



CITY OF NEWBERRY

ORDINANCE NO. 02-14

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE TEXT OF THE CITY OF NEWBERRY COMPREHENSIVE PLAN, AS AMENDED; BY AMENDING THE PUBLIC SCHOOLS FACILITIES ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT IN ACCORDANCE WITH CHAPTER 163.3177, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, as amended, the Local Government Comprehensive Planning and Land Development Regulation Act, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement the Comprehensive Plan;

WHEREAS, Section 163.3177, Florida Statutes, as amended, requires revisions and modifications to the text of the City of Newberry Comprehensive Plan, hereinafter referred to as the Comprehensive Plan, in accordance with the procedures and requirements set forth in said section and to adopt these revisions as an amended Public Schools Facility Element and the Capital Improvements Element also in accordance with said section;

WHEREAS, the Planning and Zoning Board of the City of Newberry, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Newberry, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the City of Newberry Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for the amendments, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendments, as described below, and recommended to the City Commission approval of said application for amendments, as described below;

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Commission held the two required public hearings, with public notices having been provided, on said application for an amendment, as described below, and at said public hearings, the City Commission reviewed and considered all comments received during said public hearings, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment, as described below; and

WHEREAS, the City Commission, has determined and found that a need and justification exists for the approval of said application for amendment, as described below;

WHEREAS, the City Commission, has determined and found that approval of said application for an amendment, as described below, is consistent with purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the City Commission has determined and found that approval of said amendment, as described below, would be consistent with the provisions of Chapter 163.3177, F.S. and would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, THAT:

Section 1. the City of Newberry City Commission hereby amends the Public School Facilities Element, which is embodied as Exhibit 1, dated January 13, 2014, and amendments to the Capital Improvements Element, which is embodied as Exhibit 2, dated January 13, 2014, all of which are attached hereto and made a part hereof.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.


Section 4. Effective Date. This ordinance shall become effective upon adoption. The effective date of this plan amendment shall be the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Division of Community Planning and Development, 107 East Madison Street, MSC-160, Tallahassee, FL 32399-4120.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, and Sections 163.3161 through 163.3215, Florida Statutes.

First reading was held on the 10th day of February 2014.


DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 23rd day of June, 2014.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

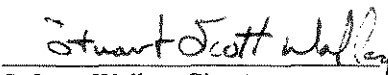


Honorable William H. Conrad, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:


Judy S. Rice, City Clerk

APPROVED AS TO FORM AND
LEGALITY:


S. Scott Walker, City Attorney

Attachments: Exhibit 1, Exhibit 2

X.
CITY OF NEWBERRY PUBLIC SCHOOL FACILITIES ELEMENT
GOALS, OBJECTIVES & POLICIES
EXHIBIT 1

GOAL 1: THE CITY SHALL COLLABORATE WITH THE SBAC TO PLAN FOR PUBLIC SCHOOL CAPACITY TO ACCOMMODATE PROJECTED ENROLLMENT DEMAND WITHIN THE FIVE YEAR, TEN YEAR AND TWENTY YEAR PLANNING PERIODS

OBJECTIVE PSFE 1.1: LAND USE AND SCHOOL CAPACITY COORDINATION

It is the objective of the City of Newberry to coordinate land use decisions [see definition] with school capacity planning. This objective will be accomplished recognizing the SBAC's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for future land use, rezoning, and subdivision and site plans for residential development that generate students and impact the Alachua County school system.

Policy PSFE 1.1.1 Coordinated Map Series

The City, in conjunction with the SBAC and Alachua County local governments, shall annually update and maintain a public school facilities map series as supporting data and analysis. This map series including the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period, will be coordinated with the City's Future Land Use Map or Map Series,. 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.
- (c) A map or map series which depicts School Concurrency Service Areas (SCSAs) for high schools, middle schools and elementary schools.

POLICY PSFE 1.1.2: Coordinating School Capacity with Growth

The City of Newberry shall coordinate land use decisions rezonings with the SBAC's Long Range Facilities Plans over the 5-year, 10-year and 20-year periods.

POLICY PSFE 1.1.3: Geographic Basis for School Capacity Planning.

For purposes of coordinating land use decisions with school capacity planning, the School Concurrency Service Areas (SCSAs) that are established for high, middle and elementary schools as part of the Interlocal Agreement for Public School Facility Planning ("Interlocal Agreement") shall be used for school capacity planning. The relationship of high, middle and elementary capacity and students anticipated to be generated as a result of land use decisions shall be assessed in terms of its impact (1) on the school system as a whole and (2) on the applicable SCSA(s). For purposes of this planning assessment, existing or planned capacity in adjacent SCSAs shall not be considered.

POLICY PSFE 1.1.4: Criteria for Evaluating Land Use and Development Applications [ILA Section 6.5] [Sec 163.3177(6) (a) F.S.]

In reviewing land use decisions, the SBAC may address the following issues as applicable:

- a. Available school capacity or planned improvements to accommodate the enrollment resulting from the land use decision;
- b. The provision of school sites and facilities within neighborhoods;
- c. The co-location of parks, recreation and neighborhood facilities with school sites;
- d. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks for safe access;
- e. Traffic circulation, in the vicinity of schools including the provision of off-site signalization, signage, access improvements, sidewalks to serve schools and the inclusion of school bus stops and turnarounds;
- f. Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments;
- g. Whether the proposed location is consistent with any local government's school design and planning policies.

