

## PUBLIC SCHOOLS FACILITIES ELEMENT

### GOALS, OBJECTIVES AND POLICIES

**GOAL 1: IMPLEMENT A COUNTY WIDE SCHOOL CONCURRENCY PROGRAM THE CITY SHALL ESTABLISH PLANS, REGULATIONS AND PROGRAMS, IN CONJUNCTION WITH ORANGE COUNTY PUBLIC SCHOOLS (OCPS) TO FACILITATE THE FUTURE AVAILABILITY OF PUBLIC SCHOOL FACILITIES TO SERVE CITY RESIDENTS, CONSISTENT WITH THE ADOPTED LEVEL OF SERVICE FOR PUBLIC SCHOOLS AND WITH STATE OF FLORIDA CONCURRENCY STATUTES AND REGULATIONS.**

**Objective 1.1:** Level of Service Standards. The City shall coordinate with OCPS to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period.

**Policy 1.1.1:** The Concurrency Management System shall include standards and procedures to ensure that new residential development complies with the Level of Service (LOS) Standards provided in the interlocal agreement between OCPS and the City and the adopted Capital Improvements Element and Intergovernmental Coordination Element. The adopted LOS shall be used to determine the available capacity of Elementary, Middle and High Schools within the designated Concurrency Service Area (CSA) where the development is proposed. ~~In accordance with 9J-5.025(3)(c)7, F.A.C., the adopted LOS standards except for backlogged facilities as provided for in the Capital Improvements Element Policy 1.8.4 for the purposes of implementing school concurrency shall be calculated as a percentage of the Adjusted FISH Capacity as follows: by school type for all cities and the unincorporated areas of Orange County shall be as follows:~~

<del>School Type</del>	<del>Standard*</del>	<del>Concurrency Service Area (CSA)</del>
<u>School Type</u>	<u>Standard*</u>	<u>Concurrency Service Area (CSA)</u>
<u>Elementary</u>	<u>110%</u>	<u>Modified Middle School Attendance Zones</u>
<u>K through 8</u>	<u>110%</u>	<u>K through 8 School Attendance Zones</u>
<u>Middle</u>	<u>100%</u>	<u>Middle School Attendance Zones</u>
<u>High</u>	<u>100%</u>	<u>High School Attendance Zones</u>

~~Elementary 110% Modified Middle School Attendance  
Zones K through 8 110% K through 8 School  
Attendance Zones Middle 100% Middle School  
Attendance Zones  
High 100% High School Attendance Zones~~

The LOS for OCPS' K-8 schools shall be incorporated in the adopted LOS for elementary and middle schools in the following manner: All grades of Arbor Ridge K-8 and Windy Ridge K-8 shall be incorporated in the adopted

LOS for elementary schools. For Blankner K-8, grades kindergarten through five shall be included in the adopted LOS for elementary schools and grades six through eight shall be included in the adopted LOS for middle schools.

*\* Permanent FISH + "In-slot" school, not to exceed Core Capacity for Elementary, K through 8, and Middle School Types. Permanent FISH, not to exceed Core Capacity for High Schools.*

**Policy 1.1.2:** The adopted LOS must be achieved in all CSAs by April 1, 2012, except for deficient CSAs, except where improvements needed to achieve adequate classroom capacity are specifically identified in the OCPS ten (10) year District Capital Outlay Plan (DCOP) for funding by April 1, 2017.

**Policy 1.1.3:** The City shall cooperate with and shall support OCPS efforts to initiate and implement any of the following strategies to ensure compliance with adopted LOS standard.

- a) Building new schools to relieve over-capacity schools in CSAs that exceed the adopted LOS,
- b) Renovating over-capacity schools to add permanent capacity and replace on-campus portables,
- c) Rezoning students from over-capacity schools to under-capacity schools,
- d) Moving special programs from over-capacity schools to under-capacity schools to utilize excess permanent capacity where it exists.

