

CHAPTER 10

PUBLIC SCHOOL FACILITIES ELEMENT

Goals, Objectives, and Policies

PUBLIC SCHOOL FACILITIES ELEMENT GOALS, OBJECTIVES, AND POLICIES

GOAL s-1: Collaborate and coordinate with the School Board of Volusia County to provide and maintain a public education system which meets the needs of Volusia County’s current and future population.

Objective s1.1: *Coordination and consistency.* The City of DeLand shall implement and maintain mechanisms designed to coordinate with the School Board to provide consistency between local government comprehensive plans and public school facilities and programs.

Policy s1.1.1: Pursuant to the procedures and requirements of the adopted interlocal agreement, the City shall coordinate with the School Board on growth and development trends, general population and student projections to ensure that the plans of the School Board and City are based on consistent data.

Policy s1.1.2: The City shall provide the representative of the School Board with copies of all Technical Review Committee, Planning Board and City Committee meeting agendas and staff reports.

Policy s1.1.3: The City shall meet at least annually with representatives from the School District and other local governments in Volusia County to review the Public School Facilities Element including enrollment projects. The timing and content of these meetings shall be done according to the requirements and procedures set forth in the adopted interlocal agreement.

Objective s1.2: *School facility siting and availability.* The City shall coordinate with the School Board on the planning and siting of new public schools and ancillary facilities to ensure school facilities are coordinated with necessary services

and infrastructure and are compatible and consistent with the comprehensive plan.

Policy s1.2.1: The City shall coordinate with the School Board to assure that proposed public school facility sites are consistent with the applicable land use categories and policies of the comprehensive plan. Schools shall be permitted in future land use classifications except for industrial land use classifications and environmentally restricted land use classifications listed below:

Elementary schools shall be permitted in Educational, Low Density Residential, Urban Low Intensity and Medium Density Residential.

Middle Schools shall be permitted in Educational, Medium Density Residential, Urban Low Intensity and High Density Residential.

High Schools shall be permitted in Educational, High Density Residential, Mixed Commercial, and Highway Commercial.

Policy s1.2.2: Coordination of the location, acquisition, phasing and development of future school sites and ancillary facilities shall be accomplished through the procedures adopted in the interlocal agreement.

Policy s1.2.3: The City and School Board will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an existing school. If required infrastructure is not in place to serve the proposed school, the parties shall enter into a written agreement as to the timing, location, and party or parties responsible for constructing, operating and maintaining the required improvements.

Policy s1.2.4: The City shall encourage the School Board to land bank sites for future use as school facilities. The City shall coordinate with the School Board on the acquisition and use of land banked sites in the same manner as established for

other sites in order to ensure adequate infrastructure is planned and constructed in advance of school construction.

Policy s1.2.5: The City shall protect schools and land banked school sites from the adverse impact of incompatible land uses by providing the School District with the opportunity to participate in the review process for all proposed development adjacent to schools.

Policy s1.2.6: In developing capital improvements plans and programs for public services, the City shall consider required infrastructure to service existing and proposed schools and any land banked school sites.

Objective s1.3: *Enhance community design.* The City shall enhance community and neighborhood design through effective school facility design and siting standards and encourage the siting of school facilities in order to serve as community focal points and are compatible with surrounding land uses.

Policy s1.3.1: The City shall coordinate with the School Board on opportunities for the expansion and rehabilitation of existing schools so as to support neighborhoods and redevelopment.

Policy s1.3.2: The City shall collaborate with the School Board on the siting of public facilities such as parks, libraries, and community centers near existing or planned public schools, to the extent feasible. The City in conjunction with the School Board shall determine the need for the above facilities through established population projection procedures and notification of the appropriate agencies that oversee parks and libraries as well as the general public.

Policy s1.3.3: The City shall look for opportunities to co-locate and share the use of public facilities when preparing updates to the comprehensive plan's schedule of capital improvements and when planning and designing new or renovating existing, community facilities. Co-located facilities shall be governed by a written agreement between the School Board and the City specifying operating procedures and maintenance and operating responsibilities.

Policy s1.3.4: The City shall reduce hazardous walking conditions consistent with Florida's safe ways to school program. In conjunction with the School Board, the City shall implement the following strategies:

1. New developments adjacent to schools shall be required to provide a right-of-way and direct safe access path for pedestrian travel to existing and planned schools and shall connect to the neighborhood's pedestrian network.
2. New development and redevelopment within two miles of a school shall be required to provide sidewalks within or adjacent to the property for the corridor that directly serves the school or qualifies as an acceptable designated walk or bicycle route to the school.
3. In order to ensure continuous pedestrian access to public schools, the City shall consider infill sidewalk and bicycle projects connecting networks serving schools as part of the annual capital budget process. Priority shall be given to hazardous walking conditions pursuant to Section 1006.23, Florida Statutes.
4. The City shall coordinate with the Metropolitan Planning Organization to maximize the funding from the Florida Department of Transportation and other sources that may be devoted to improving pedestrian networks serving schools.

