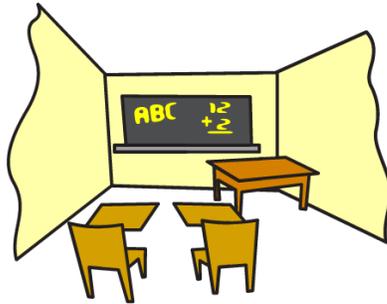


Chapter 10

Public Schools Facilities Element



PUBLIC SCHOOLS FACILITIES ELEMENT

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PUBLIC SCHOOLS FACILITIES ELEMENT

PREFACE / INTRODUCTION

The State of Florida's 1985 Growth Management Act (1985 Act) introduced the concurrency principle throughout the state by requiring that adequate public services and facilities be in place prior to the approval of new development. The 1985 Act identified sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities as facilities subject to concurrency. Consistent with the 1985 Act, a local government may approve new development only if infrastructure is available, or will be available, to sufficiently absorb the impacts of new development. A Level of Service (LOS) is adopted for each of the facilities and is the mechanism by which the capacity is measured.

The 2005 Growth Management Reform Act, commonly referred to as Senate Bill 360 (SB 360), mandates that all non-exempt Florida jurisdictions add public schools as a facility subject to concurrency. Consequently, the approval of new residential development becomes contingent upon available school capacity measured, in part, against an adopted LOS for public schools. Per the legislation, adequate school capacity is considered to be available if the needed school facilities are currently available or scheduled for construction within three (3) years of the development's final approval. If capacity is not available, SB 360 permits mitigation in the form of a proportionate share payment/allocation.

The technical components of this amendment have been developed through an ongoing collaborative process amongst Orange County Public Schools (OCPS), Orange County, and the non-exempt municipalities within Orange County. OCPS facilitated the process through the creation of the Technical, Stakeholders, Policy, and Legal Committees.

In addition to amending each municipalities' Comprehensive Plan, SB 360 requires that each local government enter into an interlocal agreement (ILA) with OCPS. The ILA will ensure that school concurrency is uniformly implemented throughout Orange County.

GOAL 1: IMPLEMENT A COUNTY WIDE SCHOOL CONCURRENCY PROGRAM

The City of Apopka (the City) shall establish plans, regulations and programs, in conjunction with Orange County Public Schools (OCPS), to facilitate the future availability of public school facilities to serve residents, consistent with the adopted level of service for public schools and with State of Florida concurrency statutes and regulations.

Objective 1: Level of Service Standards

The City shall coordinate with Orange County Public Schools (OCPS) to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period. This objective shall be measurable through the associated policies, below.

Policy 1.1 The Concurrency Management System shall include standards and procedures to ensure that new residential development complies with the Level of Service (LOS) Standards provided in the Interlocal Agreement between Orange County Public Schools (OCPS) and the City and the adopted Capital Improvements Element. The adopted LOS shall be used to determine the available capacity of elementary, middle and high schools within the designated Concurrency Service Area (CSA). The adopted LOS, except for backlogged facilities, shall be as follows:

Elementary School LOS – 110% of Adjusted FISH Capacity
K through 8 – 110% of Adjusted FISH Capacity
Middle School LOS – 100% of Adjusted FISH Capacity
High School LOS – 100% of Adjusted FISH Capacity

Backlogged facilities should reference Capital Improvements Element 2.1.g.

Policy 1.2 The adopted Level of Service (LOS) must be achieved in all Concurrency Service Areas (CSAs) by April 1, 2013, except for deficient CSAs where improvements are needed to achieve adequate classroom capacity as specifically identified in the Orange County Public Schools Ten-Year District Capital Outlay Plan for funding by April 1, 2018; for the aforementioned deficient CSAs, the adopted LOS must be achieved by April 1, 2018.

Policy 1.3 The City shall support Orange County Public Schools efforts to initiate any of the following strategies to ensure compliance with adopted Level of Service (LOS) standard.

- a) Building new schools to relieve over-capacity schools in CSA that exceed the adopted LOS,
- b) Renovating over-capacity schools to add permanent capacity and replace on-campus portables,
- c) Rezoning students from over-capacity schools to under-capacity schools,
- d) Moving special programs from over-capacity schools to under-capacity schools to utilize excess permanent capacity where it exists.