POLICY PSFE 1.1.5: SBAC Report to City

The SBAC shall report its findings and recommendations regarding the land use decision to the City. If the SBAC determines that capacity is insufficient to support the proposed land use decision, the SBAC shall include its recommendations to remedy the capacity deficiency including estimated cost. The SBAC shall forward the Report to all local governments within Alachua County.

POLICY PSFE 1.1.6 City to Consider SBAC Report

The City shall consider and review the SBAC's comments and findings regarding the availability of school capacity in the evaluation of land use decisions.

POLICY PSFE 1.1.7: Capacity Enhancement Agreements

Where feasible and agreeable to the City, SBAC, affected jurisdictions and the applicant, Capacity Enhancement Agreements shall be encouraged to ensure adequate capacity is available at the time the school impact is created. The SBAC's Long Range Facilities Plans over the 5-year, 10-year and 20-year periods shall be amended to incorporate capacity modification commitments established by Capacity Enhancement Agreements.

Policy 1.1.8 Educational Facilities Benefit District Funding Option. The School Board and local governments may consider establishment of Educational Facilities Benefit Districts [Section 1013.355-357, F.S] as a funding option if needed to achieve or maintain level of service standards

Policy 1.1.9 SBAC to Report to the Elected Officials Group. The SBAC will annually provide a cumulative report of land use decisions and the effect of these decisions on public school capacity to the Elected Officials Group – comprised of representatives of the School Board, County and the municipalities within the County – established by the Interlocal Agreement for Public School Facility Planning.

GOAL 2: PROVIDE ADEQUATE PUBLIC SCHOOL CAPACITY TO ACCOMMODATE ENROLLMENT DEMAND WITHIN THE SCHOOL BOARD'S FIVE-YEAR DISTRICT FACILITIES WORK PROGRAM

OBJECTIVE PSFE 2.1 IMPLEMENTATION OF SCHOOL CONCURRENCY

The City shall coordinate with the SBAC to assure the future availability of adequate public school facility capacity through its authority to implement school concurrency.

POLICY PSFE 2.1.1 Interlocal Agreement

The City shall maintain the Interlocal Agreement for Public School Facility Planning to implement school concurrency in concert with the SBAC and the municipalities. The Interlocal Agreement shall be consistent with the goals, objectives and policies of this Element.

POLICY PSFE 2.1.2 Ordinance Implementing School Concurrency

Policy 2.1.2 The City shall implement the provisions for public school concurrency management through its land development regulations.

OBJECTIVE PSFE 2.2: LEVEL OF SERVICE STANDARDS

The City shall ensure that the capacity of public schools is sufficient to support new residential subdivisions, plats and/or site plans at the adopted level of service LOS standards within the period covered by the five-year schedule of capital improvements and the long range planning period.

POLICY PSFE 2.2.1: Uniform Application of LOSS

The LOS standards established herein shall be applied consistently by all the local governments within Alachua County and by the SBAC district-wide to all schools of the same type.

POLICY PSFE 2.2.2: LOS Standards

The uniform, district-wide LOS standards shall be 100% of program capacity for elementary, middle, and high schools. This LOS standard shall apply to all concurrency service areas (SCSA) as adopted in the Interlocal Agreement. For combination schools, the School Board shall separately determine the capacity of each school to accommodate elementary, middle and high students and apply the LOS Standard prescribed above for elementary, middle and high levels respectively.

OBJECTIVE PSFE 2.3: SCHOOL CONCURRENCY SERVICE AREAS

The City shall, in coordination with the SBAC and municipalities, establish School Concurrency Service Areas (SCSA's), as the areas within which an evaluation is made of whether adequate school capacity is available based on the adopted LOS standards.

POLICY PSFE 2.3.1: School Concurrency Service Areas Maps

SCSAs for high, middle and elementary schools shall be as adopted in the Interlocal Agreement. SCSA boundaries shall be included as a part the Data and Analysis supporting this Element and included in the PSFE Map Series as part of that supporting data

POLICY PSFE 2.3.2: Criteria for School Concurrency Service Areas

SCSAs shall be established to maximize available school capacity and make efficient use of new and existing public schools in accordance with the LOS standards, taking into account minimization of transportation costs, limitations on maximum student travel times, the effect of court approved desegregation plans, and recognition of the capacity commitments resulting from the local governments' within the City's development approvals within the SCSA and contiguous SCSAs.

SCSA boundaries shall consider the relationship of school facilities to the communities they serve including of urban reserve and extra-territorial designations under the "Boundary Adjustment Act" and the effect of changing development trends.

