

City of Coral Gables Planning Department Staff Report

To: Honorable Local Planning Agency (LPA)/Planning and Zoning Board Members

From: Planning Department

Date: November 14, 2007

Subject: **Amendments to various City of Coral Gables legislative rules and procedures to meet State of Florida mandated public school concurrency requirements.** Amendments to the following City of Coral Gables legislative rules and procedures necessary to meet State of Florida mandated public school concurrency requirements:

- a. **Comprehensive Land Use Plan (CLUP).** An Ordinance providing for text amendments to the CLUP, providing for a new "Educational Element" and associated text amendments to the Intergovernmental Coordination and Capital Improvements Elements necessary to meet State of Florida mandated public school concurrency requirements; providing for severability, repealer, codification, and an effective date; and,
- b. **City Code.** An Ordinance repealing Chapter 101, Article V of the Coral Gables City Code, entitled "Concurrency Management Program," providing for the removal of duplicitious and outdated regulations; providing for severability, repealer, codification, and an effective date; and,
- c. ~~**Zoning Code.** An Ordinance providing for text amendments to the Zoning Code, Article 3, Division 13, entitled "Concurrency Review," providing for public school concurrency review procedures necessary to meet State of Florida mandated public school concurrency requirements; providing for severability, repealer, codification, and an effective date; and,~~
- d. **City of Coral Gables and Miami-Dade County School Board Inter-local Agreement for Public School Facility Planning.** Resolution amending and updating the City of Coral Gables and Miami-Dade County School Board Inter-local Agreement for Public School Facility Planning pursuant to State of Florida mandated public school concurrency requirements; further providing for an effective date; and,
- e. Authorizing transmittal of the CLUP text amendments and "Inter-local Agreement" to the Florida Department of Community Affairs and other applicable agencies for compliance review.

Recommendation

The Planning Department based upon the findings of fact contained herein recommends approval of the following amendments to various City of Coral Gables legislative rules and procedures to meet State of Florida mandated public school concurrency requirements:

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Local Planning Agency (LPA) review and recommendation:

- a. **Comprehensive Land Use Plan (CLUP).** An Ordinance providing for text amendments to the CLUP, providing for a new "Educational Element" and associated text amendments to the Intergovernmental Coordination and Capital Improvements Elements necessary to meet State of Florida mandated public school concurrency requirements; providing for severability, repealer, codification, and an effective date; (see Attachment A) and,

Planning and Zoning Board review and recommendation:

- b. **City Code.** An Ordinance repealing Chapter 101, Article V of the Coral Gables City Code, entitled "Concurrency Management Program," providing for the removal of duplicitous and outdated regulations; providing for severability, repealer, codification, and an effective date; (see Attachment B) and,
- c. ~~**Zoning Code.** An Ordinance providing for text amendments to the Zoning Code, Article 3, Division 13, entitled "Concurrency Review," providing for public school concurrency review procedures necessary to meet State of Florida mandated public school concurrency requirements; providing for severability, repealer, codification, and an effective date; (see Attachment C) and,~~
- d. **City of Coral Gables and Miami-Dade County School Board Inter-local Agreement for Public School Facility Planning.** Resolution amending and updating the City of Coral Gables and Miami-Dade County School Board Inter-local Agreement for Public School Facility Planning pursuant to State of Florida mandated public school concurrency requirements; further providing for an effective date; (see Attachment D) and,
- e. Authorizing transmittal of the CLUP text amendments and "Inter-local Agreement" to the Florida Department of Community Affairs and other applicable agencies for compliance review (included in applicable Ordinances above).

Proposed Ordinances and amendment language for all of the above items are provided as Attachments A through D.

Background

Concurrency is a growth management concept intended to ensure that public facilities and services – including parks, roads, water, sewers, and now public schools -- are available to serve existing and new development. Since 1985 Florida has required all cities and counties to approve new development only when those facilities and services are available at an approved level of service. In other words, a local government cannot approve a new development if the approval would cause the level of service of a public facility to drop below the approved level.

In 2005 the Florida Legislature passed a sweeping growth management bill, requiring, among other things, that local governments ensure that adequate public schools are available before approving new residential development. For a residential development to secure a building permit, adequate school capacity must be available or scheduled to be under actual construction within three years of the final approval. If capacity is not available, the developer, school district and affected local government must work together to find a way to provide capacity before the development can proceed. A synopsis of these requirements is provided as Attachment E.

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This legislation strengthens earlier attempts to link land use and public schools via an inter-local agreement between the City, School Board, and other local governments in the County. The original inter-local agreement, approved in March 2003, required the coordination of information among its signatories, and provided the School Board with an opportunity to seek "voluntary contributions" from new residential developments impacting overcrowded schools.