**Policy 1.1.4:** The City shall utilize the OCPS calculation of school capacity, which is determined annually by OCPS using the Adjusted FISH Capacity for each school and CSA within the school district. Consistent with the Interlocal Agreement, Adjusted FISH Capacity shall be defined as the number of students who can be served in a permanent public school facility as provided in FISH (Florida Inventory of School Houses) Capacity, adjusted to include the design capacity of modular or in-slot classrooms on the campuses designed as modular or in-slot schools, not to exceed the adopted Core Capacity for that school.

**Policy 1.1.5:** The number of elementary, middle and high school students generated by a residential development shall be calculated by multiplying the number of dwelling units by the student generation rates by school type as set forth in the current Orange County Public Schools School Impact Fee Study Update (Added 6/08, Ord. 08-11) in Table 12 of the Orange County Public Schools Public School Facilities Element Data, Inventory and Analysis dated May 2, 2008.

**Policy 1.1.6:** The City shall cooperate with OCPS in its efforts to meet adopted LOS standards through the adoption of a ten (10) year, financially feasible District Capital Outlay Plan (DCOP). Where the LOS cannot be achieved through the construction of new school capacity as provided in the five (5) year DCOP, the City shall cooperate with OCPS in its efforts to adopt a long range ten (10) year DCOP as part of the School District's annual capital planning

process.

**Policy 1.1.7:** Where adequate school facilities will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent, the City shall not deny an application for site plan approval, final subdivision approval, or the functional equivalent thereof, for any development, or phase of a development, that includes residential uses, based solely on failure to achieve and maintain the adopted LOS in a CSA.

**Policy 1.1.8:** The City, in conjunction with OCPS, shall review LOS standards for public school facilities annually. Changes to those standards shall be processed as amendments to this Element and the City's Capital Improvements Element.

**Policy 1.1.9:** The City shall amend its concurrency management system in its Land Development ~~Regulations~~ Code or contract with Orange County to implement its school concurrency review in order to implement school concurrency.

**Objective 1.2:** OCPS, in conjunction with the City, shall adopt and annually update school Concurrency Service Areas (CSAs), which will be used to evaluate capacity of schools available to accommodate students generated by proposed development.

**Policy 1.2.1:** ~~CSAs are depicted in the Orange County Public Schools Public School Facilities Element Data, Inventory and Analysis dated May 2, 2008. The established CSAs are less than district wide.~~ OCPS, in coordination with Orange County, the City of Belle Isle and other municipalities, has established CSAs that are less than district-wide. CSA maps are available from OCPS and the OCPS web site.

**Policy 1.2.2:** CSAs shall be reviewed annually in conjunction with the adoption of a ten (10) year District Capital Outlay Plan (DCOP). CSA boundaries may be adjusted to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, and other factors.

**Policy 1.2.3:** Changes or modifications to the adopted CSAs shall follow the process and guidelines as outlined in Section 14 of the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

**Objective 1.3:** The City and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the adopted Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

**Policy 1.3.1:** The City shall not approve a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density on property that is not otherwise vested until such time as OCPS has determined whether sufficient capacity will exist concurrent with the development or a capacity

enhancement agreement is executed that provides for the needed capacity to accommodate the proposed development.

**Policy 1.3.2:** The City will determine if a development is vested or exempt from school concurrency. Unless the development is determined to be vested or exempt from concurrency, the City shall not approve a residential site plan, plat, or its functional equivalent, until a concurrency determination has been conducted by OCPS and a School Concurrency Certificate has been issued for the development consistent with the provisions of the adopted interlocal agreement. Vested rights and exemptions respecting concurrency and consistency shall be in accordance with applicable law.

~~**Policy 1.3.3:** School concurrency shall not apply to property within a development of regional impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the developer files a Notice of Proposed Change (NOPC) and/or Substantial Deviation to increase the total number of residential dwelling units.~~

~~**Policy 1.3.4:** For DRIs that include residential development and are submitted after July 1, 2005, the City shall include OCPS planning staff on the review team for the DRI, and shall ensure that DRI Development Orders, and DRI Development Order amendments that increase the total number of residential dwelling units, address the issue of school capacity. Where existing school capacity is exceeded, mitigation for school impacts shall be included in any mitigation agreements, Development Orders and agreements.~~

**Policy 1.3.53:** Any proposed residential development that creates an impact of less than one student shall be considered de minimis and therefore exempt from capacity review.

