

RESOLUTION __ - __

A RESOLUTION OF THE TOWN COUNCIL/CITY COMMISSION OF THE TOWN/CITY OF _____, FLORIDA, AGREEING TO AMEND THE TOWN'S/CITY'S COMPREHENSIVE PLAN TO MEET THE REQUIREMENTS OF THE EDUCATIONAL FACILITIES ACT AMENDMENTS OF 1995 THROUGH THE UTILIZATION OF THE MODEL INTERLOCAL AGREEMENT FOR PUBLIC EDUCATIONAL FACILITY SITING IN PINELLAS COUNTY AT THE TIME THAT EVALUATION AND APPRAISAL REPORT AMENDMENTS ARE DUE ON _____, 1997/2002, OR UPON IDENTIFICATION OF A SCHOOL SITE IN THE SCHOOL BOARD'S GENERAL EDUCATIONAL FACILITIES REPORT, WHICHEVER OCCURS FIRST, AS ALLOWED BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, the Florida Legislature passed amendments in 1995 to the Educational Facilities Act (the "Act") directing local governments, in cooperation with school boards, to include adequate land, proximate to residential development, sufficient to meet projected public educational facility (school) needs; and

WHEREAS, the amended Act requires local governments and school boards to coordinate the provision of new or expanded schools and to ensure consistency with the local government's comprehensive plan; and

WHEREAS, the Town/City of _____ does not currently have a school within its jurisdiction, are not shown in the General Educational Facilities Report of the School Board of Pinellas County as having a new school site, and has been identified by the Real Property Management Department of the School Board of Pinellas County as a local government that will not likely have a need for new schools in the future; and

WHEREAS, the Florida Department of Community Affairs, in consideration of the above items, has issued a letter stating that they have no objection to permitting local governments that have no demonstrated need for a new school to amend their comprehensive plans to meet the requirements of the Act at the time of adoption of the required Evaluation and Appraisal Report amendments on _____, 1997/2002, or upon identification of a new school site in the General Educational Facilities Report of the School Board of Pinellas County, whichever occurs first,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL/CITY COMMISSION OF THE TOWN/CITY OF _____, FLORIDA, that:

1. The Town/City agrees to utilize the Model Interlocal Agreement for Public Educational Facility Siting in Pinellas County (Exhibit A) to meet the Educational Facilities Act requirements at the time of adoption of the Evaluation and Appraisal Report amendments or upon identification of a new school site in the General Educational Facilities Report of the School Board of Pinellas County, whichever occurs first; and

2. A copy of this resolution duly certified will be sent to the School Board of Pinellas County, the Pinellas Planning Council, and the Florida Department of Community Affairs.

PASSED and ADOPTED this ____ day of _____, 1996.

Mayor

ATTEST:

Town/City Clerk

APPROVED AS TO FORM:

Town/City Attorney

EXHIBIT A

A MODEL INTERLOCAL AGREEMENT FOR

PUBLIC EDUCATIONAL FACILITY SITING IN PINELLAS COUNTY

This INTERLOCAL AGREEMENT is made and entered into this ___ day of _____, 1996, by and between (local government), FLORIDA, a political subdivision of the State of Florida (herein, the 'local government') and the PINELLAS COUNTY SCHOOL BOARD (herein, the "School Board").

WHEREAS, it would be mutually beneficial for the (local government) and the School Board to support efforts that facilitate coordination of planning for the location and development of public educational facilities; and

WHEREAS, Section 235.193(1), Florida Statutes, requires coordination of planning between the school boards and local governing bodies to ensure that new or expanded public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services; and

WHEREAS, Section 235.193(3), Florida Statutes, states that the location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body and the plan's implementing land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the School Board; and

WHEREAS, Section 163.3177(6)(a), Florida Statutes, was amended in 1995 by the Educational Facilities Siting Act (hereafter "the Act") to require that the Future Land Use Element of a local comprehensive plan identify the Future Land Use Plan map categories in which public educational facilities are an allowable use, and that all local comprehensive plans must comply with this requirement no later than October 1, 1996; and

WHEREAS, the Act identifies a specific process by which a local government would review a proposed public educational facility site to determine whether it is consistent with the local comprehensive plan and land development regulations; and

WHEREAS, Section 235.193(7), Florida Statutes allows a local government and the School Board to agree on an alternative review process; and

WHEREAS, staff from the School Board, Pinellas County, several of the municipalities, and the Pinellas Planning Council have met on a regular basis over several months to develop locational review criteria that local governments can include in their Future Land Use Element as a common basis for determining whether a proposed site is consistent with a local government's comprehensive plan; and

WHEREAS, this staff group also developed an alternative review process that can be used on a countywide basis and that is more representative of local procedures than the one outlined in the Act; and

WHEREAS, both the (local government) and the School Board have considered the locational review criteria and alternative review process; and

WHEREAS, the (local government) has amended the Future Land Use Element of the Comprehensive Plan to incorporate the provisions of Exhibit 2, that will serve as the basis for determining whether a proposed public educational facility site is consistent with the Comprehensive Plan's Future Land Use Element policies and categories in which such facilities are identified as allowable uses.

NOW, THEREFORE, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the (local government) and the School Board agree as follows:

Section 1. Authority. This Interlocal Agreement is entered into pursuant to the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements.

