

**ORDINANCE NO. 2011 - 012**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING SECTION 110-111, "PUBLIC SCHOOL CONCURRENCY" OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.31777, F.S., requires the Town to enter into an Interlocal Agreement with the School Board and Broward County to ensure that school facilities are properly coordinated with residential development; and

**WHEREAS**, Section 163.3180, F.S., requires the adoption of a Public School Facilities Element into the Comprehensive Plan; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches adopted its Public School Facilities Element of the Comprehensive Plan on May 1, 2008; and

**WHEREAS**, Broward County and all non-exempt municipalities are required by Sec. 163.3180, F.S., to adopt public school concurrency provisions into their respective land development codes; and

**WHEREAS**, the Town of Southwest Ranches adopted the required public school concurrency provisions into the land development code on July 10, 2008; and

**WHEREAS**, The School Board of Broward County adopted the Second Amended Interlocal Agreement on February 2, 2010 and the Broward County Commission approved it on February 23, 2010.

**WHEREAS**, the Town Council of the Town of Southwest Ranches approved and executed the Second Amended Interlocal Agreement on May 20, 2010 to comply with the statutory requirement; and

**WHEREAS**, the second amended Interlocal Agreement revised the level of service for public school facilities for the purpose of making school concurrency determinations, and the Florida Department of Community Affairs issued a notice of intent to find the Second Amended Agreement consistent with the minimum requirements of Sections 163.31777(2), F.S; and

**WHEREAS**, the Public School Facilities Element of the Comprehensive Plan has been amended for consistency with the Second Amended Interlocal Agreement; and

**WHEREAS**, the Town's land development code must be updated for consistency with the comprehensive plan; and

**WHEREAS**, the Local Planning Agency of the Town of Southwest Ranches recommended approval of the proposed land development code text amendments for public school concurrency at its May 26, 2011 meeting, with a finding that the amendments are consistent with Sec. 163.3180 F.S., the Public School Facilities Element, Second Amended Interlocal Agreement and Broward County Land Development Code provisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**SECTION 1: Recitals Adopted.** That the foregoing 'WHEREAS' clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof.

**SECTION 2: Code Amendment.** That Section 110-111 "Public School Concurrency" of the Unified Land Development Code of the Town of Southwest Ranches is hereby amended to read as follows:

Sec. 110-111. Public School Concurrency.

(F) Level of Service Standards.

- (1) The level of service standard (LOS) shall be ~~one hundred ten (110) percent of the permanent Florida Inventory of School Housing [FISH] capacity~~ 100 percent of gross capacity (with relocatable classrooms) for each Concurrency Service Area 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 percent of permanent FISH capacity. The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements contained in the effective Five-Year Adopted District Educational Facilities Plan (DEFP).

**SECTION 3: Inclusion.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Unified Land Development Code.

**SECTION 4: Conflicts.** All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

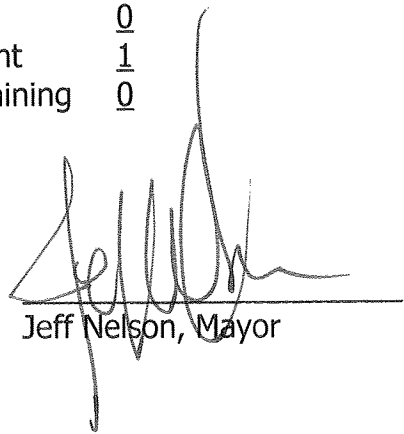
**SECTION 6: Effective Date.** This Ordinance shall take effect 31 days after adoption unless the companion comprehensive plan amendment establishing a new public school facilities level of service standard is timely challenged pursuant to sec. 163.32465(6), F.S., in which case the Ordinance shall take effect on the date that the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

**PASSED ON FIRST READING** this 26<sup>th</sup> day of May, 2011 on a motion made by Council Member Breitkreuz and seconded by Council Member McKay.

**PASSED AND ADOPTED ON SECOND READING** this 22<sup>nd</sup> day of September, 2011, on a motion made by Council Member Breitkreuz and seconded by Council Member Jablonski.

Nelson	<u>ABSENT</u>
Fisikelli	<u>YES</u>
Breitkreuz	<u>YES</u>
McKay	<u>YES</u>
Jablonski	<u>YES</u>

Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>1</u>
Abstaining	<u>0</u>



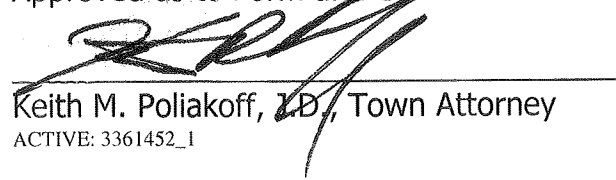
Jeff Nelson, Mayor

Attest:



Erika Gonzalez-Santamaria, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney  
ACTIVE: 3361452\_1