



CHAPTER 9 PUBLIC SCHOOL FACILITIES ELEMENT

GOAL 9.1 – COORDINATE AND ENSURE HIGH QUALITY PUBLIC SCHOOL FACILITIES

The City shall coordinate with the Flagler County School District to ensure public school facilities are of the highest quality, meet the needs of the existing and future population, serve as a resource to the community, and comply with the Constitution of the State of Florida and all other applicable statutory requirements

Objective 9.1.1 – Joint Meetings and Coordination

The City shall coordinate with the Flagler County School District (School District) and local governments in order to discuss school-related issues: share information, facilitate amendments to, and implementation of, the Public School Facilities Element.

Policy 9.1.1.1 – The City shall meet with the Flagler County School Board on an annual basis and as needed in a workshop context to discuss issues of mutual concern.

Policy 9.1.1.2 – City planning staff shall meet with other local government and School District planning staff as part of an established working group on or about April 16th and September 1st of each year to discuss issues regarding the coordination of land use and public school facilities planning.

Policy 9.1.1.3 – City planning staff shall participate in the development and presentation of an annual report on the coordination of land use and public school facilities planning to the Oversight Committee, as constituted in the *Interlocal Agreement for Public School Facility Planning*.

Policy 9.1.1.4 – The City shall participate in the Oversight Committee, as described in the *Interlocal Agreement for Public School Facility Planning*, in order to monitor the implementation of this Element.

Policy 9.1.1.5 – Annually by February 1st, the City shall provide a report on growth and development trends to the School District.

Policy 9.1.1.6 – Annually, as necessary, the City shall update the map series of this Element to include the locations of proposed schools and improvements listed in the Tentative District





Educational Facilities Plan. In addition, the Future Land Use Element, including the Future Land Use Map, shall be updated, if necessary, to coordinate with the locations of proposed schools and improvements.

Policy 9.1.1.7 – The Capital Improvements Element includes, by reference, the Flagler County School District 2014-2015 Work Plan, as adopted on September 16, 2014 by the Flagler County School Board.

Policy 9.1.1.8 – The City shall follow the process outlined in the *Interlocal Agreement for Public School Facility Planning* to propose any changes to amend this Element.

Objective 9.1.2 – School Board Involvement in Development Review

The City shall involve the School District in the development review and approval process in order to better coordinate land use and development decisions with public school facilities.

Policy 9.1.2.1 – The City shall include a non-voting representative appointed by the School District on the Planning and Land Development Regulation Board.

Policy 9.1.2.2 – The City shall invite a School District representative to participate in any pre-application development conference that could affect public school facilities.

Policy 9.1.2.3 – For any Future Land Use Map amendment, development of regional impact development order, or rezoning that has the potential of affecting public school facilities, the City shall consider School District comments and other issues related to public school facilities including, but not limited to:

- Available school capacity or planned improvements to increase school capacity;
- The provision of school sites and facilities within planned neighborhoods;
- Compatibility of land uses adjacent to existing schools and school property;
- The co-location of parks, recreation and neighborhood facilities with school sites;
- The linkage of parks, recreation and neighborhood facilities with bikeways, trails, and sidewalks for safe access;
- Traffic circulation plans, which serve schools and the surrounding neighborhood;
- The provision of off-site signalization, signage, access improvements, and sidewalks to serve schools;
- The inclusion of school bus turnarounds; and
- The use of schools as emergency shelters.

Objective 9.1.3 – Public School Facilities Planning





The City shall participate in School District public school facilities planning to ensure consistency with the City's Comprehensive Plan, including the availability of supporting infrastructure.

Policy 9.1.3.1 – Annually by September 21st, the City shall review the Tentative District Educational Facilities Plan and financially feasible 5-Year School Board Work Program (including the Annual Capital Outlay FTE Forecast and local enrollment projections) and provide comments to the School District regarding consistency with the City's Comprehensive Plan, including the availability of supporting infrastructure.

Policy 9.1.3.2 – The City shall coordinate its plans for supporting infrastructure, such as water and sewer, roads, drainage, and sidewalks, with the School District's plans for existing and proposed public school facilities.