Policy s1.3.5: The City and School Board shall coordinate with Volusia County Emergency Services on efforts to build new school facilities, and facility rehabilitation and expansion, to be designed to serve as and provide emergency shelters as required by Section 1013.372, Florida Statutes.

Objective s1.4: *Coordinate comprehensive plan amendments and development orders with school capacity.* Manage the timing of new development to coordinate with adequate school capacity as determined by the Volusia County School District.

Policy s1.4.1: The City shall take into consideration the School Board comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments and other land use decisions including but not limited to developments of regional impact. School Board review shall follow the policies and procedures set forth in the interlocal agreement.

Policy s1.4.2: Amendments to the future land use map shall be coordinated with the School Board and the Public School Facilities Planning Maps.

Policy s1.4.3: Where capacity will not be available to serve students from the property seeking a land use change or other land use determination that increases residential density, the City shall not approve the proposed land use change until such time as the School Board can find that adequate public schools can be timely planned and constructed to serve the student population or that the applicant has provided adequate mitigation to offset the inadequacies in anticipated school capacity.

GOAL s-2: IMPLEMENT PUBLIC SCHOOL CONCURRENCY

The City shall assure the future availability of public school facilities to serve new development consistent with the adopted level of service standards. This goal will be accomplished recognizing the School District’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 comprehensive plan amendments, re-zonings or other development orders that generate students and impact the public school system. The City shall operate and maintain in a timely and efficient manner adequate public facilities for both existing and future populations consistent with the available financial resources.

Objective s2.1: *Level of service standards.* The City through coordinated planning with the School District and implementation of its concurrency management system shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level of service standard within the period covered by the five-year schedule of capital improvements. These standards and the concurrency management system shall be consistent with the interlocal agreement approved by the School Board and the local governments in Volusia County.

Policy s2.1.1: The level of service standards for schools shall be applied consistently by all the local governments in Volusia County and by the School Board district-wide to all schools of the same type.

Policy s2.1.2: Consistent with the interlocal agreement, the uniform, district-wide level-of-service standards are set as presented in the CIE.

Policy s2.1.3: The following schools shall achieve the designated level of service no later than the identified date.

School	DATE
Orange City Elementary	July 1, 2012
Horizon Elementary	July 1, 2012
Freedom Elementary	July 1, 2012
Osceola Elementary	July 1, 2014
Ortona Elementary	July 1, 2014
Ormond Beach Elementary	July 1, 2014
Southwestern Middle	July 1, 2013
New Smyrna Beach Middle	July 1, 2012

Source: Volusia County Interlocal Agreement

(Note: This policy is intended to designate backlogged LOS for those schools that exceed the desired levels during the first five year capital improvements program.)

Policy s2.1.4: The City and School Board recognize and agree that short-term changes in enrollment unrelated to new development approvals can and do occur, and that students enrolling in their assigned school will be accepted consistent with the School District’s constitutional obligations regardless of the utilization levels at the assigned school.

Policy s2.1.5: If there is a consensus to amend any level of service, the amendment shall be accomplished by execution of an amendment to the interlocal agreement by all parties and the adoption of amendments to each local government’s comprehensive plan. The amended level of service shall not be effective until all plan amendments are effective and the amended interlocal agreement is fully executed. No level of service standard shall be amended without showing that the amended level of service standard is financially feasible and can be achieved and maintained within the five years of the capital facilities plan.

Objective s2.2: *School concurrency service areas.* The City shall establish School Concurrency Service Areas as the area within which an evaluation is made of

whether adequate school capacity is available based on the adopted level of service standard. Maps of the School Concurrency Service Areas are adopted in the Volusia County Interlocal Agreement for Public School Facilities Planning.

Policy s2.2.1: The concurrency service area for elementary schools shall be the elementary school attendance boundary as represented on the map series “Public School Facilities Element Elementary School Concurrency Service Areas” adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference.

Policy s2.2.2: The concurrency service area for middle schools shall be the middle school attendance boundary as represented on the map series “Public School Facilities Element Middle School Concurrency Service Areas” adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference.