POLICY PSFE 2.3.3 Modifying School Concurrency Service Areas

The City, in coordination with the SBAC and Alachua County local governments shall require that prior to adopting a modification to SCSAs, the following standards will be met:

- a. Potential modifications to the SCSAs may be considered annually.
Supporting data & analysis for modified SCSA's shall be included in the annual update to the SBAC's 5 -Year Work Program
- b. Modifications to SCSA boundaries shall be based upon the criteria as provided in Policy PSFE 2.3.2.
- c. Any modifications to the SCSA boundaries shall be based on supporting data and analysis showing that the amended SCSA's can reasonably be met within the five year District Facilities Work Program
- d. Any party to the adopted Interlocal Agreement may propose a modification to the SCSA boundary maps.
- e. At such time as the SBAC determines that a SCSA boundary change is appropriate considering the above criteria, the SBAC shall transmit the proposed SCSA boundary modification with data and analysis to support the changes to the Elected Officials Group.

- f. The Elected Officials Group shall review the proposed SCSA boundary modifications and send its comments to the SBAC.

Modifications to a SCSA shall become effective upon final approval by the SBAC and amendment of the Interlocal Agreement for Public School Facility Planning.

OBJECTIVE PSFE 2.4: SCHOOL CONCURRENCY REVIEW PROCESS

In coordination with the SBAC, the City will establish a joint process for implementation of school concurrency which includes applicability, capacity determination, availability standards, and school capacity methodology.

POLICY PSFE 2.4.1 Development Review

The issuance of final development orders for residential development shall be subject to the availability of adequate school capacity based on the Level of Service (LOS) standards adopted in this Element.

A portion of Policy 2.4.2 related to residential exemptions is amended to read as follows:

The following residential developments are exempt from the school concurrency requirements:

POLICY PSFE 2.4.2: Exemptions

The following residential developments are exempt from the school concurrency requirements:

1. Single family lots of record that received final subdivision or plat approval prior to the effective date of the PSFE, or single family subdivisions or plats actively being reviewed at the time of adoption of the PSFE that have received preliminary development plan approvals and the development approval has not expired.
2. Multi-family residential development that received final site plan approval prior to the effective date of the PSFE, or multi-family site plans that were actively being reviewed at the time of adoption of the PSFE that have received preliminary development plan approvals and the development approval has not expired.
3. Amendments to subdivisions or plat and site plan for residential development that were approved prior to the effective date of the PSFE, and which do not increase the number of students generated by the development.

4. Age restricted developments that prohibit permanent occupancy by persons of school age Such restrictions must be recorded, irrevocable for a period of at least thirty (30) years and lawful under applicable state and federal housing statutes. The applicant must demonstrate that these conditions are satisfied
5. Group quarters that do not generate students that will be housed in public school facilities, including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

POLICY PSFE: 2.4.3 Student Generation Rates and Costs per Student Station

Student generation rates used to determine the impact of a particular development application on public schools, and the costs per student station shall be determined in accordance with professionally accept District Facilities Work Program.

POLICY PSFE 2.4.4: School Capacity and Enrollment

The uniform methodology for determining if a particular school is meeting adopted LOS standards, shall be determined by the SBAC. The SBAC shall use program capacity as the methodology to determine the capacity of elementary, middle, and high school facilities. School enrollment shall be based on the enrollment of each individual school based on counts reported by the SBAC to the Department of Education.

POLICY PSFE 2.4.5: Determination of Adequate Capacity

The City of Newberry and SBAC shall conduct a plan review that is subject to school concurrency. In accordance with procedures for coordination of such revisions by the City and the School Board established in the interlocal agreement. These procedures shall provide for the review of individual development proposals by SBAC staff to determine whether there is adequate public school capacity to accommodate the proposed development and issuance by the City of a concurrency determination based on the SBAC staff's review and recommendation.

1. Adequate school capacity means there is sufficient school capacity at the adopted LOS standards to accommodate the demand created by a proposed development for each type of school within the affected CSA.
2. If adequate capacity does not exist, the SBAC shall identify possible mitigation options that may be applied consistent with the policies set forth within Objective 2.5. In the event that the SBAC determines that there is not adequate capacity in accordance with the concurrency availability standard in Policy

2.4.6, that the development application may remain active pending the conclusion of the mitigation negotiations and execution of a legally binding mitigation agreement in accordance with the policies under Objective 2.5

POLICY PSFE 2.4.6: Concurrency Availability Standard

School concurrency applies only to residential development or a phase of residential development requiring a final development order, proposed or established on or after the effective date of the Public School Facilities Element (PSFE).

The City shall include concurrency management provisions in its land development regulations to require that all new residential development be reviewed for school concurrency no later than the time of final subdivision, final plat or final site plan. The City shall not deny a development order due to a failure to achieve and maintain the adopted LOS standards for public school capacity where:

1. Adequate school facilities will be in place or under construction within three years as provided in the SBAC 5-Year District Facilities Work Program after the issuance of the final development order; or,
2. Adequate school facilities are available in an adjacent SCSA, and when adequate capacity at adopted LOS Standards will be in place or under construction in the adjacent SCSA within three years, as provided in the SBAC 5-Year District Facilities Work Program after the issuance of the final development order; or,
3. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by development of the property subject to the final development order as provided in this element.

Policy 2.4.7 Reservation of Capacity

A determination of adequate school capacity shall indicate a temporary commitment of capacity of necessary school facilities for purposes of development review and approval for a period not to exceed one year from Preliminary Development Plan Approval or until a Final Development Order is issued, whichever occurs first, or as specified for phased projects as approved by the City.