Policy 9.1.3.3 – The City shall review potential school closures, significant renovations to existing schools, and new school site selections and provide comments to the School District regarding consistency with the City's Comprehensive Plan including, but not limited to:

- Environmental suitability;
- Transportation and pedestrian access;
- Availability of supporting infrastructure and services;
- Safety concerns; and
- Land use compatibility.

Policy 9.1.3.4 – Within forty-five (45) days of receiving a complete educational facility site plan, the City shall review the proposed educational facility site plan and provide comments to the School District regarding consistency with the City's Comprehensive Plan and the Land Development Code and need for on-site and off-site improvements. The City shall review educational facility site plans in accordance with *Section 1013.33(13), Florida Statutes*, and the provisions of *Section 11 (c) and (d) of the Interlocal Agreement for Public School Facility Planning*.

Policy 9.1.3.5 – Upon correction of an educational facility site plan to meet the City's comments as described in Policy 9.1.3.4, the City shall ensure approvals are expedited and render to the School District all permits, connections, and authorizations in accordance with *Section 1013.33(13), Florida Statutes*, and the provisions of *Section 11 (c) and (d) of the Interlocal Agreement for Public School Facility Planning*.

Objective 9.1.4 – Public School Facilities as Community Resource

The City shall cooperate with the School District to ensure that public school facilities serve as places of education and emergency shelter, and as an essential cornerstone of neighborhoods and





community; and that the operational capabilities of the School District and the City are harmonized and unified to the maximum extent practicable, so that public funds are conserved and duplicative efforts, projects, and programs are avoided.

Policy 9.1.4.1 – The City shall cooperate with the School District to locate future public school facilities proximate to residential areas and to complement patterns of development so that future public school facilities serve as community focal points.

Policy 9.1.4.2 – The City, in cooperation with the School District, shall pursue opportunities to co-locate and share use of the one another’s facilities with public school facilities when preparing the annual update to the Capital Improvements Program.

Policy 9.1.4.3 – When the School District acquires property for a school site, the City shall consider acquiring abutting or proximate property for park purposes.

Policy 9.1.4.4 – The City shall coordinate with the School District and local governments on emergency preparedness and response issues including, but not limited to, the use of public school facilities as emergency shelters.





GOAL 9.2 – SCHOOL CONCURRENCY

The City shall enforce adopted level of service standards through appropriate processes, by recognizing the School District’s statutory and constitutional responsibility to provide a uniform efficient, safe, secure, and high quality system of free public schools, and the City’s authority for land use including the authority to approve or deny development orders that generate students and impact public school facilities.

Objective 9.2.1 – Level of Service Standards

The City shall cooperate with the School District to ensure that constitutionally adequate public school facilities are available for the 5-year and long term planning periods by adopting level of service (LOS) standards and coordinating with the School District to maintain those LOS standards.

Policy 9.2.1.1 – The City shall cooperate with the School District, through coordination or permitting and expedited review, to ensure that 80% of the projected enrollment is in permanent facilities by December 2008 and within the first five (5) years, construction of permanent facilities is planned to meet the adopted LOS standards at the projected enrollment for school year 2011-2012.

Policy 9.2.1.2 – The City shall utilize the following LOS standards in coordination with the School District to implement School Concurrency:

- **Elementary:** one hundred percent (100%) of permanent Florida Inventory of School Houses (FISH) capacity with State Requirements for Educational Facilities (SREF) utilization factor;
- **Middle:** one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
- **K-8:** one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
- **High:** one hundred percent (100%) of permanent FISH capacity with SREF utilization factor; and
- **Special Purpose:** one hundred percent (100%) of permanent FISH capacity with SREF utilization factor.

Policy 9.2.1.3 – The City, in coordination with the School District, shall allow relocatables to be utilized to maintain the LOS standards on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed twenty percent (20%) of the permanent FISH capacity and shall be used for a period





not to exceed five (5) years. Relocatables may also be used to accommodate capacity utilized for any specific education/development programs as required by law and/or adopted by the School Board.