Policy s2.2.3: The concurrency service area for K-8 schools shall be the attendance boundary as represented on the map series “Public School Facilities Element K-8 Concurrency Service Areas” adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. (Note: no K-8 schools have been established at this time.)

Policy s2.2.4: The concurrency service area for high schools shall be as represented on the map series “Public School Facilities Element High School Concurrency Service Areas” adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference.

Policy s2.2.5: The concurrency service area for special use schools shall be district wide.

Policy s2.2.6: Attendance zone changes are not intended to be Comprehensive Plan amendments.

Policy s2.2.7: Amendments to the School Concurrency Service Areas shall be completed according to the procedures specified in the Volusia County Interlocal Agreement for School Facilities Planning. Amendments to concurrency service areas shall consider the following criteria:

1. Adopted level of service standards shall not exceed the level of service standard within the initial five-year planning period
2. The utilization of school capacity is maximized to the greatest extent possible taking into account transportation costs, court approved desegregation plans, proximity to schools, ethnic and socio-economic diversity, subdivisions and neighborhoods, demographic changes, future land development patterns, crossing guard availability and other relevant factors.

Objective s2.3: *Process for school concurrency implementation.* In coordination with the School Board the City will establish a process for implementation of school concurrency which includes applicability and capacity determination, availability standards and school capacity methods. The City shall manage the timing of residential subdivision approvals and site plans to ensure adequate school capacity is available consistent with the adopted level of service standards for public schools.

Policy s2.3.1: School concurrency applies to residential development not otherwise exempt as specified by Policy 2.3.3.

Policy s2.3.2: Development orders may be issued for residential development where:

1. Adequate school capacity, as determined by the School Board, exists or will be under construction for each level of school in the affected concurrency service area within three years after the issuance of the development order allowing the residential development.
2. Adequate school facilities, as determined by the School Board, are available within an adjacent concurrency service area subject to the limitations of Policy 2.3.7. Where capacity from an adjacent concurrency service area or areas is utilized, the impacts of development shall be shifted to that area. If capacity exists in more than one concurrency service area or school within a concurrency service area, the School District shall determine where the impacts of development shall be allocated based on the School District policies for student assignment.
3. The developer executes a legally binding commitment with the School Board and City to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property as provided by Objective 2.4 and its supporting policies.

Policy s2.3.3: The following residential development shall be considered exempt from the school concurrency requirements:

1. Single family lots of record existing as such at the time School Concurrency implementing ordinance is adopted which otherwise would be entitled to build, shall be exempt from School Concurrency requirements.

2. Any residential development or any other development with a residential component that received approval of a Final Development Order or Functional Equivalent prior to the implementation date of school concurrency or is otherwise vested prior to the implementation date of school concurrency is considered vested for that component which was previously approved for construction and shall not be considered as proposed new residential development for purposes of school concurrency.
3. Amendments to residential development approvals which do not increase the number of students generated by the development based on the student generation rates for each school type as determined by the School District.
4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy by a resident under the age of fifty-five. Such deed restrictions must be recorded and be irrevocable for a period of at least thirty years.
5. Group quarters that do not generate students including residential facilities such as jails, prisons, hospitals, bed and breakfast, hotels and motels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Policy s2.3.4:

The creation of subdivisions and/or single family lots equal to or less than three units shall be reported to the School Board as part of the annual planning coordination process established by the interlocal agreement and these units shall be included by the School Board in planning student allocations by school.

Policy s2.3.5: The City shall adopt a school concurrency ordinance which establishes the application procedures and process for evaluating school capacity and making concurrency determinations consistent with the provisions of the interlocal agreement.

Policy s2.3.6: The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate capacity to accommodate proposed development for each type of school within the affected concurrency service area consistent with the adopted level of service. The School Board may issue a certificate of school concurrency if sufficient capacity exists for the proposed development or the School Board may set forth conditions required to satisfy the requirements of school concurrency including proportionate share mitigation.

Policy s2.3.7: If the adopted level of service standard cannot be met within a particular concurrency service area as applied to an application for development order and if the needed capacity is available in one or more contiguous service areas or school attendance zones, then this capacity shall be applied to the concurrency evaluation of the application for development approval subject to the following limitations:

1. Areas established for diversity at schools shall not be considered contiguous.
2. Concurrency service areas or school attendance zones generating excessive transportation costs shall not be considered contiguous. Excessive transportation costs are defined as transporting students beyond the abutting school attendance zone or requiring a transport time of fifty minutes one way as determined by School District transportation routing staff.