Policy 1.4 The City shall utilize the Orange County Public Schools (OCPS) calculation of school capacity, which is determined annually by OCPS using the Adjusted Florida Inventory of School Houses (FISH) Capacity for each school within each Concurrency Service Area (CSA) within the school district. Adjusted FISH Capacity shall be defined as the Permanent FISH Capacity, adjusted to include the design capacity of modular (“in-slot”) schools, not to exceed the adopted Core Capacity for that school.

Policy 1.5 The student generation rate shall be defined as the estimated number of elementary, middle and high school students generated by a single unit of residential development, as calculated by Orange County Public Schools using a GIS analysis to determine the ratio of current students to existing residential unit by residential development type.

Policy 1.6 The City shall support Orange County Public Schools’ (OCPS’s) efforts to meet adopted Level of Service (LOS) standards through the adoption of a Ten-Year financially feasible District Capital Outlay Plan (DCOP). Where the LOS cannot be achieved through the construction of new school capacity as provided in the Ten-Year DCOP, the City shall cooperate with OCPS’s efforts to adopt a long range Ten-Year District Capital Outlay Plan as part of the OCPS’s annual capital planning process.

Policy 1.7 Where adequate school facilities will be in place, or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent, the City shall not deny an application for site plan approval, final subdivision approval, or the functional equivalent thereof, for any development, or phase of a development, that includes residential uses, based solely on failure to achieve and maintain the adopted Level of Service in a Concurrency Service Area.

Policy 1.8.The City, in conjunction with Orange County Public Schools, shall review Level of Service standards for public school facilities annually, and any changes to those standards shall be processed as amendments to the City’s Capital Improvements Element.

Policy 1.9 A development shall be deemed to meet concurrency if there is sufficient capacity in the Concurrency Service Areas (CSA) where the development is located or where sufficient capacity exists in one or more contiguous CSAs, so long as the Level of Service (LOS) in the adjacent zone does not exceed 95% of the adopted LOS, or when the LOS for the specific school type when considered countywide does not exceed 100% of the Adjusted Florida Inventory of School Houses (FISH) capacity, and approval of the Development does not result in a violation of a court ordered desegregation order.

Policy 1.10 Proposed developments of five (5) single-family, or seven (7) multi-family dwelling units, on an existing platted lot shall be considered de minimis and therefore exempt from concurrency determination. For the purposes of school concurrency, a single-family dwelling unit shall be defined as one dwelling unit designed for occupancy by one family and not attached to any surrounding dwelling unit. A multi-family dwelling unit shall be defined as more than one dwelling unit located in the same building, a dwelling unit attached to one or more other dwelling units, or a mobile home.

Objective 2: The City of Apopka shall work in conjunction with Orange County Public Schools (OCPS), as OCPS annually updates and adopts School Concurrency Service Areas, which shall be used to evaluate capacity of schools available to accommodate students that may be generated by development.

Policy 2.1 Concurrency Service Areas are depicted in Maps 1 through 3, incorporated herein by reference.

Policy 2.2 Concurrency Service Areas (CSAs) shall be reviewed annually in conjunction with the Orange County Public Schools adoption of a updated Five-Year and Ten-Year District Capital Outlay Plan (DCOP). CSA boundaries may be adjusted to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, and other factors.

Objective 3 The City and Orange County Public Schools shall develop and maintain, throughout the planning period, a joint process for the implementation of school concurrency as provided for in the adopted Interlocal Agreement.

Policy 3.1 The City shall not approve a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density on property that is not otherwise vested until such time as Orange County Public Schools has determined whether sufficient capacity will exist at the time of the proposed change, or a capacity enhancement agreement is executed that provides for the needed capacity to accommodate the proposed development.

Policy 3.2 The City will determine if a development is vested or exempt from school concurrency. Unless the development is determined to be vested or exempt from concurrency, the City shall not approve a residential development plan, plat, or its functional equivalent, until a concurrency determination has been conducted by Orange County Public Schools and a Concurrency Certificate has been issued for the development consistent with the provisions of the adopted Interlocal Agreement.

Policy 3.3 For DRIs that include residential development that meets or exceeds the residential threshold for DRIs, the City shall include Orange County Public Schools planning staff on the review team for the DRI, and shall ensure that DRI Development Orders, and DRI Development Order amendments that increase the total number of residential dwelling units, address the issue of school capacity. Where existing school capacity is exceeded, mitigation for school impacts shall be included in any mitigation agreements, Development Orders and agreements.