Policy 9.2.1.4 – The City, in coordination with the School District, shall consider other capacity options, such as tiered LOS to meet sudden growth spurts, double sessions, year-long school, dual enrollment and virtual school, if the LOS standards cannot be met with the funding available or cannot be amended to an agreeable standard.

Objective 9.2.2 – School Concurrency Implementation

The City shall implement School Concurrency in accordance with State law and the *Interlocal Agreement for Public School Facility Planning*.

Policy 9.2.2.1 – The City shall coordinate with the School District to develop and modify School Concurrency Service Areas (CSA) in order to maximize available school capacity and make efficient use of new and existing public school facilities. The CSAs shall be developed and, when necessary, modified to minimize transportation costs, limit maximum student travel times, and effect desegregation plans, achieve socio-economic, racial, and cultural diversity objectives, and recognize capacity commitments resulting from local governments’ development approvals for the CSA and contiguous CSAs. In order to track growth and development logically, the CSAs should generally follow traffic analysis zones.

Policy 9.2.2.2 – The City, in coordination with the School District, shall allow adjacent CSAs to be utilized to meet School Concurrency requirements in accordance with State law and the *Interlocal Agreement for Public School Facility Planning*.

Policy 9.2.2.3 – The City, in coordination with the School District, shall not consider the Northwest CSA and West Flagler CSA adjacent, until a connecting transportation facility is constructed.

Policy 9.2.2.4 – The City, in coordination with the School District, shall apply School Concurrency to residential uses that generate demands for public schools facilities, with the following exceptions:

- In conformity with Chapter 177, *Florida Statutes*, any subdivision of land which subdivides a parcel of forty (40) acres or more into two (2) lots or less;
- Single family lots of record having received final plat approval prior to the effective date of element;
- Multi family residential development having received final site plan approval prior to the effective date of this element;





- Amendments to residential development approvals issued prior to the effective date this element, which do not increase the number of residential units or change the type of residential units proposed;
- Any age restricted community with no permanent residents under the age of eighteen (18) [*Exemption of age restricted community will be subject to a restrictive covenant limiting the age of permanent residents to eighteen (18) years and older*]; and
- Any residential development within a DRI development order adopted prior to July 1, 2005 or within a DRI application which was submitted prior to May 1, 2005.

Policy 9.2.2.5 – The City may only approve a development after meeting all applicable land development regulations and conditioned upon a concurrency determination of available school capacity by the School District, or the School District’s written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of development approval for each level of school without mitigation and payment of concurrency reservation fees, or the execution of a legally binding mitigation agreement between the applicant and the School District and the City, consistent with the *Interlocal Agreement for Public School Facility Planning*.

Policy 9.2.2.6 – The City shall coordinate with the School District to ensure that School District policies to implement School Concurrency are in place and consistent with the *Administrative Procedures Act*.

Policy 9.2.2.7 – The City shall exercise its land use regulatory powers in accordance with State law and rely upon the determinations and rules of the School District numbered and adopted in accordance with the *Administrative Procedures Act*.

Policy 9.2.2.8 – The City shall coordinate with the School District on the collection, refund, or credit (*towards school impacts fees*) of School Concurrency Reservation Fees.

Objective 9.2.3 – Mitigation

The City, in coordination with the School District, shall ensure that acceptable mitigation is obtained proportionate to the demand created for public educational facilities.

Policy 9.2.3.1 – The City shall participate with the School District during mitigation negotiations with developers in order to establish an acceptable form of mitigation.

Policy 9.2.3.2 – The City, in coordination with the School District, shall prefer the following forms of mitigation:





- Contribution of land;
- The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development;
- Expansion of existing permanent school facilities subject to the expansion being less than or equal to the level of service set for a new school of the same category;
- Payment for construction and/or land acquisition; or
- Cost of financing.

Other potentially acceptable forms of mitigation may include:

- Establishment of a charter school;
- Creation of mitigation banking; or
- Establishment of an educational benefit district.

Policy 9.2.3.3 – The City, in coordination with the School District, shall ensure mitigation is proportionate to the demand for public school facilities created by the actual development, in accordance with Florida Statutes and as outlined in the *Interlocal Agreement for Public School Facility Planning*.