The School Board presented an overview of school concurrency requirements and proposed regulations at the Planning and Zoning Board meeting of October 10, 2007 (see Attachment F), and at the City Commission meeting of November 13, 2007. School Board Staff was asked to return to the PZB with more information on a couple of issues raised by PZB board members, specifically (1) the percentage of students attending public schools in Coral Gables that are residents of the City; and (2) the student-multipliers for each of the City's Minor Statistical Areas. The School Board will present this information at the November 14, 2007 PZB meeting (see Attachment G).

Compliance

Since the passage of public school concurrency legislation in 2005, the City of Coral Gables has been participating in a countywide intergovernmental effort to comply with and implement the new requirements. The statutory deadline for compliance for all local governments in Miami-Dade County is January 1, 2008. This requires the following:

1. Amendments to the City's Comprehensive Land Use Plan (CLUP) providing for a new Educational Facilities Element, and amending the existing Capital Improvements and Intergovernmental Coordination Elements.
2. Amendments to the City's Zoning Code and City Code providing for changes to the City's Concurrency Management System processes and regulations.
3. Amendment of the existing Inter-Local Agreement between the City, School Board and other local governments in the County.

Failure to complete these items by the required deadline will halt the City's ability to amend the CLUP and Future Land Use Map, thereby preventing development projects that require changes to the CLUP text and map from moving forward.

On October 16, 2007, the Planning Department and Building and Zoning Department began to provide a notice of these requirements to all prospective applicants for residential development in the City (see Attachment H).

Proposed Comprehensive Land Use Plan Text Amendments

Pursuant to State-mandated public school concurrency requirements, the Planning Department recommends approval of the following text amendments to the City's CLUP:

- Addition of new "Educational Element" providing for new goals, objectives, and policies relating to educational facilities in the City of Coral Gables (see Attachment A(a)).
- Amendment of existing "Intergovernmental Element" providing for two (2) new policies that strengthen the City's intergovernmental coordination with Miami-Dade County Public Schools (see Attachment A(b)).
- Amendment of existing "Capital Improvements Element" providing for three (3) new policies and one (1) new objective that establish school concurrency-related regulations, such as those relating to Level of Service (LOS) standards, capacity determination,

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proportionate fair-share mitigation, and the School Board's Facilities Work Program (see Attachment A(c)).

These amendments incorporate provisions that were already approved by the City as part of the original Interlocal Agreement, as well as additional provisions required pursuant to State statutes.

Additional data and analysis in support of these text amendments is provided as Attachment I.

Proposed City Code Amendment

In drafting proposed concurrency management standards for public schools, City staff discovered that outdated regulations governing concurrency standards remained in the Coral Gables City Code after having been updated and included in the Zoning Code as part of the Zoning Code Rewrite. Accordingly, in order to preclude potentially conflicting sets of regulations, the Planning Department recommends approval of the following text amendment to the City Code:

- Repeal of Chapter 101, Article V of the Coral Gables City Code, entitled "Concurrency Management Program," providing for the removal of duplicitous and outdated regulations (see Attachment B).

~~Proposed Zoning Code Text Amendment~~

~~Pursuant to State-mandated public school concurrency requirements, the Planning Department recommends approval of the following text amendment to the City's Zoning Code:~~

- ~~• Amendment of existing Article 3, Division 13, of the Zoning Code, entitled "Concurrency Review," providing for new provisions that establish school concurrency-related regulations, such as those relating to exemptions, reservation of capacity, and the School Board's Facilities Work Program (see Attachment C).~~

Proposed Amendments to Interlocal Agreement

Pursuant to State-mandated school concurrency requirements, the Planning Department recommends approval of the following amendments to the "City of Coral Gables and Miami-Dade County School Board Inter-local Agreement for Public School Facility Planning," which must be approved and signed in identical form by the School Board, Miami-Dade County, and all of the county's municipalities:

- Amendment of existing Interlocal Agreement, providing for enhanced intergovernmental coordination provisions and procedures in the establishment and implementation of public school concurrency (see Attachment D).

Next Steps

The City Commission is tentatively scheduled to consider this issue as follows (dates and times are subject to change):

1st Reading, Tuesday, December 11, 2007, 9:00 a.m..

2nd Reading, To be determined based upon DCA comments and review time frame.

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:

- A. Proposed Ordinance: CLUP text amendments.
- B. Proposed Ordinance: City Code amendment.
- ~~C. Proposed Ordinance: Zoning Code text amendment~~
- D. Proposed Resolution: Amendments to Interlocal Agreement.
- E. Synopsis of State of Florida School Concurrency Requirements.
- F. Excerpt summary minutes of 10.10.07 PZB Meeting.
- G. 11.14.07 School Board PowerPoint.
- H. 10.16.07 notice to prospective applicants for residential development.
- I. Data and analysis for CLUP text amendments.
- J. Published newspaper notification (advertisement).