

## 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 Board to ensure the location of public-school facilities are matched with future development, meet the needs of the existing and future population, and serve as a resource to the community.

##### **Objective 9.1.1 –Joint Meetings and Coordination**

Coordinate with the Flagler County School District (School District) and local governments to discuss school-related issues such as the sharing of information, and the facilitation of 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 Board planning staff as part of the working group established by the adopted *Interlocal Agreement for Public School Facility Planning*. The dates of the meeting shall follow as specified in the ILA.

**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** – The City shall provide a report on growth and development trends to the School Board as specified in the adopted *Interlocal Agreement for Public School Facility Planning*.

**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 Flagler County School District 5-Year Facilities Work 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 5-Year Facilities Work Plan as adopted annually 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**



Involve the School Board 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 Board on the Planning and Land Development Regulation Board.

**Policy 9.1.2.2** – The City shall invite a School Board 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 Board 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 bus stops;
- The use of schools as emergency shelters, and
- Any other considerations that are deemed relevant by the Planning Official or School Board representative.

### **Objective 9.1.3 – Public School Facilities Planning**



Participate in School Board public school facilities planning to ensure consistency with the City's Comprehensive Plan, including the availability of supporting infrastructure.

**Policy 9.1.3.1** – When available from the Flagler County School Board, the City shall review the 5-Year District Facilities Work Plan (including the Annual Capital Outlay FTE Forecast and local enrollment projections) and provide comments to the School Board representative 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 Board'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 Board

representative 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/security 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 Board 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 Board 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**

Cooperate with the School Board 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 Board 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 Board 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, shall work with the School Board to pursue co-location and shared-use opportunities for recreational activities and facilities.

**Policy 9.1.4.3** –The School Board and the City shall pursue opportunities to co-locate and share use of facilities when identifying potential sites for a school or a park.

## 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**

Cooperate with the School Board 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 Board to implement the standards established in the *Interlocal Agreement for Public School Facilities Planning* to maintain the Level of Service (LOS) established for public schools.

**Policy 9.2.1.2** – The City shall utilize the following LOS standards in coordination with the School Board 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 shall actively collaborate with Flagler Schools in the proactive planning and identification of potential new school sites prior to reaching 100% FISH capacity. This coordination shall include:

- Annual joint meetings between City and School District officials to discuss applicable topics such as future growth projections, school capacity, and potential school site needs.
- Sharing of relevant data, including population projections, development trends, and land use changes that may impact school enrollment.
- Early identification and evaluation of suitable land parcels for future school sites, considering factors such as location, accessibility, and compatibility with surrounding land uses.
- Coordination of infrastructure planning to ensure adequate public facilities and services are available to support new school sites.

- Integration of school planning considerations into the City's planning process and land use decisions.
- Active involvement of City staff in the Working Group as outlined in the Interlocal Agreement.
- Participation of a City Council Member on the Oversight Committee in accordance with the Interlocal Agreement.
- Addition of School District Staff as an Ex-Officio member on the City Planning and Land Development Regulation Board (PLDRB) and TRX committee.

**Policy 9.2.1.4** – The City, in coordination with the School Board, 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 9.2.1.5** – The City, in coordination with the School Board, 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**



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 Board representative 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.

**Policy 9.2.2.2** – The City, in coordination with the School Board, shall consider school capacity districtwide to determine school concurrency.

**Policy 9.2.2.3** – The City, in coordination with the School Board, 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 Board, shall apply School Concurrency to residential uses that generate demands for public school 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 June 17, 2008;

- Multi-family residential development having received final site plan approval prior to the original effective date of this element (June 17, 2008);
- Amendments to residential development approvals issued prior to the original effective date this element (June 17, 2008), 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 Board representative, or the School Board representative’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 category 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 Board 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 Board to ensure that School Board policies and the City’s Land Development Code are in place to implement School Concurrency consistent with the *Interlocal Agreement for Public School Facility Planning*.

**Policy 9.2.2.7** – The City shall coordinate with the School Board’s representative on the collection, refund, or credit (*towards school impacts fees*) of Proportionate Share Mitigation Fund payments.

### **Objective 9.2.3 – Mitigation**



Coordinate with the School Board, to ensure that acceptable mitigation is obtained proportionate to the demand created by the development of new residential dwellings for public educational facilities.

**Policy 9.2.3.1** – The City shall participate with the School Board representative during mitigation negotiations with developers in order to establish an acceptable form of mitigation when new residential dwelling developments are submitted for consideration of approval.

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

- Contribution of land that is consistent with School Board policy for the minimum campus size requirement(s) for an Elementary, Middle, or High School facility;
- 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 Board, 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*.