services, such as administrative offices, night classes and adult education, in alternative locations, such as but not limited to commercial plazas, shopping malls and community centers.

OBJECTIVE 3 FACILITIES COORDINATION WITH THE DISTRICT SCHOOL BOARD OF PASCO COUNTY

To coordinate and support school providers in their responsibility to plan, construct, and open school facilities which are coordinated in time and location, concurrent with both need and necessary services and infrastructure, and to ensure compatibility with the Comprehensive Plan.

Policy PSF 3.3.1 School Locations

The City of Dade City shall permit the location of schools within the AG (Agricultural) Future Land Use category only upon demonstrated need consistent with the following criteria. In the planning, siting, land acquisition, and development of the facility, evaluation shall include consideration of:

1. The student population density of the area, such as sufficient student population of the existing rural communities;
2. The criteria contained in Policy PSF 3.2.2; and
3. Public safety.

Policy PSF 3.3.2 Evaluation of Potential School Sites

Potential school sites shall be consistent with the following school siting standards, to the extent practicable:

- a. The location of school sites that will provide logical focal points for community activities and serve as the cornerstone for innovative urban design standards, including opportunities for shared use and collocation of community facilities;
- b. The location of new elementary and middle schools internal or adjacent to residential neighborhoods;
- c. The location of new elementary schools within reasonable walking distance of residential areas served by the schools;
- d. The location of new high schools on the periphery of residential neighborhoods, with access to collector and higher roads;

- e. Demonstrate, where necessary, with buffering plans that the school site is compatible with present and projected uses of adjacent property;
- f. Opportunities for community redevelopment and revitalization, efficient use of existing infrastructure and discouraging urban sprawl;
- g. Safe access to and from the school site by pedestrians and vehicles, including appropriate trail and sidewalk access to neighborhoods;
- h. Absence of significant environmental constraints that would preclude development of a school on the site;
- i. Absence of adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected County and/or Municipality as a locally significant historic or archaeological resource;
- j. The proposed site is well drained and soils are suitable for development or are adaptable for development and outdoor Educational purposes with drainage improvements;
- k. The proposed location is not in conflict with County and/or Municipality comprehensive plans, storm water management plans or watershed management plans;
- l. The proposed location is not within a velocity flood zone, a floodway, or the Coastal High Hazard Area, as delineated in the affected comprehensive plan;
- m. The proposed site can accommodate the required parking, circulation and queuing of vehicles onsite and is not located on a non-paved road or a road that will remain non-paved after the opening of the Educational facility;
- n. The proposed location lies outside the area regulated by Florida Statutes Section 333.03 regarding the construction of Educational facilities in the vicinity of an airport.

Policy PSF 3.3.3 Interlocal Agreement for Coordination of Planning Activities among Pasco County, the Municipalities, and the District School Board of Pasco County

The City shall continue to implement the Interlocal Agreement for Coordination of Planning Activities among Pasco County, the Municipalities of New Port Richey, Port Richey, Zephyrhills, San Antonio, and St. Leo, and the District School Board of Pasco County, dated May of 2003, as amended from time to time and as more recently revised by the Amended and Restated Interlocal Agreement adopted by the City on March 11, 2008.

Policy PSF 3.3.4 School Development Standards

The City shall require the development of school sites to be consistent with the following standards unless the City Commission approves subsequent changes or modifications:

- a. The location, arrangement, and lighting of play fields and playgrounds shall be located and buffered as may be necessary to minimize impacts to adjacent residential property.
- b. The site must contain at least the minimum net buildable acreage necessary to meet the needs of the anticipated educational facility— 22 acres for elementary schools, 40 acres for middle schools, and 70 acres for high schools, or as determined by the District School Board of Pasco County.
- c. Maximum height of structure shall be 50 feet for elementary, middle, and high schools within 100 feet of single family residentially zoned property.
- d. Building setbacks from property lines for all schools shall adhere to the minimum building setback requirements established for the zoning district for the school site zoning district.
- e. All parking areas on school sites shall adhere to the minimum setback requirements established for the zoning district.
- f. Access to school sites shall be governed by the County's and FDOT's access management regulations, including installation by the School Board, or other party as determined by the City or Pasco County, whichever is applicable, of all access-related improvement required by such regulations. All school sites shall be connected to the existing network by existing paved roads.
- g. Compliance with the County's Right-of-Way Corridor Preservation Ordinance (if applicable).
- h. The site shall be required to provide bicycle/pedestrian connections to sidewalks, trails, and bikeways internal or adjacent to residential neighborhoods, including the provision of safe roadway crossings.
- i. Development of the site shall be consistent with applicable wetland policies contained within the Conservation Element of this plan.
- j. Development of the site shall be consistent with the Land Development Code/Zoning Ordinance as applicable and as determined by the City.

OBJECTIVE 3.4 ESTABLISH EXPEDITED SCHOOL SITING PROCESS

The City shall implement a framework for siting of schools that is streamlined and within projected needs.

Policy PSF 3.4.1 Review Process

The City, in concurrence with the School Board through the Amended and Restated Interlocal Agreement, will continue to implement and establish a formal procedure for expeditious review and coordination of plans for school sites.