3. Concurrency service areas or school attendance zones shall not be considered contiguous when the concurrency service areas or school attendance zones are separated by a natural or man-made barrier such as a river, water body, or interstate highway that requires indirect transport of students through a third concurrency service area or school attendance zone.
4. When capacity in an adjacent concurrency service area or school attendance zone is allocated to a development application, assignment of the students to the school with available capacity may be accomplished by applying any of the techniques used to establish school attendance zones including modification of existing attendance zone boundaries or creation of island zones.
5. Student transportation not in conformance with the conditions established in items 1 through 4 above shall be permitted to allow student assignments based on specific educational programming options; to comply with State and Federal mandatory transfer opportunities; or for other transfer opportunities that School Board shall deem appropriate for the specific circumstances of an individual student.

Policy s2.3.8:

If the adopted level of service cannot be met within a particular concurrency service area the School Board may apply one or more of the following techniques to maximize use of available capacity and provide for adequate numbers of student stations to meet current and future demand:

1. Construct new school facilities
2. Construct additions to current facilities
3. Adjust program assignments to schools with available capacity

4. Modify attendance boundaries to assign students to schools with available capacity
5. Eliminate variances to overcrowded facilities that are not otherwise restricted by State or Federal requirements.

Objective s2.4: *Proportionate share mitigation.* The City shall provide for mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible work program.

Policy s2.4.1: In the event that sufficient school capacity is not available in the affected concurrency service area, the developer shall have the option to propose proportionate share mitigation to address the impacts of the proposed development.

Policy s2.4.2: Mitigation shall be directed toward a permanent capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development consistent with the adopted level of service standards.

Policy s2.4.3: Mitigation shall be directed to projects on the School Board's financially feasible work program that the School Board agrees will satisfy the demand created by the proposed development approval and shall be assured by a legally binding development agreement between the School Board, the City, and the applicant which shall be executed prior to the City issuance of the subdivision or site plan approval. If the School Board agrees to the mitigation, the School Board shall commit in the agreement to placing the improvement required for mitigation in its work plan.

Policy s2.4.4: The applicant's total proportionate share obligation shall be based on multiplying the number of needed student stations generated from the

proposed project times the School Board's current cost per student station plus land cost for each type of school. The applicant's proportionate share mitigation obligation shall be credited toward any impact fee or exaction fee imposed by local ordinance for the same need on a dollar for dollar basis. (For example, if the proportionate share mitigation provides only for land, the credit is applied only against that portion of the impact fee or other exaction devoted to land costs.)

Policy s2.4.5: The student generation rates used to determine the impact of a particular development shall be the student generation rates adopted in the most recent school impact fee study.

Policy s2.4.6: The cost per student station shall be the most recent actual costs per student station, and capitalization costs if applicable, paid by the School Board for the equivalent school facility.

Policy s2.4.7: Mitigation options must consider the School Board's educational delivery methods and requirements and the State Requirements for Educational Facilities and may include, but not be limited to, the following:

1. Donation of buildings for use as a primary or alternative learning facility
2. Renovation of existing buildings for use as learning facilities
3. Funding dedicated to, or construction of permanent student stations or core capacity
4. For schools contained in the School Board's adopted five-year capital facilities work program, upon agreement with the School

Board, the applicant may build the school in advance of the time set forth in the five-year work program

5. Dedication of a school site as approved by the School Board
6. Up front lump sum payment of school impact fees
7. Up front payment of interest and other costs of borrowing
8. Payment of off-site infrastructure expenses including but not limited to roads, water, and/or sewer improvements that bring service to school site
9. Payment of transportation costs associated with the movement of students as a result of overcapacity school
10. Funding assistance with acquisition of school site
11. Phasing of construction or delay of construction in order to timely plan for the availability of school capacity,
12. Establishment of an educational facilities benefit district
13. Establishment of educational facilities mitigation banks

Objective s2.5: *Capital facilities planning.* The City shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for schools.

Policy s2.5.1: In accordance with the adopted interlocal agreement the City shall collaborate with the School Board in locating required school sites as identified in the School Board's five, ten and twenty year capital facilities plan.

Policy s2.5.2: The City shall ensure that future development pays a proportionate share of the costs of capital facilities capacity needed to accommodate new development and to assist in maintaining the adopted level of service standards via impact fees and other legally available and appropriate methods.

Policy s2.5.3: By December 1 of each year, the City shall adopt as part of its Capital Improvement Element the Volusia County School District five year work program approved in September of each year as part of the School District budget including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.

Future Conditions Map Series

Map 1: Planned Public School Facilities and Ancillary Plants Fiscal Year 2007/08 to Fiscal Year 2011/12. West Volusia

Map 2: 2011-2025 Long Range Planned Public School Facilities by School Planning Areas