GOAL 2: MAINTAIN A HIGH QUALITY EDUCATIONAL SYSTEM FOR THE CURRENT AND FUTURE RESIDENTS OF APOPKA THROUGH COORDINATED EFFORTS WITH ORANGE COUNTY PUBLIC SCHOOLS, AS PROVIDED IN THE ADOPTED INTERLOCAL AGREEMENT.

Objective 4 The City shall coordinate and cooperate with Orange County Public Schools throughout the planning period to review and maintain procedures established in the adopted Interlocal Agreement.

Policy 4.1 The locations of existing school facilities and ancillary plants are depicted in Maps 7 through 10.

Policy 4.2 Pursuant to the adopted interlocal agreement, the City shall participate in the Technical Planning Committee comprised of representatives from the City, other Orange County Municipalities, Orange County Public Schools (OCPS) and the Regional Planning Council to discuss issues of mutual concern. Pursuant to the interlocal agreement, OCPS shall be responsible for making meeting arrangements, providing notification and maintaining a written summary of meeting actions.

Policy 4.3 The City shall attend the Orange County Public Schools Technical Planning Committee meetings and participate in discussions regarding coordination of land use and school facilities. The City will contribute to the specific areas addressed by the Committee including:

- a) Short and long-range planning, population and student projections, and future development trends;
- b) Co-location and joint-use opportunities, and ancillary infrastructure improvements needed to support the school facilities and ensure safe student access to schools;
- c) Planning for needed supporting infrastructure for schools such as utilities, roads, sidewalks, etc.;
- d) The need for new schools to meet the adopted Level of Service within the adopted Concurrency Service Areas and the coordination of annual revisions to the Ten Year District Capital Outlay Plan; and
- e) Updates of the City's Capital Improvements Element for inclusion in the City's Comprehensive Plan.

Policy 4.4 The City shall provide an update of approved developments, phases of development and estimated build-out by phase to the Orange County Public Schools Planning Department on an annual basis.

Policy 4.5 The City shall review Orange County Public Schools (OCPS) generated future enrollment and growth projections on an annual basis and provide input to the OCPS Planning Department.

Objective 5 The City shall, throughout the planning period, coordinate with Orange County Public Schools the siting of new public schools to ensure public school facilities: are appropriately located to address the needs of future residential development; are coordinated with necessary services and infrastructure development; provide for safe learning environments; and are consistent with the City's adopted Future Land Use Map and with the other provisions of the Comprehensive Plan.

Policy 5.1 The proposed locations for future schools are depicted in Maps 4 through 6, incorporated herein by reference.

Policy 5.2 Applications for Future Land Use Map amendments, rezonings, conditional use/special exceptions and site plans associated with schools shall be given priority status. Orange County Public Schools shall not be required to pay application fees or impact fees for the development of public school facilities, consistent with State laws.

Policy 5.3 The City shall protect existing schools from the intrusion of incompatible land uses through the development review process.

Policy 5.4 In an effort to enhance local communities and neighborhoods, the City will participate with Orange County Public Schools in the school siting, design and development process so that the school serves as a focal point for the community and is compatible with the Future Land Use Map and with land uses surrounding proposed school sites.

Policy 5.5 Where feasible, Orange County Public Schools and the City shall work jointly to co-locate public facilities such as parks, libraries, and community centers with public schools. Where such co-location occurs, both entities may establish an ongoing management relationship via written agreement that permits the school's use of the public facilities and the public's use of school facilities for community meetings and sports activities.

Policy 5.6 In accordance with Section 1006.23, Florida Statutes, and as funding permits, the City shall provide construction of sidewalks along roadways and trails connecting neighborhoods that are within two miles of schools to the school facility. Orange County Public Schools shall be responsible for the construction of sidewalks and trails on school property and shall provide connections to existing and future sidewalks and trails identified by the City.

Policy 5.7 Turn lanes and signalization shall be provided at school entrances and at other locations near schools where warranted, to provide safe access to students and the public. Responsibility for construction of school-related signalization and road construction at school entrances shall be the responsibility of Orange County Public Schools.

Policy 5.8 Orange County Public Schools shall coordinate with the City in the construction of new public school facilities and in rehabilitation of existing public school facilities to serve as emergency shelters as required by Section 1013.372, Florida Statutes.

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Figure 13: Orange County Public Schools, 2011-12
Projected Levels of Service (LOS) for Elementary and K-8 Schools
Medium Elementary and K-8 District CSAs, Adj. FISH Capacity