**Policy 1.3.64:** Consistent with Section 16.2 of the Interlocal Agreement, the following residential uses shall be exempt from the requirements of school concurrency:

- a. Any proposed residential development considered de minimis as defined by PSFE Policy 1.3.53.
- b. One single-family house, one (1) duplex, and/or one accessory dwelling unit being developed on an existing, platted residential lot of record.
- c. Any building or structure that has received a Building Permit as of the effective date of the Interlocal Agreement, or is described in section 163.3167(8), Florida Statutes.
- d. Any new Residential Development that has site plan approval for a site pursuant to a specific development order approved prior to the effective date of school concurrency, including the portion of any project that has received final subdivision plat approval as a residential subdivision into one (1) dwelling unit per lot.
- e. Any amendment to any previously approved Residential Development, which does not increase the number of dwelling units or change the type of dwelling units (e.g. converts single-family to multi-family, etc.)
- f. Any age-restricted community that qualifies as one of three types of

communities for older persons as “housing for older persons” in the Housing for Older Persons Act, 42 U.S.C. § 3607(b). This exemption shall be applied in conformity with the principles set forth in *Volusia County v. Ormond Beach L.P.*, 760 So. 2d, 126 (Fla.2000). Provided, however, that any senior housing community or dwelling unit that loses its qualification as housing for older persons shall be required to meet applicable school concurrency requirements in effect at the time the qualification as housing for older persons is lost.

- g. Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.
- h. The construction of accessory buildings or structures which will not create additional dwelling units.
- i. The replacement of a dwelling unit where no additional dwelling units are created and where the replacement dwelling unit is located on the same lot. If the type of dwelling unit is different from the original dwelling unit type, the exemption shall be limited to an exemption based on the current student generation rate for the original dwelling unit type. Documentation of the existence of the original dwelling unit must be submitted to the concurrency official.
- j. Developments of Regional Impact that have filed a complete application for a development order prior to May 1, 2005, or for which a development order was issued prior to July 1, 2005. This exemption shall expire upon withdrawal, denial, or expiration of the application for a development order. This exemption shall not apply where the developer files a Notice of Proposed Change and/or Substantial Deviation (as provided in Statute) to increase the number of residential units. If such Development of Regional Impact has been approved, or is approved, through a development order, such exemption shall expire for any phase of the development order upon expiration of the development build-out date for such phase, or for the entire development order upon expiration of the development order, or upon the material default of the school mitigation conditions of the development order or a related development agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- k. The portion of any Residential Development that, prior to the effective date of school concurrency, is the subject of a binding and enforceable development agreement or Capacity Enhancement Agreement designated as a Capacity Commitment Agreement by resolution of the School Board; however, such exemption shall expire upon expiration of the development agreement, Capacity Enhancement Agreement, extension thereof, or upon any material default of the school impact mitigation conditions of such development agreement or Capacity Enhancement Agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- l. Any residential development with a letter from the City vesting it for purposes of complying with school concurrency, or which would be vested at common law for purposes of such concurrency requirement implemented by the Interlocal Agreement, provided that the School Board may contest a vested rights determination as provided in the

- land development regulations of the City.
- m. Group living facilities that do not generate students and including residential facilities such as local jails, prisons, hospitals, bed and breakfasts, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential uses.

**Objective 1.4:** Upon completion of an OCPS Concurrency Review, a development that fails to meet school concurrency may be postponed until adequate public school capacity is created through the construction of new schools or any combination of methods specified in Policy 1.1.3. As an alternative, the impact of development may be mitigated by making a proportionate share contribution consistent with OCPS policy.

