

CHAPTER XIV

PUBLIC SCHOOL FACILITIES ELEMENT

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GOAL, OBJECTIVES, AND POLICIES

GOAL

TO PROVIDE A PUBLIC SCHOOL SYSTEM THAT OFFERS A HIGH QUALITY EDUCATIONAL ENVIRONMENT, PROVIDES ACCESSIBILITY FOR ALL OF ITS STUDENTS, AND ENSURES ADEQUATE SCHOOL CAPACITY TO ACCOMMODATE ENROLLMENT DEMAND WITHIN A FINANCIALLY FEASIBLE SCHOOL DISTRICT'S FIVE-YEAR CAPITAL FACILITIES WORK PROGRAM.

Concurrency Management System

Concurrency Management System

Maintain adequate school facilities in Brevard County Schools by adopting a concurrency management system to address the need for correction of school facility deficiencies through a tiered level of service for the short and long term planning periods.

Policy 1.1

Brevard County hereby adopts the following Level of Service (LOS) standards for public schools, based upon Florida Inventory of School Houses (FISH) capacity.

Table 14-1

<u>LEVEL OF SERVICE</u>					
<u>Facility Type</u>	<u>LOS</u>				
<u>Elementary Schools</u>	<u>100%</u>				
<u>Middle Schools</u>	<u>100%</u>				
<u>Junior / Senior High Schools</u>	<u>100%</u>				
<u>High Schools</u>	<u>100%</u>				

Policy 1.2

Brevard County hereby adopts the School Board's current public school attendance boundaries, as the Concurrency Service Areas (CSA).

Policy 1.3

Concurrency shall be measured and applied using a geographic area known as a Concurrency Service Area (CSA) which shall coincide with the school attendance

boundaries, as adopted by the School District. The following procedures shall be used for modifying a CSA map:

Criteria:

- A. The School District will transmit a proposed CSA map modification with data and analysis to support the change to the Cities, the County, and the Capital Outlay Committee (COC). Any proposed change to a CSA shall require a demonstration by the School District that the change complies with the public school LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

The utilization of school capacity will be maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans and other relevant factors.

- B. Brevard County and the COC will review the proposed modification of the CSA and send their comments to the School District within 30 days of receipt of the proposed change.
- C. The modification of a CSA shall be effective upon adoption by the School Board.

Policy 1.4

The Parties shall observe the following process for changes in the use of schools:

Criteria:

- A. At such time as the School District determines that a school change is appropriate considering the appropriate use of the school and utilization requirements, the School District shall transmit the proposed school change in use and data and analysis to support the changes to the Capital Outlay Committee and the Staff Working Group.
- B. The Capital Outlay Committee and the Staff Working Group shall review the proposed changes to the school use and send their comments to the School District within forty five (45) days of receipt.
- C. The change in school use shall become effective upon final approval by the School Board.

School Concurrency Evaluation

School Concurrency Evaluation

Brevard County shall ensure a school concurrency evaluation shall be performed by the Brevard County School District to review projected residential development in order to

accommodate new students at the adopted level of service for adequate school facility capacity.

Policy 2.1

Brevard County shall not approve any non-exempt residential development application for a residential land use change, zoning change, or functional equivalent that increases the potential residential development rights until a School Impact Analysis (SIA) has been undertaken resulting in a Capacity Determination Letter issued by the School Board to Brevard County indicating that adequate school facilities exist.

Policy 2.2

Brevard County shall not approve any non-exempt residential development application for a new residential preliminary plat, site plan or functional equivalent until a School Impact Analysis (SIA) has been undertaken resulting in a School Capacity Availability Determination Letter (SCADL) issued by the School Board to Brevard County indicating that adequate school facilities have been reserved to accommodate the impacts of the development.

Policy 2.3

Brevard County shall consider the following criteria to exempt residential uses from the requirements of school concurrency:

Criteria:

- A. All single family lots of record at the time the School Concurrency implementing ordinance became effective.
- B. Any new residential development that has an unexpired 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.
- C. Any amendment to any previously approved residential development, which does not increase the number of dwelling units or change the type of dwelling units (single-family to multi-family, etc.)
- D. Any age restricted community with no permanent residents under the age of eighteen (18). Exemption of an age restricted community will be subject to a restrictive covenant limiting the age of permanent residents to 18 years and older.
- E. The replacement of an existing residential dwelling unit, including those partially or entirely damaged, destroyed or demolished, with a new unit of the same type and use provided that the existing unit has been occupied at some time during the five year period immediately

preceding the construction of the new unit.

- F. De minimis Impact for School Capacity Determination (non-binding):
 - 1. Small Scale Comprehensive Plan Amendment requests which will not increase the maximum allowable residential units by 50 units or more.
 - 2. Preliminary Development Requests (not including Large Scale Comprehensive Plan Amendments) which will not increase the maximum allowable residential units by 50 units or more.

- G. De minimis Impact for Concurrency Determination (binding) – Any residential development request, which based on the Student Generation Rate (SGM) established in this Agreement will not exceed one (1) student for any type of school.

Policy 2.4

Brevard County, through its land development regulations, and in conjunction with the School District, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 2.2. The minimum process requirements are described below:

Criteria:

- A. A residential development application including a School Impact Analysis (SIA) is submitted to Brevard County for review.

- B. Brevard County determines application is complete for processing and transmits the SIA to the School District for review.

