



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#22-0047

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: February 15, 2022

TITLE: First Reading - Ordinance Amending City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-25.2 Adequacy Requirements and Section 47-38C, Education Mitigation, to Update the School Level of Service Standard - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission consider an ordinance amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-25.2 Adequacy Requirements and Section 47-38C, Education Mitigation, to Update the School Level of Service Standard.

Background

The Broward County School Board is requesting all municipalities adopt changes to their land development regulations to update the school level of service (LOS) standard included in the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (TRILA) and the updated Education Element of the City's Comprehensive Plan. The TRILA was adopted by the City Commission on December 19, 2017. The LOS was updated in the City's Comprehensive Plan which was approved by the Planning and Zoning Board on November 20, 2019, and adopted by the City Commission on November 17, 2020. The TRILA and updated Education Element of the City's Comprehensive Plan are provided as Exhibit 1 and Exhibit 2, respectively.

ULDR Amendments

The proposed amendments to ULDR Section 47-25.2, Adequacy Requirements and Section 47-38C, Education mitigation, are summarized below:

Section 47-25.2 Adequacy Requirements

The proposed amendments add language to the Adequacy Requirements section to inform applicants a School Capacity Determination (SCAD) letter must be provided before residential development is approved.

Section 47-38C.1.- Findings and Purpose

This section was updated to change the “Public School Facilities Element” to the “Education Element” as adopted in the City’s Comprehensive Plan

Section 47-38C.2 Public School Concurrency, Applicability, Review Procedure and School Impact Fees

The title of this section was updated to make it easier to find the regulations regarding requirements for public school concurrency and school impact fees. Code language defining the applications subject to public school concurrency determination and the review procedure was moved to the beginning of this section, so that applicants can more easily locate key information. The proposed amendments also remove outdated language regarding exemptions and vested development.

Section 47-38C.2 (c)Exemptions and Vested Development

The language regarding residential plats and site plans that are exempt or vested for public school concurrency has been updated to match the TRILA. Plats, replats, site plans, and amended site plans are exempt if the application generates one student or less, or are for age restricted communities with no residents under the age of eighteen. Residential applications that are considered vested for the requirements of public school concurrency include those residential plats or site plans subject to a mitigation agreement, which have a final approval that has not expired, or have otherwise satisfied school impacts.

Section 47-38C.2(d) Level of Service Standard

This section is updated to reflect the public school level of service standard in the TRILA and the Education Element. The public school level of service standard is a growth management tool intended to ensure that student stations in public school facilities are available to accommodate students generated by new and existing development. Level of service is measured for each school based upon the number of student stations available.

The level of service standard will be updated through the amendment to the ULDRs to allow two options:

- 1) 100% gross student station capacity for schools which have at least 10% of their student station capacity in relocatable classrooms, or
- 2) 110% permanent student station capacity for schools which have less than 10% of their student station capacity in relocatable classrooms.

Broward County Public Schools (BCPS) can implement either standard when reviewing the potential for students to be generated by proposed development and the existing student population. Having two options in the level of service standard allows BCPS to avoid changes in school boundaries. BCPS maintains the level of service through the capital improvements contained in the effective Broward County Public Schools Five-Year Adopted District Educational Facilities Plan.

Section 47-38C.2(g) Expiration of Concurrency/Vesting

The new language states that the SCAD letter will no longer be valid if the plat or site plan expires.

Section 47-38C.2(h) School Impact Fees

This section was added to state that school impact fees are to be paid into an account maintained by Broward County.

Section 47-38C.2(i) Downtown Regional Activity Center (Downtown RAC) Mitigation Fee for Residential Units

The language regarding the Downtown RAC mitigation fee was added to the ULDR in 2017. The proposed amendments relocate this language after (h) school impact fees.

The PZB reviewed the amendments at their meeting on December 15, 2021, and recommended approval (5-0) to the City Commission. The PZB staff report and meeting minutes are attached as Exhibit 3 and Exhibit 4 respectively.

The proposed ordinance amendments are provided as Exhibit 5.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Goal 4: Build a thriving and inclusive community of neighborhoods.
- Create a continuum of education services and support

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Prosperous.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Business Development Focus Area
 - Education Element
 - GOAL 1: Ensure the provision of K-12 school facilities servicing Fort Lauderdale includes consideration of local facilities adequate for the needs of current and future residents.
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- The Internal Support Focus Area
 - Implementation Element
 - GOAL 1: The Fort Lauderdale Comprehensive Plan shall accomplish the City's

Fast Forward Fort Lauderdale Vision 2035 Plan regarding the City's future growth and the six Cylinders of Excellence and shall be the City's primary policy document to guide all of its activities and development

Attachments

Exhibit 1 – Third Amended Interlocal Agreement and Restated Interlocal Agreement for Public School Facility Planning

Exhibit 2 – Comprehensive Plan Education Element

Exhibit 3 – December 15, 2021 PZB Staff Report

Exhibit 4 – December 15, 2021 PZB Meeting Minutes

Exhibit 5 – Proposed Amendments to ULDR Section 47-25.2, Adequacy Requirements and Section 47-38.C, Education Mitigation

Exhibit 6 – Ordinance

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