**Policy 1.4.1:** A development shall be deemed to meet concurrency if there is sufficient capacity in the CSA where the development is located or where sufficient capacity exists in one or more contiguous CSAs, so long as the LOS in the adjacent zone does not exceed 95% of the LOS, and the LOS for the specific school type when considered District-wide does not exceed 100% of capacity. The evaluation of capacity in the adjacent CSAs will also take into account transportation costs and court-ordered desegregation plans. CSAs are depicted in the support document of the Public School Facility Element entitled Orange County Public Schools Public School Facilities Element Data, Inventory and Analysis dated May 2, 2008.

Any changes or modifications to the adopted LOS shall follow the process and guidelines as outlined in Section 13 of the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

**Policy 1.4.2:** Proportionate share, when used for mitigation, shall be calculated based on the number of elementary, middle and high school students generated by the development at build out. As provided for in the adopted interlocal agreement, proportionate share shall be calculated based on reasonable methods of estimating cost of school construction, including the cost of land, equipment, school buses, and where appropriate, temporary classroom space needed to house students generated by the development while permanent space is being constructed. Any proportionate share mitigation must be directed by OCPS to a school capacity improvement be identified in capital improvement schedule in the adopted financially feasible five (5) year DCOP and in the City's Capital Improvements Element to maintain financial feasibility based on the adopted LOS standards. If a school capacity improvement does not exist in the District Facilities Work Program, OCPS may in its sole discretion, add a school capacity improvement to mitigate the impacts from a proposed residential development, so long as the financial feasibility of the District Facilities Work Program can be maintained and so long as the City agrees to amend its Capital Improvements Element to include the new school capacity improvement.

**Policy 1.4.3:** Proportionate Share Mitigation may include payments of money, construction of schools, donations of land, expansion of permanent capacity of

existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year DCOP , establishment of charter schools that meet State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or other methods identified in Section 17.6(b) of the Interlocal Agreement and as may be negotiated between the developer and OCPS and, as appropriate, the City.

**Policy 1.4.4:** Any of the Proportionate Share options set forth in Policy 1.4.3 that are utilized by developers as mitigation are eligible for school impact fee credits as provided for in Florida law.

**GOAL 2: MAINTAIN A HIGH QUALITY EDUCATIONAL SYSTEM FOR THE CURRENT AND FUTURE RESIDENTS OF ORANGE COUNTY THROUGH COORDINATED EFFORTS WITH ORANGE COUNTY PUBLIC SCHOOLS (OCPS), AS PROVIDED IN THE ADOPTED INTERLOCAL AGREEMENT.**

**Objective 2.1:** The City shall coordinate and cooperate with OCPS throughout the planning period to review and maintain procedures established in the adopted interlocal agreement and maintain consistency with the adopted Comprehensive Plan.

**Policy 2.1.1:** Pursuant to the adopted interlocal agreement, a Technical Advisory Committee comprised of representatives from the City, other Orange County Municipalities, OCPS and the Regional Planning Council shall be established to discuss issues of mutual concern. OCPS shall be responsible for making meeting arrangements, providing notification and maintaining a written summary of meeting actions.

**Policy 2.1.2:** The Technical Advisory Committee shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination of land use and school facilities. Specific areas addressed by the committee shall include, but shall not be limited to:

- a) Short and long-range planning, population and student projections, and future development trends;
- b) Co-location and joint-use opportunities, and ancillary infrastructure improvements needed to support the school facilities and ensure safe student access to schools;
- c) Planning for needed supporting infrastructure for schools such as utilities, roads, sidewalks, etc.;
- d) The need for new schools to meet the adopted LOS within the adopted CSAs and the coordination of annual revisions to the ten (10) year District Capital Outlay Plan and
- e) Update of the DCOP for inclusion in the City's Comprehensive Plan.

**Policy 2.1.3:** The City shall provide an update of approved residential developments, phases of development and estimated build out by phase to the OCPS Planning Department annually.

**Policy 2.1.4:** The City shall review OCPS generated future enrollment and growth projections on an annual basis and provide input to the OCPS Planning Department.

**Objective 2.2:** The City and OCPS shall, throughout the planning period, coordinate the siting of new public schools to ensure public school facilities are located to address the needs of future residential development, are coordinated with necessary services and infrastructure development, provide for safe learning environments, and are consistent with the City's adopted Future Land Use Map, other provisions of the Comprehensive Plan and the City's Land Development Regulations Code.

