



## I. PUBLIC SCHOOL FACILITIES ELEMENT

# **CITY OF JACKSONVILLE & MUNICIPALITIES SCHOOL CONCURRENCY PROGRAM**

(Where appropriate to the context, references herein to “the City” shall mean the City of Atlantic Beach, whereas references to the Cities shall mean all Duval County local governments or the City of Jacksonville as expressed by the specific responsibility or reference.)

## **I. PUBLIC SCHOOL FACILITIES ELEMENT TABLE OF CONTENTS**

<b>GOAL I.1:</b>	<b>COORDINATE AND MAINTAIN HIGH QUALITY EDUCATION</b>	<b>I - 3</b>
OBJECTIVE I.1.1	COORDINATION AND CONSISTENCY	I - 3
<b>GOAL I.2:</b>	<b>PUBLIC SCHOOL FACILITY SITING AND DEVELOPMENT COORDINATION</b>	<b>I - 4</b>
OBJECTIVE I.2.1	PUBLIC SCHOOL FACILITIES AND AVAILABILITY	I - 4
OBJECTIVE I.2.2	ENHANCE COMMUNITY/SCHOOL DESIGN	I - 7
OBJECTIVE I.2.3	COORDINATE LAND USE AND SCHOOL CAPACITY	I - 8
<b>GOAL I.3:</b>	<b>IMPLEMENT SCHOOL CONCURRENCY</b>	<b>I - 8</b>
OBJECTIVE I.3.1	AMENDING ADOPTED LEVEL OF SERVICE STANDARDS	I - 9
OBJECTIVE I.3.2	SCHOOL CONCURRENCY SERVICE AREAS	I - 10
OBJECTIVE I.3.3	PROCESS FOR SCHOOL CONCURRENCY IMPLEMENTATION	I - 11
OBJECTIVE I.3.4	PROPORTIONATE SHARE MITIGATIONS	I - 13
OBJECTIVE I.3.5	CAPITAL FACILITIES PLANNING	I - 14
<b>DEFINITIONS</b>		<b>I - 15</b>
<b>MAPS</b>		
EXISTING LOCATIONS OF DCPS PUBLIC ELEMENTARY SCHOOLS		I - 19
EXISTING LOCATIONS OF DCPS PUBLIC MIDDLE SCHOOLS		I - 20
EXISTING LOCATIONS OF DCPS PUBLIC HIGH SCHOOLS		I - 21
EXISTING LOCATIONS OF DCPS ANCILLARY AND ADMINISTRATIVE FACILITIES		I - 22
PLANNED LOCATIONS OF DCPS PUBLIC SCHOOLS		I - 23

# **I. Public Schools Facilities Element Goals, Objectives and Policies**

## **Goal I.1**

### **COORDINATE AND MAINTAIN HIGH QUALITY EDUCATION**

**The City shall collaborate and coordinate with the Duval County Public Schools (DCPS), the City of Jacksonville and the other Duval County municipalities to ensure that the public school system offers a high quality educational environment, provides accessibility for all its students, and ensures adequate school capacity to accommodate existing and future population.**

## **Objective I. 1.1**

### **Coordination and Consistency**

The City shall establish coordination review procedures to ensure consistency of its Comprehensive Plan with the plans of the DCPS, the City of Jacksonville and the other municipalities.

**Policy I.1.1.1** It is the intent of this element that the policies included herein shall be applied to the City, unless specifically noted or where clearly not applicable to the City of Atlantic Beach.

**Policy I.1.1.2** Staff shall meet in joint workshop sessions with staff from DCPS, the City of Jacksonville and the other municipalities on an as needed basis, but at a minimum of twice per year, to provide opportunities to discuss issues of mutual concern.

**Policy I.1.1.3** The City shall meet with the DCPS and the legislative bodies of the City of Jacksonville and the other municipalities on an annual basis in a joint workshop or meeting session to discuss issues regarding coordination of land use and school facilities planning, including population and student growth, development trends, school sitings, school needs, school concurrency, co-location and joint- use opportunities, and ancillary infrastructure improvements needed to support and ensure safe student access.

**Policy I.1.1.4** The City shall coordinate and base its plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment which are consistent with those of the DCPS, the City of Jacksonville and the other municipalities. The Interlocal Agreement shall establish the methodology to be used to determine school enrollment projections to be used in preparing the DCPS Five-Year Capital Plan, and the methodology to be used to determine school enrollment and capacity to be used in concurrency testing. At a minimum, the methodology shall include consideration of both students anticipated from projected new housing stock and enrollment projected to occur from existing housing stock, and that each of these components of projected student enrollment be set out for each Concurrency Service Area by type of school, or a functional equivalent. To ensure that the City's Capital Improvement Plan and the Concurrency Management System are financially feasible, the City of Jacksonville shall confirm that the student enrollment projections from new housing stock in each Concurrency Service Area are consistent with the population projections for that Concurrency Service Area. The City will annually revise its Five-year population projections and update information and provide those revised projections and information to the DCPS, the City of Jacksonville and the other municipalities in order that DCPS annually update its school enrollment projections.

