

ORDINANCE NO. 2008-058

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, PROVIDING FOR FINDINGS; PROVIDING FOR THE AMENDMENT (2008-01-C) OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO. 89-18, AS AMENDED; PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE ADOPTION OF AMENDMENT 2008-01-C TO THE SARASOTA COUNTY COMPREHENSIVE PLAN BY AMENDING THE PRIMARY COMPONENTS OF THE PUBLIC BUILDINGS AND RELATED FACILITIES CHAPTER PURSUANT TO CHAPTER 2005-98 LAWS OF FLORIDA BY CREATING A NEW CHAPTER 12: PUBLIC SCHOOL FACILITIES; REVISING THE CAPITAL IMPROVEMENTS CHAPTER AND THE INTERGOVERNMENTAL COORDINATION CHAPTER BY AMENDING GOALS, OBJECTIVES, AND POLICIES; AND AMENDING OTHER SUCH PORTIONS OF THE PLAN AND OTHER SUPPORTIVE MATERIAL AS DEEMED NECESSARY IN ORDER TO MAINTAIN INTERNAL CONSISTENCY; PROVIDING FOR INTERPRETATION; PROVIDING FOR EFFECT ON OTHER ORDINANCES AND REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

2008 MAY 14 AM 11:42

BOARD RECORDS
FILED FOR RECORD

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. Findings. The Board of County Commissioners hereby makes the following findings:

(a) Pursuant to Article VIII, Section 1(g) of the Constitution of the State of Florida, the Sarasota County Home Rule Charter, and the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, (the Act), Sarasota County is authorized and required to adopt a comprehensive plan.

(b) Sarasota County Ordinance No. 76-51, as amended, designated the Sarasota County Planning Commission as the Local Planning Agency and provided for the preparation and recommendation of a comprehensive plan and amendments thereto by the Sarasota County Planning Commission and the adoption of a comprehensive plan and amendments thereto by the Board of County Commissioners in accordance with the provisions of the Act.

(c) The Sarasota County Planning Commission, acting as the Local Planning Agency for Sarasota County, held a duly advertised public hearing on July 19, 2007 and recommended approval of proposed Comprehensive Plan Amendment 2008-01-C, and recommended approval of the amendment to the Board of County Commissioners of Sarasota County.

(d) The Board of County Commissioners of Sarasota County held a duly advertised public hearing on October 9, 2007 to receive public comment on the proposed amendment to *The Sarasota County Comprehensive Plan*.

(e) Following the public hearing, the Board of County Commissioners of Sarasota County approved the transmittal of the proposed amendment (2008-01-C) to state, regional and local agencies for review and comment on January 10, 2008.

(f) Said proposed amendment as approved for transmittal by the Board of County Commissioners of Sarasota County, together with supporting documentation, was transmitted to the Florida Department of Community Affairs and the various agencies and governments as appropriate for review and comment in accordance with the provisions of the Act and Rule 9J-11.006.

(g) The Florida Department of Community Affairs reviewed the proposed plan amendment (2008-01-C) for consistency with Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and in its report dated March 14, 2008, raised one objection to the proposed amendment.

(h) The Board of County Commissioners of Sarasota County held a duly advertised adoption public hearing on April 23, 2008, to receive public comment on the proposed amendment to *The Sarasota County Comprehensive Plan*.

Section 2. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

(a) "Act" means the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended.

(b) *The Sarasota County Comprehensive Plan* means the document adopted by the Board of County Commissioners and filed with the Clerk of said Board pursuant to Sarasota County Ordinance No. 89-18, as amended.

(c) "Board" means the Board of County Commissioners of Sarasota County, Florida.

Section 3. Adoption of Amendment 2008-01-C to *The Sarasota County Comprehensive Plan*. The Board of County Commissioners of Sarasota County hereby adopts Amendment 2008-01-C to *The Sarasota County Comprehensive Plan* pursuant to and in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes.

(a) 2008-01-C amends the primary components of the Public Buildings and Related Facilities Chapter pursuant to Chapter 2005-98 Laws of Florida by creating a new Chapter 12: Public School Facilities; revising the Capital Improvements Chapter and the Intergovernmental Coordination Chapter by amending goals, objectives, and policies; and amending other such portions of the plan and other supportive material as deemed necessary in order to maintain internal consistency.

(b) The amendment in its entirety is provided in Exhibit "A" attached hereto and made a part thereof.

Section 4. Interpretation.

(a) In the event of any inconsistency between the provisions of the amendment provided for herein and other provisions of *The Sarasota County Comprehensive Plan*, the provisions of this amendment shall supersede and control over any other such inconsistent provision.

(b) The language and provisions of this ordinance and *The Sarasota County*

Comprehensive Plan shall be construed in pari materia with Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code.