(a) Once the City reserves school capacity for concurrency purposes as a part of the Final Development Order, the school capacity necessary to serve the development shall be considered reserved for a period not to exceed three (3) years or until completion of construction of development infrastructure required by the Development Order or longer if the SBAC concurs that there is sufficient capacity

as specified in the City's Land Development Regulations. These time frames shall be subject to any Stat-mandated extensions of development approvals.

(b) Phased projects, as provided for in the City land development regulations, may obtain approval for a longer period, provided the development order is in accordance with an agreement entered into by the School Board, City, and the developer, which may include a phasing schedule or other timing plan for development plan approvals, capacity reservation fees, capacity enhancement agreements, or other requirements as determined by the School Board.

(d) The City shall notify shall notify the SBAC within fifteen (15) working days of the approval or expiration of a concurrency reservation for a residential development. No further determination of school capacity availability shall be required for the residential development before the expiration of the Final Certificate of Level of Service Compliance, except that any change (that would increase student generation requires review).

OBJECTIVE PSFE 2.5: PROPORTIONATE SHARE MITIGATION

The City, in coordination with the SBAC, shall provide for mitigation alternatives that are determined by the SBAC to achieve and maintain the adopted LOS standard consistent with the adopted SBAC's 5-Year District Facilities Work Program.

Policy 2.5.1 Mitigation Options

Mitigation may be allowed for those developments that cannot meet the adopted LOS Standards. Mitigation options shall include options listed below for which the SBAC assumes operational responsibility through incorporation in the adopted SBAC's financially feasible Five-Year Work Program and which will maintain adopted LOS standards.

1. The payment of a proportionate share amount as calculated by the formula in Policy 2.5.3 or the equivalent donation, construction, or funding of school facilities or sites in accordance with costs determined by the School Board
2. The creation of mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits; and
3. The establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF)

POLICY PSFE 2.5.2: Mitigation Must Enhance Program Capacity

Mitigation must be directed toward a program capacity improvement identified in the SBAC's 5-Year District Facilities Work Program, which satisfies the demands created by the proposed development consistent with the adopted LOS standards.

Mitigation shall be directed to projects on the SBAC's 5-Year District Facilities Work Program that the SBAC agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the SBAC, the City, and the applicant which shall be executed prior to the City's issuance of the final development order. If the SBAC agrees to the mitigation, the SBAC must commit in the agreement to placing the improvement required for mitigation on its 5-Year District Facilities Work Program.

POLICY PSFE 2.5.43: Calculating Proportionate Share

The applicant's total proportionate share obligation to resolve a capacity deficiency shall be based on the following:

Number of Student Stations (by School Type) = Number of Dwelling Units by Housing Type X Student Generation Multiplier (by Housing Type and School Type)

Proportionate Share Amount = Number of Student Stations (by School Type) X Cost per Student Station for School Type.

The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle or high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.

The SBAC average cost per student station shall only include school facility construction and land costs, and costs to build schools to emergency shelter standards when applicable.

The applicant's proportionate-share mitigation obligation shall be credited toward any other impact or exaction fee imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

OBJECTIVE 2.6 SBAC FIVE-YEAR DISTRICT FACILITIES WORK

Each year the City shall adopt by reference in its Capital Improvements Element, the SBAC's annually updated 5-Year District Facilities Work Program.

Policy 2.6.1 Development, Adoption and Amendment of the SBAC 5-Year District Facilities Work Program. The SBAC shall annually update and amend the Five-Year District Facilities Work Program to reflect the (LOS) standards for schools to add a new fifth year, which continues to achieve and maintain the adopted LOS for schools. The Five-Year District Facilities Work Program ensures the level of service standards for public schools are achieved and maintained within the period covered by the 5-year schedule. The Five-Year District Facilities Work Program shall also address the correction of existing facility deficiencies and facilities needed to meet future needs. After the first 5-year schedule of capital improvements, annual updates to the schedule shall ensure levels of service standards are achieved and maintained within the subsequent 5-year schedule of capital improvements necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standards. The City shall have neither obligation nor responsibility for funding the Five-Year District Facilities Work Program by adopting the SBAC's Five-Year District Facilities Work Program (by reference) into the Capital Improvements Element.

GOAL 3: Provide safe and secure schools sited within well designed communities.

Objective PSFE 3.1 School location (ILA Section 4.2) – The City shall establish standards and criteria to guide the location of future schools.

POLICY PSFE 3.1.1 Coordination of Existing School Facilities and Sites
Existing schools and sites acquired prior to July 1, 2008, shall be considered consistent with the Comprehensive Plan. If the SBAC of Alachua County submits an application to expand an existing school site, the City may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with Florida Statutes. Standards and conditions may not be imposed which conflict with those established in chapter 1013, F.S., or the State Uniform Building Code, and Policy URA 1.3.5 of this Comprehensive Plan, unless mutually agreed. In accordance with chapter 1013, F.S., and Policy URA 1.3.5., site plan review or approval shall not be required for:

- a. The placement of temporary or portable classroom facilities; or
- b. Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

POLICY PSFE 3.1.2 Coordination of Future School Facilities and Sites [ILA Section 4.5]

As of July 1, 2008 all new public schools built within the City will be coordinated with the SBAC 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 PSFE 3.1.3 Future Land Use Map to Designate Land Use Classifications Where Schools Are Permitted

a. Public educational facilities shall be allowable uses within the designated Urban Service Area: Low density, Medium density, and High density ranges, as well as, Mixed Use and Planned Developments and industrial arts curriculum in industrial land use classifications.

POLICY PSFE 3.1.4: Schools Prohibited in Specified Areas. The following areas shall be avoided when locating future educational facilities in the City of Newberry:

- a. Noise Attenuation Area or Noise Sensitive District, and other airport impact areas as prohibited by Chapter 333, Florida Statutes.
- b. Areas within the designated Rural Area of the City, as well as lands classified on the Future Land Use Plan Map as Agricultural.
- c. Existing or designated industrial districts (except for schools teaching industrial arts curriculum).
- d. Any area where the nature of existing or proposed adjacent land uses would endanger the safety of students or decrease the effective provision of education.

OBJECTIVE PSFE 3.2 ENCOURAGE SCHOOLS AS FOCAL POINTS OF COMMUNITY PLANNING AND DESIGN. [9J-5.025(3) (b) (4), (5) and (6)]

POLICY PSFE 3.2.1 ENHANCE COMMUNITY/NEIGHBORHOOD DESIGN

The City, in conjunction with the SBAC, shall promote the neighborhood concept in new developments or redevelopment by encouraging the use of existing schools as neighborhood centers or focal points.

POLICY PSFE 3.2.2 Location of Elementary and Middle Schools

Policy 5.3.2 - Elementary and middle schools are encouraged to locate:

- a. within existing or proposed residential areas or village centers, and

- b. near existing or designated public facilities such as parks, recreational areas, libraries, and community centers to facilitate the joint use of these areas.

OBJECTIVE 3.3 STANDARDS FOR SCHOOL SITE DESIGN

The City will establish standards for school siting and site design to provide security and safety of children and to provide a functional educational environment

POLICY PSFE 3.3.1 Land Development Regulations to Provide Reasonable Standards

Land development regulations for public and private educational facilities shall include reasonable development standards and conditions, and shall provide for consideration of the site plan's adequacy as it relates to environmental concerns, health, safety, and general welfare, promotion of safe pedestrian and bicycle access with interconnections to related uses, and effects on adjacent property

POLICY PSFE 3.3.2 Compatibility of Adjacent Uses

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

POLICY PSFE 3.3.3 School Accessibility

The City shall coordinate with the SBAC 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.

POLICY PSFE 3.3.4 Bus Stops

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

POLICY PSFE 3.3.5 – Safe Ways to School

To reduce hazardous walking conditions consistent with Florida's safe ways to school program, the City of Newberry, in coordination with the SBAC, shall implement the following strategies:

- a. **New developments adjacent to school properties shall be required to provide a right-of-way and a direct safe access path for pedestrian travel to existing and planned school sites, and shall connect to the neighborhood's existing pedestrian network;**

- b. For new development and redevelopment within 2 miles of an existing or planned school, the City shall require sidewalks along the property for the corridor that directly serves the school, or qualifies as an acceptable designated walk or bicycle route to the school;
- c. To ensure continuous pedestrian access to public schools, priority will be given to cases of hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, and specific provisions for constructing such facilities will be included in the schedule of capital improvements adopted each fiscal year
- d. Evaluate school zones to consider safe crossing of children along major roadways, including possible speed limit reductions from 25 mph to 15 mph in school zones; and prioritize areas for sidewalk improvements including: schools with a high number of pedestrian and bicycle injuries or fatalities, schools requiring courtesy busing for hazardous walking conditions, schools with significant walking populations, but poor pedestrian and bicycle access, and schools needing safety improvements;

OBJECTIVE PSFE 3.4 SCHOOL SITING STANDARDS

The City will establish siting standards for schools.

POLICY PSFE 3.4.1 Evaluation of Potential School Sites [ILA Section 4.4]

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

- a. The location of schools proximate to urban residential development and contiguous to existing school sites, and which provide potential focal points for community activities, including opportunities for shared use and co-location with other community facilities;
- b. The location of elementary schools proximate to and, within walking distance of the residential neighborhoods served;
- c. Elementary schools should be located on local or collector streets;
- d. Middle and high schools should be located near arterial streets;
- e. Compatibility of the school site with present and future land uses of adjacent property considering the safety of students or the effective provision of education;

- f. Whether existing schools can be expanded or renovated to support community redevelopment and revitalization, efficient use of existing infrastructure, and the discouragement of urban sprawl;
- g. Site acquisition and development costs;
- h. Safe access to and from the school site by pedestrians, bicyclists and motor vehicles;
- i. Existing or planned availability of adequate public facilities and services to support the School;
- j. Environmental constraints that would either preclude or render infeasible the development or significant expansion of a public school on the site
- k. Adverse impacts on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource;
- l. The proposed location is consistent with the local government comprehensive plan, storm water management plans, or watershed management plans;
- m. The proposed location is not within a velocity flood zone or floodway, as delineated on pertinent maps identified or referenced in the applicable comprehensive plan or land development regulations;
- n. The proposed site can accommodate the required parking, circulation and queuing of vehicles; and
- o. The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

OBJECTIVE PSFE 3.5: SCHOOL DEVELOPMENT STANDARDS

The City shall establish development standards for schools to achieve compatibility with surrounding neighborhoods and the community.