- C. The School District reviews application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to Brevard County:
 - 1. If capacity is available within the affected CSA, the School District shall issue a SCADL verifying available capacity.

 - 2. If capacity is not available within the affected CSA, contiguous CSAs are reviewed for available capacity.

 - 3. If capacity is available in the contiguous CSAs, the School District shall issue a SCADL verifying available capacity in the adjacent CSAs.

4. If capacity is not available in the contiguous CSAs, the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and offers the developer a 90-day negotiation period for mitigation.

Policy 2.5

Brevard County in conjunction with the School District shall review developer proposed applications for proportionate share mitigation projects to add the school capacity necessary to satisfy the impacts of a proposed residential development. Mitigation options may include, but are not limited to:

Criteria:

- A. Contribution of land or payment for land acquisition in conjunction with the provision of additional FISH Capacity; or
- B. Mitigation banking based on the construction of a public school facility in exchange for the right to sell FISH Capacity credits; or
- C. Provision of additional student stations through the donation of buildings for use as a primary or alternative learning facility; or
- D. Provision of additional student stations through the renovation of existing buildings for use as learning facilities; or
- E. Construction or expansion of permanent student stations; or
- F. Construction of a public school facility in advance of the time set forth in the Five - Year District Facilities Work Program.
- G. Construction of a charter school designed in accordance with School Board standards, providing sufficient permanent capacity to the District's inventory of student stations. Use of a charter school for mitigation must include provisions for its continued existence, including but not limited to the transfer of ownership of the charter school property and/or operation of the school to the School Board.

Policy 2.6

For mitigation measures in Policy 2.4 (A) thru (F) above, the estimated cost to construct the mitigating improvement will reflect the estimated future construction costs at the time of the anticipated construction.

Criteria:

- A. Improvements contributed by the developer shall receive school impact fee credit.
- B. The cost difference between the developer's mitigation costs and the impact fee credit, if greater, shall be the responsibility of the developer.

Policy 2.7

Brevard County and the School District shall provide a 90-day negotiation period to allow for the review and negotiation of proportionate share mitigation offers proposed by a developer.

Criteria:

- A. If mitigation is approved, Brevard County and the School District enter into an enforceable binding agreement with the developer and the improvement(s) will be included in the School District's annually adopted Five-Year District Facilities Work Program and reflected in the next update to the Capital Improvements Element.
- B. If mitigation is denied, Brevard County must deny application based upon no available school capacity.
- C. A Local Government shall not issue any permits for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.

Policy 2.8

Brevard County shall, upon acceptance of a mitigation option identified in Policy 2.4, enter into an enforceable binding agreement with the School District and the developer.

Policy 2.9

Brevard County shall notify the School District when an approved residential development has paid impact fees and when the development order for the residential development expires.

New Facilities Coordination

Objective 3

All new public schools built within Brevard County will be coordinated with the School District to be consistent with Brevard County's Future Land Use Map designation to ensure facilities are proximate to appropriate existing and future land uses, serve as community focal points, are co-located with other appropriate public facilities, and will have needed supporting infrastructure.

Policy 3.1

Brevard County, in conjunction with the School District, shall jointly determine the need for, and timing of, on-site and off-site improvements necessary to support a new school.

Policy 3.2

Brevard County shall enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for the planning, constructing, operating, and maintaining off- site improvements necessary to support a new school or school improvement to ensure that the necessary infrastructure is in place prior to or concurrent with construction.

Policy 3.3

Brevard County shall encourage the location of schools near residential areas by:

Criteria:

- A. Assisting the School District in the identification of funding and/or construction opportunities (including developer participation or Local Government capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements.
- B. Reviewing and providing comments on all new school sites including the compatibility and integration of new schools with surrounding land uses.
- C. Allowing schools within all residential land use categories.

Policy 3.4

Brevard County, in conjunction with the School District, shall seek opportunities to co-locate schools with public facilities, such as parks, libraries, and community centers, as the need for these facilities is identified.

Policy 3.5

Brevard County, in conjunction with the School District, hereby designates the Capital Outlay Committee (COC) as the monitoring group for coordinated planning and school concurrency in Brevard County.

Policy 3.6

Brevard County shall maintain school concurrency provisions with its within its Land Development Regulations (LDR) to implement school concurrency upon the effective date of this Public School Facilities Element.

Policy 3.7

Brevard County, in conjunction with the School District and the municipalities within Brevard County shall identify issues relating to public school emergency preparedness, such as:

Criteria:

- A. The determination of evacuation zones, evacuation routes, and shelter locations.
- B. The design and use of public schools as emergency shelters.
- C. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

Annual Updates

Objective 4

Brevard County will include in its Capital Improvements Element (CIE), the School District's annually updated Five-Year District Facilities Work Program as adopted by the School Board, which identifies school facility capacity projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standard for schools.

Policy 4.1

Brevard County shall adopt as part of its Capital Improvement Element the School Board of Brevard County's Five Year District Facilities Work Program.

Policy 4.2

Brevard County shall annually coordinate review of school enrollment projections in conjunction with the School District and other local governments through the Capital Outlay Committee. The Public School Facilities Map Series shall depict the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period and includes:

- A. Existing Public School Facilities Maps - type and location of public school facilities and ancillary plants
- B. Five-Year Planning Period Maps - generally planned public school facilities and ancillary plants
- C. The Long Range Planning Period Map - generally planned areas of future public school facility needs

APPENDIX

Map Series Index

Map 1 Public School Facilities

Map 1 Public School Facilities