(c) Except where specifically indicated to the contrary, where any provision of this Ordinance refers to or incorporates another provision, ordinance, statute, code, regulation, or other authority, it refers to the most current version of the other provision, ordinance, statute, code, regulation, or other authority, including any subsequent amendments thereto or renumbering thereof.

Section 5. Effect on Other Ordinances and Regulations. Where this ordinance conflicts with another County ordinance, the provisions of this ordinance shall prevail to the extent of such conflict except as otherwise provided herein.

Section 6. Severability. It is declared to be the intent of the Board that if any provision of this ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

Section 7. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. 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 by the Administration Commission, 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 Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 13 day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By:


Shannon Staub, Chair

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
of the Board of County Commissioners
of Sarasota County, Florida

By:


Deputy Clerk

EXHIBIT A

Chapter 5-12

Public Schools Facilities

Introduction

Schools can act as an anchor in the community. They are a symbol of a neighborhood's stability and ~~serve~~ attract families in ~~to~~ the community. They transmit knowledge to new generations, advance knowledge, display the achievements of society, plus bring neighbors together for PTA meetings, school plays, and soccer games. They offer their classrooms and media centers to residents for adult education classes, community and club meetings. They are key determinants of the quality of life and are valued symbols of community identity and achievement. The entire community benefits from schools. Moreover, the community is often evaluated on the basis of the quality of its schools. The planning process that guides decision-making on school size, location, and programs should, therefore, be coordinated with the process that guides all community development.

Planning for school facilities is one of the responsibilities of the local School Board. In the past, it was often a separate process from local government planning. The proper functioning and the best distribution of schools are possible only when school planning is coordinated with the larger process of community planning for growth and change. Recognizing this fact, Sarasota County Government, in cooperation and coordination with the School Board of Sarasota County (School Board), ~~has sought to~~ incorporated public schools in the framework of the Comprehensive Plan in the 1996 EAR based amendment of the comprehensive plan by including schools in the Public Buildings and Related Facilities Chapter. This was further refined in the 2006 EAR based amendment of the comprehensive plan. ~~Currently there is no specific regulatory mandate that all public school Levels of Service be met prior to the issuance of a development order and permit, pursuant to the provisions of Rule 9J-5.0055(1)(a).~~ Based on recent legislation, school concurrency requirements are now required by Florida Statutes, Sections 163.3177(6)(h), 163.3177 (12), 163.31777, and 163.3180(13) will be established and phased in by December 2008. Sarasota County ~~will~~ established a school concurrency structure through partnership with the School Board and local municipalities. ~~The State has recognized Sarasota's County ability to pilot such a regulatory structure during this interim period.~~

The following sections present the standards with which the School Board evaluates school facilities; an inventory of existing facilities and planned future facilities; an evaluation of the school system based on these standards and determination of need; an analysis of funding; an analysis of coordination between school planning and local land use planning; and Objectives and Policies for such coordination.

Guidelines for the Development of Schools

The Educational Facilities Plant Survey, a school district's official list of approved projects, is required by the State at least every five years. Sarasota County School's latest survey was ~~done in 1999 and extended last year until September~~ completed in 2005. ~~During the summer of 2005, the School Board will approve the survey currently underway. The information in the following sections rely on the 1999 survey for official data and agreed upon projected items for the near future have been added.~~

According to the State Requirements for Educational Facilities (SREF) Educational Facilities Survey, a school site should be adequate to address existing needs based on school programs and enrollment and to allow economical future expansion and development. The choice of sites for new schools is of critical importance in the overall development of a school facilities program. New sites should be located to minimize transportation and infrastructure costs and should be sized so that they provide adequate space for school buildings, stormwater retention, off street parking, queuing for parent and bus loading and unloading, and playground areas.

~~The Educational Facilities Survey~~ SREF presents minimum space requirements based on program needs, pursuant to Rule A-2.032, Florida Administrative Code, Size of Space, and Occupant Design Capacity Criteria. The minimum space requirements include student capacity, student stations, gross square footage of buildings, and facilities' utilization. Student capacity is the maximum number of students a school facility is designed to accommodate. A student station is the area necessary for a student to engage in learning activities, and varies with particular types of activities. It is a measure of the use of space in schools.

According to SREF State criteria, student capacity in elementary schools can be equated to the number of student stations, since elementary school students are assigned to one classroom throughout the day. In secondary schools (middle and high), however, students move from classroom to classroom depending on their subjects. Scheduling then becomes a factor in calculating capacity as well as the number of students and student stations. Therefore, utilization factors have been established in determining capacity.

According to SREF the Educational Facilities Survey, the optimum size of elementary schools is 600-800 students. It is educationally and economically desirable for an elementary school to be large enough to justify a full time principal, a librarian, and instructional and clerical services. The optimum size for middle schools is 1,000-1,200 students, and for high schools, it's 1,800-2,000 students.