POLICY PSFE 3.5.1 School Development Standards

The City shall require the development of school sites to be consistent with the following standards provided these provisions are not in conflict with the SREF or unless the Newberry City Commission approves 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 following minimum size guidelines have been recommended by the SBAC: Elementary School - 15 25 acres, Middle School - 30 35 acres, High School - 65 acres
- c. Maximum height of the school structure shall adhere to the height requirements established for the zoning district for the school site zoning district.
- 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 City's and FDOT's access management regulations, including installation by the SBAC, or other party as determined by the City, of all access-related improvement required by such regulations. All school sites shall be connected to the existing network by existing paved roads.
- g. 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.
- h. Development of the site shall be consistent with applicable wetland policies contained within the Conservation and Open Space Element of this plan.

OBJECTIVE PSFE 3.6 COORDINATION OF SUPPORTING INFRASTRUCTURE [9J-.025(3) (c) (5)]

The City shall coordinate with the SBAC plans for supporting infrastructure.

POLICY PSFE 1.5.1 Coordination of Planned Improvements

The City shall annually update and amend the Capital Improvements Element to include the SBAC's 5-Year Work Program to reflect the infrastructure required to support new school facilities.

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

OBJECTIVE PSFE 4.1 SCHOOL BOARD REPRESENTATION

POLICY PSFE 4.1.1 Appointed LPA Members.

The City will include a representative appointed by the School Board on the Local Planning Agency (LPA) to attend those meetings at which the agencies consider comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. (ILA Section 6.2)

POLICY PSFE 4.1.2 Development Review Representative

The School Board will appoint a representative to advise the Local Government review committee, or equivalent body on development and redevelopment which could have a significant impact on student enrollment or school facilities. [ILA Section 6.2]

OBJECTIVE PSFE 4.2 JOINT MEETINGS

The City shall participate in meetings and other actions established to promote coordination and the sharing of data and information.

POLICY PSFE 4.2.1 Staff Working Group [ILA Section 1.1]

A staff working group of the County, SBAC and municipalities will meet on a semi-annual basis to identify issues and assemble and evaluate information regarding coordination of land use and school facilities planning including population and student projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. A staff representative from the Regional Planning Council will also be invited to attend. A designee of the School Board shall be responsible for coordinating and convening the semi-annual meeting.

POLICY PSFE 4.2.2 Annual Meeting of Elected Officials

One or more representatives of the City each Alachua County local government and the School Board will meet at least annually in joint workshop sessions. A representative of the Regional Planning Council will also be invited to attend. The joint workshop sessions will be opportunities for the City Commission, the other Alachua County City/County Commissions or Councils, and the School Board to hear reports, discuss policy, set direction, and reach understandings concerning

issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The Superintendent of Schools, or designee, shall be responsible for making meeting arrangements and providing notification to the general public of the annual meeting. [ILA Section 1.2]

OBJECTIVE PSFE 4.3 STUDENT ENROLLMENT & POPULATION PROJECTIONS [ILA Section 2]

The City will coordinate with the SBAC and the municipalities to maintain and update student enrollment and population projections.

POLICY PSFE 4.3.1 Annual Revision and Distribution.

The City will coordinate and base its plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment. Countywide 5-year population and student enrollment projections shall be revised annually. [ILA Section 2.1]

POLICY 4.3.2 Enrollment Projections.

The School Board shall use student population projections based on information produced by the demographic and education estimating conferences pursuant to Section 216.136, Florida Statutes and the DOE Capital Outlay Full-Time Equivalent (COFTE). The School Board may request adjustment to the projections based on actual enrollment and development trends. In formulating such a request the SBAC will coordinate with the Cities and County regarding development trends, enrollment projections and future population projections. [ILA Section 2.2]

POLICY PSFE 4.3.3 Planning Data.

The School Board will consider City generated data on growth and development to allocate the projected student enrollment into school attendance zones. [ILA Section 2.3]

POLICY PSFE 4.3.4 The School District's Five-Year Facilities Work Program.

No later than October 1st of each year, the School Board shall submit to the City the district's tentative Five Year District Facilities Work Program. The program will be consistent with the requirements of Sections 1013.331 and 1013.35, F.S., and include projected student populations apportioned geographically, an inventory of existing school facilities, projections of facility space needs, information on relocatables, general locations of new schools for the 5, 10, 20 year time periods, and options to reduce the need for additional student stations. The City shall review the program and provide comments to the School Board within 30 days on the consistency of the

program with the local comprehensive plan, including the capital improvements element and whether a comprehensive plan amendment will be necessary for any proposed educational facility. [ILA Section 3.1]

POLICY PSFE 4.3.5 Educational Plant Survey.