**Policy 2.2.1:** Applications for Future Land Use Map amendments, rezonings, conditional use/special exceptions and site plans for schools shall be given priority status. OCPS shall not be required to pay application fees or impact fees for the development of public school facilities, provided, however, OCPS shall not be exempt from payment of capital connection fees for water and wastewater.

**Policy 2.2.2:** The City shall protect existing schools from the intrusion of incompatible land uses through the development review process. Likewise the City shall provide protection for existing residential neighborhoods through the development review process as new schools, renovations and/or expansions are proposed.

**Policy 2.2.3:** In an effort to enhance local communities and neighborhoods, the City will participate with OCPS in the school siting, design and development process so that the school serves as a focal point for the community and is compatible with the Future Land Use Map and with land uses and neighborhoods surrounding proposed school sites.

**Policy 2.2.4:** Where feasible, OCPS and the City shall work jointly to co-locate public facilities such as parks, libraries, and community centers with public schools. Where such co-location occurs, both entities shall establish an ongoing management relationship via written agreement that permits the school's use of the public facilities and the public's use of school facilities for community meetings and sports activities.

**Policy 2.2.5:** In accordance with Section 1006.23, Florida Statutes, and as funding permits, the City shall provide construction of sidewalks along roadways and trails connecting neighborhoods that are within two miles of schools to the school facility. OCPS shall be responsible for the construction of sidewalks and trails on school property and shall provide connections to existing and future sidewalks and trails identified by the City.

**Policy 2.2.6:** In addition to implementation of efficient school pick-up and drop-off procedures and routing, Turn lanes and signalization shall be provided at school entrances and at other locations near schools, where warranted, to provide safe access to students and the public. Responsibility for construction of school-related signalization and road construction at school entrances shall be the responsibility of OCPS.

**Policy 2.2.7:** OCPS shall coordinate with the City in the construction of new public school facilities and in rehabilitation of existing public school facilities to serve as emergency shelters as required by Section 1013.372, Florida Statutes.

**GOAL 3: ~~TO WORK WITH OCPS TO DEVELOP A FINANCIALLY FEASIBLE TEN (10) YEAR DISTRICT CAPITAL OUTLAY PLAN (DCOP) AND CONSISTENT CITY PUBLIC SCHOOL FACILITIES ELEMENT AND CAPITAL FACILITIES IMPROVEMENTS ELEMENT.~~**

**Objective 3.1:** Prior to June 1<sup>st</sup> of each year, OCPS shall coordinate with the City to develop a financially feasible ten (10) year DCOP for review and approval by the OCPS Board and adoption into the City's Capital Improvements Element through the Comprehensive Plan ~~Amendment~~ amendment process.

**Policy 3.1.1:** The ten (10) year DCOP shall include all capital projects which increase capacity of public schools within the City and address the deficiencies necessary to maintain or improve LOS.

**Policy 3.1.2:** The City shall include the ten (10) year DCOP in the annual update of the City's Capital Improvements Element.

**Policy 3.1.3:** The City shall coordinate with OCPS to review and update the adopted Concurrency Service Area (CSA) boundaries, and associated enrollment projections in the City's annual update of the Public School Facilities Element and Capital Improvements Element, to ensure that the Comprehensive Plan Capital Improvements Element continues to be financially feasible and that the adopted school LOS will continue to be achieved.

**Policy 3.1.4:** The City shall coordinate with OCPS by reviewing and providing input into the annual update of the ten (10) year DCOP. Such coordination may include the review and update of adopted CSA boundaries, student enrollment projections, and LOS for each school and CSA within the City.

**Policy 3.1.5:** ~~In accordance with F.S. 163.3180(9)(a),~~ The City adopts a long-term school concurrency management system for the 2007/2008—2017/2018 ten (10) planning period for areas where significant backlog exists.

**INSERT FIGURES**

**SCHOOLS MAP FIGURES 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, and Orange County Public Schools Ancillary Facilities 2007-08**