



**REQUEST:** Amend 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.

<b>Case Number</b>	UDP-T21011	
<b>Applicant</b>	City of Fort Lauderdale	
<b>ULDR Section</b>	Section 47-25.2 Adequacy Requirements Section 47-38C, Education Mitigation	
<b>Notification Requirements</b>	10-day legal ad	
<b>Action Required</b>	Recommend approval or denial to City Commission	
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**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 17, 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 Broward County Public School Interlocal Agreement and updated Education Element of the City's Comprehensive Plan are provided as **Exhibit 1** and **Exhibit 2**, respectively.

**PROPOSED AMENDMENTS:**

The proposed amendments to Section 47-38C, Education mitigation, are summarized below and provided as **Exhibit 3**.

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 is 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The proposed amendment to the review procedure remove outdated language that required providing documentation that a public school impact application (PSIA) was submitted to the School Board before a development application is accepted by the City. Language regarding the School Capacity Availability Determination Letter (SCAD) was added to state that the SCAD will indicate whether the requirements of public school concurrency have been satisfied or if the application is exempt or vested, prior to issuing a building permit for a residential development. Regulations stating that the City will not approve an application for a site plan, plat, replat, plat note amendment was struck and can be found in Section 47-38C.2(a).

#### 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 they application generates one student or less, or are for age restricted communities with no residents under the age of eighteen. Also, 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, 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 two options for level of service standards: 1) 100% gross capacity (including relocatable classrooms) for School Type A which has at least 10% of their capacity in relocatable classrooms, or 2) 110% permanent capacity for School Type B which has less than 10% of their capacity in relocatable classrooms. The LOS for School Type A and School Type B shall be achieved and maintained through the capital improvements contained in the effective 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 long 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.

#### **COMPREHENSIVE PLAN CONSISTENCY:**

The proposed ULDR amendments are consistent with the City's Comprehensive Plan - Education Element - Objective EDU 1.3, which states that proposed residential development shall ensure that public school facilities are available at Broward County School Board's adopted level of service standard. Likewise, Policy EDU 1.3.1 states that the development review process shall implement concurrency management consistent with the TRILA, the City's Education element, and the City's Unified Land Development Regulations (ULDR). Policy EDU 1.3.3 states that the City shall use the uniform district-wide LOS as stated in the TRILA.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendment is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

**EXHIBITS:**

1. The Broward County Third Amended Interlocal Agreement and Restated Interlocal Agreement for Public School Facility Planning
2. City of Fort Lauderdale Comprehensive Plan Education Element
3. Proposed Amendments to ULDR Section 47-25.2, Adequacy Requirements and Section 47-38.C, Education Mitigation