Policy PSF 3.4.3 Water and Sewer Utilities

Where central water and sewer service is not available to a public school site, a temporary on-site water and sewer system may be approved consistent with the Infrastructure, if applicable, provided that connection to public supply shall be required when utilities are available to the site.

OBJECTIVE 3.5 SCHOOL SITE IDENTIFICATION

The City, in conjunction with the School Board, shall implement an effective process for identification of school sites.

Policy PSF 3.5.1 School Site Identification Requirements

The City shall coordinate with the School Board to review and update site identification requirements so that areas suitable for future school sites are identified prior to changes in urban service lines, land use, zoning or approval of projects generating new students.

Policy PSF 3.5.2 Planning Studies

The City shall coordinate with the School Board to include procedures and standards for school siting as part of area-wide planning studies.

Policy PSF 3.5.3 Use of Dedicated Property

Require within any developer agreement, zoning condition, or development order condition that any property required to be conveyed for public services to the City may be transferred to the School Board, with or without consideration except that there shall be an appropriate transfer of impact fee revenues, as applicable, to develop educational facilities, and conversely, if the School Board deems any donated property through a developer agreement, zoning condition or development order condition unsuitable for a school site, then it may transfer or lease said property to the City for any public use with or without consideration except that there shall be an appropriate transfer of impact fee revenues, as applicable. Said agreements and conditions may provide that any such properties may be transferred directly to the School Board.

Policy PSF 3.5.4 Use of Surplus Property

Before disposing of surplus property, the City shall offer first right of refusal for surplus City property to the School Board and conversely, the School Board shall offer first right of refusal for surplus School Board property to the City.

Policy PSF 3.5.5 Pre Development Approval Valuation of Conveyed School Sites

The City shall give priority consideration to land use, zoning and development approvals in areas where school sites are adequate to serve potential growth, or have been donated or set aside for purchase by the School Board at pre-development approval prices reflected in written agreements approved by the School Board.

GOAL 4: PROMOTE AND OPTIMIZE INTERGOVERNMENTAL COOPERATION FOR EFFECTIVE FUTURE PLANNING AND DEVELOPMENT OF THE PUBLIC SCHOOL SYSTEM.

OBJECTIVE 4.1 CAPITAL FUNDING MANAGEMENT

Support District School Board of Pasco County efforts to effectively and efficiently manage capital funds and resources.

Policy PSF 4.1.1 School Capacity

The City of Dade City shall support the District School Board of Pasco County in the School Board's efforts to insure sufficient capacity for current and future school enrollment by identifying capital needs for each campus, identifying available funding sources for school requirements and establishing a financially feasible capital improvements program for schools consistent with the update to the Interlocal agreement between the City and the District School Board of Pasco County.

Policy PSF 4.1.2 Amendments to Impact Fees

The City shall coordinate with the School Board in its efforts to review and recommend amendments, as necessary, to the school impact fee ordinance, consistent with applicable law.

OBJECTIVE 4.2 FUNDING SOURCES AND FACILITIES PROVISION

The City shall support, where appropriate, the use of supplemental and alternative sources for school capital funding.

Policy PSF 4.2.1 Alternative Funding Strategies

The City shall support the School Board in its efforts to research and support alternative funding for school capital needs, including, but not limited to, educational benefit units, and Community Development Districts.

Policy PSF 4.2.2 Private Partnering

The City shall coordinate with the School Board to encourage the private sector to identify and implement creative solutions, such as joint use facilities and alternative design, as well as requiring land dedication and requiring adequate school facilities in residential developments.

Policy PSF 4.2.3 Support for Creative Partnerships

The City shall, consistent with Policy 3.5.5, support the School Board by giving priority consideration for development approvals when property owners provide donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovations to existing facilities, and provide transportation alternatives.

OBJECTIVE 4.3 MAXIMIZE COLLABORATIVE OPPORTUNITIES

The City shall maximize data sharing and coordination between the City, the School Board, and other jurisdictions, as required pursuant to the Interlocal Agreement, regarding long range planning efforts.

Policy PSF 4.3.1 Coordination of School Element Planning

The City of Dade City shall support the District School Board of Pasco County to encourage countywide consistency of local school elements.

Policy PSF 4.3.2 Input on Comprehensive Plan Amendments

The City shall continue to include a representative of the School Board on the Local Planning Agency and the Planning Commission in order to solicit comments on comprehensive plan amendments and other land use decisions as provided for in Ch. 163.3174(1), F.S.

Policy PSF 4.3.3 Emergency Preparedness

The City shall coordinate with local governments and the School Board on emergency preparedness issues which may include consideration of:

- (a) Design and/or retrofit of public schools as emergency shelters;

- (b) Enhancing public awareness of evacuation zones, shelter locations, and evacuation routes; or
- (c) Designation of sites other than public schools as long term shelters, to allow schools to resume normal operations following emergency events.

Policy PSF 4.3.4 Coordination of Annual Review of Public School Facilities Element.

The City shall coordinate the annual review of the Public School Facilities Element with the School Board, and applicable local governments pursuant to Policy 1.3.1 and Policy 3.3.3 above.