At least one year prior to preparation of each Educational Plant Survey, the Staff Working Group established Policy PSFE 4.2.1 will assist the School Board in an advisory capacity in preparation of the survey. The Educational Plant Survey shall be consistent with the requirements of Section 1013.331, F.S., and include at least an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each in coordination with local government comprehensive plans. The Staff Working Group will evaluate and make recommendations regarding the location and need for new schools, significant expansions of existing schools, and closures of existing facilities, and the consistency of such plans with the local government comprehensive plan. [ILA Section 3.2]

POLICY PSFE 4.3.6 Growth and Development Trends. [ILA Section 3.3]

The City will provide to the SBAC on an annual basis and in accordance with a schedule described in the Interlocal Agreement, a report on growth and development trends for the preceding calendar year within their jurisdiction. These reports will include the following:

- (a) The type, number, and location of residential units which have received development plan approval;
- (b) Information regarding comprehensive land use amendments which have an impact on school facilities;
- (c) Residential building permits and / or certificates of occupancy issued for the preceding year and their location;
- (d) The identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval.
- (e) Other information relevant to monitoring for school concurrency.

OBJECTIVE PSFE 4.4 SCHOOL SITE SELECTION, EXPANSIONS AND CLOSURES [ILA Section 4]

The City, in conjunction with the SBAC, shall implement an effective process for identification and selection of school sites and for the review of significant expansions and closures

POLICY 4.4.1 Advisory Committee. [ILA Section 4.1]

The SBAC will establish a School Planning Advisory Committee (SPAC) for the purpose of reviewing potential sites for new schools, proposals for significant school expansions and potential closure of existing schools. Based on information gathered during the review, the SPAC will submit recommendations to the Superintendent of Schools. The SPAC will be a standing committee and will meet on an as needed basis. In addition to appropriate representatives of the School Board staff, the SPAC will include at least one staff member of the County, a staff representative from each of the Cities, and a diverse group of community members.

POLICY 4.4.2 New School Sites. [ILA Section 4.2]

When the need for a new school site is identified in the Five Year District Facilities Work Program, the SPAC will develop a list of potential sites in the area of need. The list of potential sites for new schools will be submitted to the City with jurisdiction for an informal assessment regarding consistency with this Element. Based on the information gathered during this review, and the evaluation criteria set forth in this Element, the SPAC will make a recommendation to the Superintendent of one or more sites in order of preference.

POLICY 4.4.3 Expansions and Closures.

For significant expansions and potential closures, the SPAC will make appropriate recommendations to the Superintendent.

POLICY PSFE 4.4.4 Expeditious Consistency Review [ILA Section 4.5]

At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, the SBAC shall provide written notice of its intent to the City. The City shall notify the SBAC within 45 days of receipt of this notice if the proposed new public education facility site is consistent with the local government's comprehensive plan. This notice does not constitute the local government's determination of consistency of any proposed construction pursuant to Section 1013.33 F.S.

OBJECTIVE PSFE 4.5 CAPITAL FUNDING MANAGEMENT

The City will support SBAC of efforts to effectively and efficiently manage capital funds and resources.

POLICY PSFE 4.5.1 Alternative Funding Strategies

The City shall support the SBAC 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 PSFE 4.5.2 Private Partnering

The City shall coordinate with the SBAC 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 PSFE 4.5.3 Support for Creative Partnerships

The City shall support the SBAC 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 PSFE 4.6 MAXIMIZE CO-LOCATION OPPORTUNITIES

The City shall maximize co-location opportunities between the County, the SBAC, and other jurisdictions.

POLICY PSFE 4.6.1 Co-location of Facilities

The City of Newberry shall co-locate public facilities such as parks, recreational areas, libraries, and community centers with schools to the extent possible. The City will look for opportunities to co-locate and share use of City facilities when preparing updates to the Comprehensive plan's schedule of capital improvements and when planning and designing new or renovating existing, community facilities.

POLICY PSFE 4.6.2 Collaboration on Co-location

Upon notice by the SBAC that it is considering acquisition of a school site, the City shall promptly notify the SBAC of the City's interest, if any, in joint acquisition or co-location for other public facilities.

POLICY PSFE 4.6.3 Joint Use Agreements

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

POLICY PSFE 4.6.4 Emergency Preparedness

Policy 5.3.11 – Emergency Shelters

To build new school facilities, and rehabilitate existing facilities and expansions, to be designed to serve as and provide emergency shelters as required by Section 1013.372, Florida Statutes, The City of Newberry will coordinate with the SBAC and adjacent municipalities on requirements for such efforts.

OBJECTIVE 4.7 SCHOOL SITE IDENTIFICATION

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

POLICY PSFE 4.7.1 School Site Identification

The City shall coordinate with the SBAC to identify and acquire future school sites prior to or concurrent with changes in urban service lines, land use, zoning or approval of projects generating new students.

POLICY PSFE 4.7.2 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 SBAC, with or without consideration except that, as applicable, to develop educational facilities, and conversely, if the SBAC 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, as applicable. Said agreements and conditions may provide that any such properties may be transferred directly to the SBAC.

POLICY PSFE 4.7.3 Use of Surplus Property

Before disposing of surplus property, the City shall notify the SBAC and conversely, the SBAC shall notify the City.