The School Board has indicated that the operation and administration of larger schools is more economically feasible than smaller schools, so long as the educational standards are maintained. Therefore, in order to guide its facilities planning efforts, the School Board has adopted the following minimum space requirements, which are higher than those suggested ~~recommended~~ by the State:

Elementary Schools (Grades Pre-K - 5)

Student Capacity	<u>1,040 970</u> (State: 600 - 800)
Student Stations	<u>1,040 970</u> (State: 600 - 800)
Gross sq. ft.	<u>137,866</u>
Utilization	<u>100%</u>
<u>Program Capacity</u>	<u>863</u>

Middle Schools (Grades 6-8)

Student Capacity	<u>1,080 4398</u> (State: 900 - 1,080)
Student Stations	<u>1,200 1553</u> (State: 1,000 - 1,200)
Gross sq. ft.	<u>234,334</u>
Utilization	<u>90%</u>
<u>Program Capacity</u>	<u>1,026</u>

High Schools (Grades 9-12)

Student Capacity	<u>2,818 2214</u> (State: 1,620 -1,800)
Student Stations	<u>2,966 2331</u> (State: 1,800 -2,000)
Gross sq. ft.	<u>361,465</u>
Utilization	<u>95%</u>
<u>Program Capacity</u>	<u>2,536</u>

Sarasota County School District reports capacity to the Department of Education using the standards of the Florida Inventory of School Houses (FISH). FISH capacity is reported in two ways, including: satisfactory student stations for permanent facilities and relocatables (portables) and FISH capacity for permanent and relocatables adjusted by utilization. Sarasota County uses FISH capacity for reporting purposes to the Department of Education.

However, for the purposes of implementing school concurrency the Sarasota County School Board has directed District staff to use program capacity as an alternative method for measuring the capacity of schools. This capacity measure is a more exact means of reflecting the actual use of a school's space taking into account special needs students and special programs to determine the capacity of its schools. In some instances, specialized programs may be recognized as full-time classroom uses and, therefore, may add capacity to FISH. In other instances, program capacity may reduce FISH capacity. If these factors are not considered when discussing capacity, the result may be a mistaken impression that classrooms are being under- or over-utilized.

Inventory and Analysis

In Sarasota County, elementary schools include pre-kindergarten through fifth grade (PK-5), middle schools include grades 6-8, combination elementary and middle schools include grades K-8, and high schools, grades 9-12. As of ~~2004~~ 2007, Sarasota County had ~~twenty-one~~ elementary schools, ~~seven~~ six middle schools, one combined elementary and middle school, five high schools, ~~six~~ eight special education purpose schools ~~eight and nine~~ charter schools; ~~and six alternative schools~~. Figure ~~5-5~~ 12-1 presents the location of existing and planned School Board facilities. Currently, there are two schools planned in North Port in the next five years. The special education schools provide various other educational programs. For instance, Oak Park

specializes in the education of emotionally, physically and developmentally challenged students, while Pine View specializes in the education of gifted students. Other ancillary school related facilities such as school administration, technical training, and construction services are also depicted in Figure 5-5 12-1.

The ~~2007-08~~2004-05 student enrollment in Sarasota County's elementary, middle, high, and ~~non-traditional public~~ and special purpose schools was 40,121~~41,116~~ students. Student enrollment is projected to reach ~~40,913~~ 50,650 students in the ~~2011-12~~2009-10 school year, an overall increase of ~~%23%~~. Table 5-6 12-1 illustrates the current and projected enrollment. The "~~Non-Traditional Special Purpose Schools~~" category includes special education, ~~and~~ alternative schools ~~and charter schools~~. In 2007, the school district reported a FISH capacity of the Sarasota County school system of 54,362.

TABLE 12-1: CURRENT AND PROJECTED PUBLIC SCHOOL ENROLLMENT, SARASOTA COUNTY SCHOOLS, 2005-2010

School Level	2004-05 Students	Projected 2009-10 Students	Change 2005-2010
Elementary (PK-5)	16,454	19,427	18%
Middle (6-8)	7,385	8,716	18%
High (9-12)	11,066	13,603	23%
Non-Traditional Schools	6,211	8,904	43%
TOTAL	41,116	50,650	23%

NOTE: Source: Sarasota County School Board, Long Range Planning, 2004

Concurrency Service Areas that coincide with the attendance zones of high, middle and elementary schools are also proposed. Because student assignment for special schools and charter schools is not limited by conventional attendance zone boundaries, their available capacity will be allocated district-wide or by other methods as appropriate to each special purpose school. To ensure that adequate school capacity is available level of service (LOS) standards based on program capacity are proposed for adoption as follows: