

CHAPTER 9: PUBLIC SCHOOL FACILITIES ELEMENT

GOAL 9-1: PROVIDE QUALITY EDUCATION. AS A BASIC TENET OF COMMUNITY LIFE, IT IS THE GOAL OF THE CITY OF SANFORD TO CONTRIBUTE TO AND MAINTAIN A HIGH QUALITY PUBLIC SCHOOL ENVIRONMENT.

Objective 9-1.1: Coordinate Level of Service (LOS) Standards and Service Boundaries.

The City of Sanford shall coordinate with the Seminole County School Board in the School Board's efforts to correct existing deficiencies and address future needs through implementation of adopted LOS standards and appropriate public school facility service area boundaries. The standard is a countywide standard specified in the 2007 Interlocal Agreement for Public School Facility Planning and School Concurrency, wherein the following terms are used:

- Permanent Florida Inventory of School Houses (FISH): meaning the permanent facilities within the inventory of land, buildings and rooms in public educational facilities used by the Florida Department of Education, Office of Educational Facilities; and
- Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the LOS is measured when an application for residential development is reviewed for school concurrency purposes. The CSA coincides with groupings of school attendance zones within each school type based on adjacency; and
- LOS standard: A standard established to measure utilization of capacity within a CSA. Current LOS within a CSA is determined by dividing the full-time equivalent student count (FTE) for the Fall Semester at the same type of schools by the permanent FISH capacity of the same type of schools. Projected or future LOS is determined by the dividing the projected enrolled students at the same type of schools within a CSA by the planned permanent FISH capacity of the same type of schools.

Policy 9-1.1.1: Adoption of LOS Standards. To ensure that the capacity of schools is sufficient to support student growth, the City along with other cities within the Seminole County, the County, and the School Board agree that the desired LOS standard shall be 100% of the aggregate permanent FISH capacity for each school type within each CSA. To financially achieve the desired LOS standard, the following tiered LOS standards are established as follows:

School Type	2008 - 2012	Beginning 2013
Elementary & Middle CSA	100% of Permanent FISH Capacity	100% of Permanent FISH Capacity
High School CSA	110% of Permanent FISH Capacity	100% of Permanent FISH Capacity

Policy 9-1.1.2: Coordinate LOS Standards. The City shall use its Concurrency Management System to coordinate with the School Board and other local jurisdictions to ensure that the LOS standards established for each school type is maintained.

Policy 9-1.1.3: Utilize CSA Boundaries. The City shall apply school concurrency using CSA boundaries adopted by the School Board.

Policy 9-1.1.4: Establish CSAs for Each Type of School. The CSA boundaries established by the School Board will be based on clustered attendance zones for each school type (elementary, middle and high school) based on adjacency and will be re-evaluated by the School Board, as needed.

Policy 9-1.1.5: Consider CSA Boundary Changes. At the determination of the School Board, CSA maps may be modified from time to time, to maximize utilization of school capacity. The School Board shall transmit the proposed change request with supporting data and analysis to the City and the other local jurisdictions. The City, upon receipt of supporting data and analysis for the proposed modification shall review and submit comments to the School Board within days.

Policy 9-1.1.6: Coordinate School Board Capital Improvements Schedule and Potential CSA Boundary Changes. As identified in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*, the School Board's annual update of its Capital Improvements Schedule will include review of attendance zone changes and if necessary, modifications to the CSA maps to the greatest extent possible to provide maximum utilization.

Objective 9-1.2: Coordinate Development Review to Achieve Concurrency. The City of Sanford will coordinate with the Seminole County School Board in the City's development review efforts to achieve concurrency in all public school facilities.

Policy 9-1.2.1: Maintain Development Review Process. The City shall withhold or condition the approval of any site plan, final subdivision, or functional equivalent for new residential units not exempted until a School Capacity Availability Letter Determination (SCALD) has been issued by the School Board to the City indicating that adequate public school facilities exist or until a mitigation agreement has been reached, pursuant to the availability standard specified in Section 163.3180(13)(e), Florida Statutes (F.S.).

Policy 9-1.2.2: Adopt School Concurrency Provisions into the City's Land Development Regulations. The City shall adopt school concurrency provisions into its land development regulations for the review of development approvals, consistent with the requirements of the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*.

Objective 9-1.3: Coordinate Existing and Future School Facility Planning with the Future Land Use Element and Development Approval Process. The School Board shall coordinate future siting of schools and capacity needs with development approvals and changes to the City's Future Land Use Map (FLUM).

Policy 9-1.3.1: Coordinate Comprehensive Plan Amendments and Facility Planning. The city will consider the availability and future provision of school facility capacity, the provision of school sites and facilities within neighborhoods, the compatibility of land uses adjacent to existing schools and reserved school sites, the co-location of parks, recreation and neighborhood facilities with school sites and the linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks for safe access during the review of proposed comprehensive plan land use map amendments.

Policy 9-1.3.2: Coordinate School Site Sizes and Co-location in the City. The City will work with the School District to identify sites for future educational facilities that meet the minimum standards of the School Board where possible and which are consistent with the provisions of the Sanford Comprehensive Plan. When the size of available sites does not meet the minimum School Board standards, the City will support the School Board in efforts to use standards more appropriate to a built urban environment. To the extent feasible, as a solution to the problem of lack of sufficiently sized sites, the City shall work with the School Board to achieve co-location of schools with City facilities.

Policy 9-1.3.3: Participate in Planning Technical Advisory Committee (PTAC). The City shall participate in the Planning Technical Advisory Committee (PTAC) meetings, as provided in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*, for the purpose of discussing issues and formulating recommendations to the Public Schools Facilities Planning Committee (PSFPC) regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, co-location and joint use opportunities, ancillary infrastructure improvements needed to support the schools, School Board Five-Year Capital Improvement Plan and the Public School Concurrency Program.

Policy 9-1.3.4: Determine Impacts. The School Board shall be responsible for determination of adequate school capacity.

Policy 9-1.3.5: Provide Notification of Submittal of Residential Applications. The City shall notify the School Board within 10 working days of receipt of any land use or development application having a residential component and will transmit submitted subdivision plans and site plans to the School Board for their review.

Policy 9-1.3.6: Provide Notification of Meetings. The City shall provide the School Board with agendas of staff review, the Planning & Zoning Board/Local Planning Agency and the City Commission meetings.

Objective 9-1.4: Administer Public School Concurrency. The City of Sanford Shall Require that Public School Facility Capacity is Available Concurrent with the Impacts of New Residential Development, as Required by Section 163.3180(13)(E), F.S.

Policy 9-1.4.1: Time Concurrency Review. The City shall require that all new residential development be reviewed for school concurrency prior to development approval as defined in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*.

Policy 9-1.4.2: Enforce Concurrency Review. In compliance with the availability standards of Section 163.3180(13) (e), F.S., the City shall not deny development approval due to failure to achieve the adopted LOS for public school facilities when the following occurs:

- Adequate school facilities are planned and will be in place or under construction within three years of the development approval.
- The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities consistent with the methodology in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*.

Policy 9-1.4.3: Establish Residential Uses Exempt from the Requirements of School Concurrency. The following residential uses shall be exempt from school concurrency requirements:

- All single family lots of record at the time the school concurrency implementing ordinance became effective.
- Any new residential development that has a preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program on July 1, 2008.
- Any amendment to a previously approved residential development which does not increase the number of dwelling units or change the type of dwelling units.
- Any age restricted community with no permanent residents under the age of 18 (a restrictive covenant limiting the age of residents to 18 and older shall be required).

Policy 9-1.4.4: Administer Revenues Received Through Proportionate Share Mitigation. Any revenues received for proportionate share mitigation are to be directed by the School Board toward a school capacity improvement identified in the School Board's Five-Year Capital Improvement Plan.

Policy 9-1.4.5 Consider Proportionate Share Mitigation. In the event school capacity is not available to support a development, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer to mitigate the impact from the development through the creation of additional school capacity using the following methodology:

- A. When the anticipated student impacts from a proposed development cause the adopted LOS to be exceeded, the developer's proportionate share will be based on the number of additional student stations necessary to achieve the established LOS. The amount to be paid will be calculated by the cost per student station for elementary, middle and high school as determined and published by the State of Florida.
- B. The methodology used to calculate a developer's proportionate share mitigation shall be as follows:

$$\text{Proportionate Share} = \frac{^1\text{Development students} - \text{Available Capacity}}{\text{student station}} \times ^2\text{Total Cost per student station}$$

Where:

¹Development students = those students from the development that are assigned to a CSA and have triggered a deficiency of the available capacity.

²Total Cost = the cost per student station as determined and published by the State of Florida.

- C. The applicant shall be allowed to enter a 90-day negotiation period with the School Board in an effort to mitigate the impact from the development through the creation of additional capacity. Upon identification and acceptance of a mitigation option deemed financially feasible by the School Board, the developer shall enter into a binding and enforceable development agreement with the School Board.

1. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School Board's Five-Year Capital Improvement Plan. Capacity enhancing projects identified within the first three years of the Five-Year Capital Improvement Plan shall be considered as committed in accordance with Section 9.5 of the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*.
 2. If capacity projects are planned in years four or five of the School Board's Five-Year Capital Improvement Plan within the same CSA as the proposed residential development, the developer may pay his proportionate share to mitigate the proposed development in accordance with the formula provided in Section 12.7 (B) of the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*.
 3. If a capacity project does not exist in the five-year Capital Improvement Plan, the School Board will add a capacity project to satisfy the impacts from a proposed residential development, if it is funded through the developer's proportionate share mitigation contributions. Mitigation options may include, but are not limited to:
 - a. Contribution of land or payment for land acquisition suitable for and in conjunction with, the provision of additional school capacity; or
 - b. Mitigation banking based on the construction of a educational facility in exchange for the right to sell capacity credits; or
 - c. Provide modular or permanent student stations acceptable for use as an educational facilities; or
 - d. Provide additional student stations through the remodeling of existing buildings acceptable for use as an educational facility; or
 - e. Construction or expansion of permanent student stations at the impacted school within the CSA; or
 - f. Construction of an educational facility in advance of the time set forth in the School Board's Five-Year Capital Improvement Plan.
- D. For mitigation measures (a) thru (f) above, the estimated cost to construct the mitigating capacity will reflect the estimated future construction costs at the time of the anticipated construction. Improvements contributed by the developer shall receive school impact fee credit.
- E. The developer shall receive an impact fee credit for the proportionate share mitigation. Credits will be given for that portion of the impact fees that would have been used to fund the improvements on which the proportionate fair share contribution was calculated. The portion of impact fees available for the credit will be based on the historic distribution of impact fee funds to the school type (elementary, middle, high) in the appropriate CSA. Impact fee credits shall be calculated at the same time as the applicant's proportionate share obligation is calculated. Any school impact fee credit based on proportionate fair share contributions for a proposed development cannot be transferred to any other parcel or parcels of real property within the CSA.

- F. A proportionate share mitigation contribution shall not be subsequently amended or refunded after final site plan or plat approval to reflect a reduction in planned or constructed residential density.
- G. Impact fees shall be credited against the proportionate share mitigation total.
- H. Any proportionate share mitigation must be directed by the School Board toward a school capacity improvement identified in the School Board's Five-Year Capital Improvement Plan.
- I. Upon conclusion of the negotiation period, a second Determination Letter shall be issued. If mitigation is agreed to, the School Board shall issue a new Determination Letter approving the development subject to those mitigation measures agreed to by the local government, developer and the School Board. Prior to site plan approval, final subdivision approval or the functional equivalent, the mitigation measures shall be memorialized in an enforceable and binding agreement with the local government, the School Board and the Developer that specifically details mitigation provisions to be paid for by the developer and the relevant terms and conditions. If mitigation is not agreed to, the Determination Letter shall detail why any mitigation proposals were rejected and why the development is not in compliance with school concurrency requirements. A SCALD indicating either that adequate capacity is available, or that there is not a negotiated proportionate share mitigation settlement following the 90 day negotiation period as described in Section 12.7(B) of the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency* constitutes final agency action by the School Board for purposes of Chapter 120, F.S.

Policy 9-1.4.6: Administer Appeal Process. A person substantially affected by a School Board's adequate capacity determination made as a part of the School Concurrency Process may appeal such determination through the process provided in Chapter 120, F.S.

Objective 9-1.5: Update Capital Improvement Element Annually. The City of Sanford shall amend its Capital Improvement Element (CIE) to include that portion of the adopted School Board's Five-Year Capital Improvement Plan which deals with capacity improvements.

Policy 9-1.5.1: Update Capital Improvement Element. On an annual basis, no later than December 1st of each year, the City shall update the City's Capital Improvement Element to include that portion of the School Board's annual update of their financially feasible Five-Year Capital Improvement Plan related to capacity improvements. However, the City shall not have the obligation, or the responsibility for funding or accomplishing the School Board Five-Year Capital Improvement Plan.

Policy 9-1.5.2: New Financially Feasible Fifth Year Projects During Each Update. Each annual update to the Capital Improvement Element shall include a new fifth year with its financially feasible school capacity projects that have been adopted by the School District in its update of the Five-Year Capital Improvement Schedule.

Policy 9-1.5.3: Comply with Florida Statutes for Timing of Capital Improvement Element Update. The City shall amend its Capital Improvement Element to reflect changes to the School District's Five-Year Capital Facilities Plan in compliance with timing requirements of Florida Statutes.

Objective 9-1.6: Ensure Compatibility with Surrounding Land Uses, Encourage Co-location with Appropriate City Facilities, and the Location in Proximity to Residential Areas to be Served and Function as a Community Focal Point. The City of Sanford shall ensure compatibility of school facilities with surrounding land use through the development review process and shall encourage, to the extent feasible, co-location of new schools with compatible City facilities, and the location of school facilities to serve as Community Focal Points.

Policy 9-1.6.1: Establish School location Sites and Compatibility Standards. School sites are allowed within any land use designation in the City except Resource Protection (RP). Compatibility with adjacent land uses will be ensured through the following measures:

- New school sites within the City must not be adjacent to any noxious industrial uses or other property from which noise, vibration, odors, dust, toxic materials, traffic conditions or other disturbances would have a negative impact on the health and safety of students.
- Public school sites shall be compatible with environmental protection, based on soils, topography, protected species and other natural resources on the site.
- An assessment of critical transportation issues, including provision of adequate roadway capacity, transit capacity and bikeways shall be performed for proposed school sites prior to any development to ensure safe and efficient transport of students.
- New school sites must comply with the City's land development regulations and must minimize potential detrimental impacts on adjacent uses by providing sufficient on-site parking, sufficient internal vehicular circulation to ensure that unsafe stacking of vehicles on access roads does not occur, containment of off-site light spillage and glare, and reduction of off-site noise through compliance with the City's buffer requirements.
- New school sites for elementary and middle schools shall be located in close proximity to existing or anticipated concentrations of residential development. New school sites for high schools and specialized schools are suitable for other locations due to their special characteristics.
- The development review process shall ensure that facilities such as sanitary sewer and potable water are available at the time demanded by the new school site, and services such as public safety can also be provided.
- New school sites shall have safe ingress and egress for pedestrians, bicycles, cars, buses, service vehicles and emergency vehicles. High schools should be located with access to collector or arterial roads, rather than relying solely on local roads.

Policy 9-1.6.2: Encourage Co-Location and Community Focal Point. Recognizing that new schools are an essential component in creating a sense of community, the City shall encourage the co-location of new school sites with appropriate City facilities to the extent feasible, and shall encourage, through the development review process, the location of new school sites so they may serve as community focal points. Where co-location takes place, the City may enter into an interlocal agreement with the School Board to address shared uses of facilities, maintenance costs, vehicular and bicycle parking, supervision and liability issues, among other concerns.

Objective 9-1.7: Ensure Provision of Necessary Infrastructure. The School Board will coordinate with the City of Sanford to ensure the timely provision of public facilities to support the necessary functions of public school facilities.

Policy 9-1.7.1: Maximize Efficiency of Infrastructure. During participation in the future school site identification process detailed in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency*, the City shall seek to maximize efficient use of existing infrastructure and avoid sprawl development by identifying future school sites that take advantage of existing and planned roads, potable water, sanitary sewer, parks and drainage systems.

Policy 9-1.7.2: Ensure Safe Student Access. The City will ensure safe student access to school sites by coordinating the construction of new neighborhoods and residential developments, expansion of existing neighborhoods and developments and redevelopment or revitalization of existing neighborhoods and developments with Seminole County's safe road and sidewalk connection programs to school sites.

Policy 9-1.7.3: Coordinate Bicycle Access and Pedestrian Connection. The City will coordinate bicycle access to public schools consistent with the Seminole County countywide bicycle plan adopted by the Metropolitan Planning Organization, METROPLAN. In addition, the City shall revise its land development regulations as needed to specify that performance standards for new residential developments adjacent to existing and proposed school sites, other than age restricted developments, shall include pedestrian connections between the sidewalk network within the development and the adjacent school site.

Policy 9-1.7.4: Coordinate to Ensure Necessary Off-Site Improvements. During the development review process for a proposed new school facility, the City will work with the School Board to determine the party or parties responsibility for the financing, constructing, operating, and maintaining any needed off-site improvements, including but not limited to: signals, deceleration lanes, roadway striping for crosswalks, safe directional/warning signage, and sidewalks. A new development adjacent to or sharing an access road with an existing school or future school site shall mitigate the traffic impacts of the development for safe access to the school. Such mitigation efforts may include, but are not limited to: developer striping of crosswalks, developer installation of sidewalks, payment for safe directional/warning signage, and payment for signals.

Policy 9-1.7.5: Include Provisions for School Buses. The City shall revise its land development regulations to require the inclusion of school bus stops and turnarounds in new residential developments that are not age restricted.

Objective 9-1.8: Coordinate with School Board and Cities. The City of Sanford shall coordinate with the School Board and other local jurisdictions as specified by the procedures in the *2007 Interlocal Agreement for Public School Facility Planning and School Concurrency* and provide information for emergency preparedness.

Policy 9-1.8.1: Provide Data to the School Board. The City shall maintain data on the approved number of residential dwelling units by unit type and location and the corresponding number of units within each development that have received a certificate of occupancy (CO). The data shall be provided to the School Board annually by October 15th.

Policy 9-1.8.2: Provide Representation for School Planning. The City shall assign representatives to take part in committees and meetings as specified by the *2007 Interlocal Agreement for Public School Facilities Planning and School Concurrency*. A staff representative shall be assigned to the Planning Technical Advisory Committee (PTAC) which shall meet as specified in the Interlocal Agreement. An elected official or designee shall be appointed to the Public Schools Facilities Planning Committee (PSFPC) which shall meet as specified in the Interlocal Agreement.

Policy 9-1.8.3: Provide Notification of Proposed Changes. The City shall provide notification in accordance with the *2007 Interlocal Agreement for Public School Facilities Planning and School Concurrency* to the School Board of proposed amendments to the Future Land Use Map (FLUM), rezonings, developments of regional impact, and/or major residential or mixed use development projects that may increase residential densities, effect student enrollment, enrollment projections, or school facilities. Such notice will be provided within 10 working days of receipt of the application.

Policy 9-1.8.4: Provide Emergency Preparedness Information. The City shall continue to provide information needed by the School Board and local jurisdictions for emergency preparedness purposes.