POLICY PSFE 4.7.5 Conveyance of School Sites

The City shall facilitate the conveyance of land, as required by the SBAC and consistent with this Element, to address the impact of residential dwelling units on the school system.

POLICY PSFE 4.7.6 Density Transfer

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

GOAL PSFE 5: monitoring and evaluation of public school facilities element

OBJECTIVE PSFE 5.1: Coordinate the Comprehensive Plan with School Facilities Plans On an ongoing basis, the City of Newberry shall evaluate the comprehensive plan with the school facilities plans of the SBAC to ensure consistency with the comprehensive plan.

POLICY PSFE 5.1.1: Coordination of Plan Amendments

The City of Newberry and the SBAC will coordinate during updates or amendments to the City's Comprehensive Plan and updates or amendments for long-range plans for School Board facilities. Amendments to the Public School Facilities Element will be initiated following the procedures of the Interlocal Agreement.

POLICY PSFE 5.1.2: Annual Meeting of the School Working Group

Consistent with the Interlocal Agreement, the School Working Group will meet at least once per year to discuss issues related to the effectiveness of implementing the Public School Facilities Element and Interlocal Agreement and discuss recommendations for change.

POLICY PSFE 5.1.3: Annual Meeting of the City and the SBAC

On an annual basis, the City of Newberry and the School Board will conduct a workshop on implementing the Public School Facilities Element and Interlocal Agreement

Definitions. The terms used in this subsection shall be defined as follows: [ILA Section 8.1]

1. **Adequate school capacity** - the circumstance where there is sufficient school capacity by school type, based on adopted Level of Service (LOS) standards, to accommodate the demand created by a proposed residential development.
2. **Affected Jurisdictions** – Local governments that are parties to the Interlocal Agreement for Public School Facilities Planning and are physically located within the same SCSA(s) as the area affected by a land use decision that may increase public school enrollment.

3. Capacity - "capacity" as defined in the FISH Manual.
4. Capacity Enhancement Agreement – An agreement between the SBAC, affected jurisdictions and a private entity (land owner, developer, applicant, etc) for the mitigation of school capacity deficiencies that are anticipated to result from a land use decision.
5. Existing school facilities - school facilities constructed and operational at the time a completed application for residential development is submitted to the County and Cities.
6. Final Development Order – The approval by the City of a specific plan for development with residential uses that specifies the maximum number and type of residential units. This may include approval of a final subdivision, a final site plan, or functional equivalent as provided in the City's Land Development Regulations.
7. Final Subdivision or Plat / Final Site Plan – The stage in residential development where permits or development orders are approved authorizing actual construction of infrastructure, the recording of a final plat or the issuance of building permits.
8. FISH Manual - the document entitled "Florida Inventory of School Houses (FISH)," 2006 edition, and that is published by the Florida Department of Education, Office of Educational Facilities (hereinafter the "FISH Manual"). [<http://www.fldoe.org/edfacil/>]
9. Land Use Decisions – future land use amendments, developments of regional impact, rezonings and other residential development approvals under the Land Development Code that precede the application of school concurrency and do not require a Certificate of School Concurrency.
10. FISH Capacity - capacity that is provided by "buildings and facilities," as defined in the FISH Manual.
11. Program Capacity – capacity that is provided by "buildings and facilities" as defined in the FISH Manual and modified by the SBAC to reflect measurable programmatic changes
12. Planned school facilities - school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, pursuant to the School Board's adopted Five Year Facilities Work Program.

13. **Preliminary Development Plan Approval** – The conferral of certain rights to final development order approval, including the maximum number and type of residential units, provided that such final approval is granted by the City, but not exceeding one (1) year, or as specified within the City approval of phase projects.
14. **Preliminary Subdivision or Plat / Preliminary Site Plan** – Any conceptual approval in residential that precedes the review of detailed engineering plans and/or the commencement of actual construction of infrastructure.
15. **State Requirements for Educational Facilities** – Standards established by the State of Florida for the design and construction of public educational facilities. [<http://www.fldoe.org/edfacil/sref.asp>]
16. **Total school facilities** - Existing school facilities and planned school facilities.
17. **Utilization of capacity** - current enrollment at the time of a completed application for residential development.
18. **Five Year District Facilities Work Program** - the School District's Five Year District Facilities Work Program adopted pursuant to section 1013.35, F.S.
19. **Measurable programmatic change** - means a change to the operation of a school or the use of the school facility that has consistently and measurably modifies the capacity such as the use of classrooms for special education or other special purposes.
20. **School Type** - Elementary Schools are grades Pre Kindergarten Exceptional Student Education (PK- ESE) through 5; Middle Schools are grades 6 through 8; and High School are grades 9 through 12.

Exhibit 2

SBAC FIVE YEAR DISTRICT FACILITIES WORK PLAN

The School Board of Alachua County's Five Year District Facilities Work Plan is added to this Capital Improvements Element 5 –Year Schedule by Reference – Note that the City will have neither the obligation nor responsibility for funding the 5-year District Facilities Work Program by adoption the SBAC 5-Year District Facilities Work Plan by reference into this Element.