Section 2. Purpose. The purposes of this agreement are to provide an alternative process and locational criteria for reviewing a proposed public educational facility and site plan, and offsite impacts as provided in Section 235.193(7), Florida Statutes, and to recognize the mutual benefits derived from the coordination of planning between the School Board and the (local government).

Section 3. Alternative Review Process Established.

(a) The (local government) and the School Board agree to use the alternative review process depicted as Option ___ in Exhibit 1 hereto. Where Option A is the selected review process, the local government may choose the process for local government approval, which may include public hearing by the local government elected officials. It is the intent that a final determination of consistency be made by the local government within the 60 day time frame identified in Exhibit 1, unless an extension is agreed to by both parties.

Section 4. Locational Criteria.

(a) The School Board and the (local government) agree to use the objective and policies identified in Exhibit 2 of this Interlocal Agreement when selecting potential educational facility sites and when reviewing a potential site during the review process as set forth in Exhibit 1.

Section 5. Modifications. Should either the (local government) or the School Board desire to modify either the alternative review process depicted in Exhibit 1, or the locational review criteria identified in Exhibit 2, they shall notify in writing their intent to the other party, those other local governments that have entered into a similar interlocal agreement with the School Board, and the Pinellas Planning Council. For the (local government), such notice shall occur at least one month before the initial hearing of any proposed amendments by the (local government) local planning agency.

Approved as to form:

By: _____
John Bowen, School Board Attorney

EXHIBIT 2

Objective and Policies To Be Incorporated in the Future Land Use Element of Local Comprehensive Plans

Objective 1.: The local government shall support efforts that facilitate coordination of planning between the local government and the School Board for the location and development of public educational facilities.

Policy 1.1.: Public educational facilities are defined as elementary schools, special education facilities, exceptional education facilities, middle schools, high schools, and area vocational-technical schools of the Pinellas County School District.

Policy 1.2.: Public educational facilities of the School Board are an allowable use within the following future land use categories:

Residential Rural
Residential Estate
Residential Suburban
Residential Low
Residential Urban
Residential Low Medium
Residential Medium
Residential High
Residential Very High
Residential/Office General
Residential/Office Limited

Policy 1.3.: The location and construction of new public educational facilities, or the expansion of an existing site, within one of the future land use categories listed in Policy 1.2. shall only be allowed upon a determination by the local government that the proposed site is consistent with the local government comprehensive plan.

Policy 1.4.: In addition to overall consistency with the local government comprehensive plan, the proposed location of a new or expanded public educational facility of the School Board within one of the land use categories listed in Policy 1.2. shall be reviewed and considered with the following general criteria:

1. The proposed location is compatible with present and projected uses of adjacent property. [s. 235.19(2) (a)]
2. The site area of the proposed location is adequate for its intended use based on the State Requirements for Educational Facilities and provides sufficient area to

accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses.

3. Based on the 5-year Capital Improvement Program of the School Board and the local government comprehensive plan, there will be adequate public services and facilities to support the public school. [s. 235.193(2)]

4. There are no significant environmental constraints that would preclude development of a public education facility on the site.

5. There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by a local government as locally significant historic or archaeological resources.

6. The proposed location is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.

7. The proposed location is not in conflict with the County's Stormwater Management Plan and the local government's adopted watershed management plan, if applicable.

8. The proposed location is not in a velocity flood zone or a floodway.

9. The proposed location can accommodate the required parking and anticipated queuing of vehicles onsite.

10. The proposed location lies outside the area regulated by section 333.03(3), F.S., regarding the construction of public educational facilities in the vicinity of an airport.

Policy 1.5.:

The following criteria shall also be used to evaluate whether proposed locations of specific types of schools are consistent with the local government's comprehensive plan:

Elementary Schools, Special Education Facilities, and Alternative Education Facilities

1. The proposed location shall have direct access to at least a minor collector road or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.

Middle Schools

1. The proposed location shall have direct access to at least a minor collector road or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
2. Outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.

High Schools

1. The proposed location shall have direct access to at least a major collector road, or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
2. Stadiums, outdoor recreational facilities, and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.

Vocational-Technical Schools

1. The proposed location shall have direct access to at least a major collector road, or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
2. Industrial education facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.

- Policy 1.6.: Proposed locations that are less than the standard site acreage as prescribed in the Florida Department of Education State Requirements of Educational Facilities may be determined to be consistent with the local jurisdiction's comprehensive plan provided the requirements of s. 235.19(3), F.S., are met and off-site impacts can be adequately mitigated.
- Policy 1.7.: A consistency determination for a proposed new site or additional property with the local comprehensive plan may be conditioned with reference to specific types of public educational facilities.
- Policy 1.8.: At the time of consistency determination, a local government may impose reasonable conditions for development of the site as it relates to any of the criteria in Policies 1.4. and 1.5. Conditions may not be imposed which conflict with those established in Chapter 235 or the State Uniform Building Code, unless mutually agreed. [s. 235.193 (6)]

- Policy 1.9.: Before a significant change of program at a public educational facility is implemented, the School Board and the local government shall require a review of the facility's onsite and offsite impacts. The School Board and the local government will work cooperatively to mitigate onsite and offsite impacts, including impacts to public facilities, identified through the review.
- Policy 1.10.: The local government and the School Board shall annually coordinate in the development of their respective capital improvement programs.
- Policy 1.11.: The policies in Objective 1 above are assumed to be consistent with, and do not nullify or conflict with, the provisions in Chapter 235, F.S.