- Policy I.1.1.5** At the time of adoption of the Public School Facilities Element (PSFE), the City shall coordinate and share data with DCPS including an inventory of reserved capacity that existed prior to the effective date of the City' School Concurrency Ordinance, approval and a projection of the number of these residential units that are anticipated to receive certification of occupancy approval in the next five years, and the identification of any development orders issued which contained a requirement for the provision of a school site as a condition of the development approval.
- Policy I.1.1.6** On an ongoing basis, the City will provide the DCPS with data, including information regarding the type, number, and location of residential units which have received zoning approval, site plan approval, a building permit, or a Certificate of Occupancy and a draft Capital Improvements Plan (CIP) with the final version of the CIP to be submitted by the City to the DCPS after official adoption. Information regarding the conversion or redevelopment of housing or other structures into residential units that are likely to generate new students shall be provided.
- Policy I.1.1.7** By December of each year, the City shall consider for adoption the DCPS Five-Year Capital Facilities Plan to the extent that it relates to school capacity to ensure maintenance of a financially feasible capital improvements program and to ensure level of service standards will be achieved and maintained by the end of the 5-year planning period. If the City determines that the DCPS Five Year Capital Facilities Plan is not financially feasible, then the City shall notify the DCPS that the Five Year Capital Facilities Plan is not financially feasible, and request that DCPS modify the Five Year Capital Facilities Plan to make it financially feasible.

## Goal 1.2

### PUBLIC SCHOOL FACILITY SITING AND DEVELOPMENT COORDINATION

It is the goal of the City to maintain and enhance joint planning processes and procedures for coordination with the DCPS, the City of Jacksonville and the other municipalities of public education facilities for planning and decision-making regarding population projections, public school siting, and the development of public education facilities concurrent with the residential development and other services.

### Objective 1.2.1

#### Public School Facility and Availability

The City shall coordinate with DCPS, the City of Jacksonville and the other municipalities to establish a process of coordination and collaboration between the Cities and the DCPS in the planning, siting and construction of educational facilities, so that timing is proper and the site location is compatible with the surrounding area, concurrent with necessary service and infrastructure, and consistent with the City's Comprehensive Plan.

- Policy 1.2.1.1** The City will coordinate with the DCPS to assure that proposed public school facility sites in the County are consistent with the applicable land use categories and policies of the applicable Comprehensive Plan. Pursuant to Florida Statutes, each City will consider each site, within its boundaries, as it relates to environmental, health, safety, and welfare concerns, as well as the effects on adjacent property.
- Policy 1.2.1.2** The City will coordinate with the DCPS for the selection of future school sites within the County as to aspects related to:
- (a) Acquisition of school sites which: (i) allow for future expansions to accommodate future enrollment, in accordance with the adopted level of service (LOS) standards and other facility needs; (ii) coordinate with the City's development and redevelopment objectives; and (iii) are deemed beneficial for joint uses, as identified by the DCPS and the City, to the extent feasible; and
  - (b) Coordination of the location, phasing, and development of future school sites to ensure that site development occurs in conjunction with the provision of required infrastructure to serve the school facility.
- Policy 1.2.1.3** The City shall coordinate with the DCPS in the school site selection process to encourage the location of new schools within areas designated for development on the Future Land Use Map.
- Policy 1.2.1.4** At the request of the DCPS, the City will assist the DCPS and the JPC in reviewing and recommending potential sites for new schools, proposed school closures, and significant school expansion projects, and making recommendations to the Superintendent.
- Policy 1.2.1.5** The City shall coordinate with the DCPS to establish a procedure for timely review of development for new public school facilities.
- Policy 1.2.1.6** Public schools shall be located so as to provide direct access to collector or arterial roadway system, where feasible.

**Policy I.2.1.7** The City shall coordinate with the DCPS to evaluate and seek to locate potential sites where the co-location of public facilities, such as parks, libraries, and community centers, with schools can be accomplished.

**Policy I.2.1.8** Schools are an allowable land use in all future land use categories, except for heavy industrial and conservation, subject to the following criteria:

- 1) Whether the area contains or will contain a student population density sufficient to support the school;
  - 2) Whether the school in that location would be consistent with sound facility planning, including consideration of overall cost and design;
  - 3) Whether the school site is of sufficient size to accommodate the required parking and circulation of vehicles;
  - 4) Whether anticipated unacceptable impacts to the environment and significant environmental constraints would preclude a school on the site;
  - 5) Whether development of the school would result in unacceptable impacts on archeological or historic sites listed in the National Register of Historic Places or designated by the City as locally significant;
  - 6) Whether the location of site is located within the area of velocity flood zone or floodway, as delineated on pertinent maps identified or referenced in the City's Comprehensive Plan or Land Development Regulations;
  - 7) Whether or not the proposed location lies within an area regulated by Section 333.03(3), Florida Statutes, regarding the construction of public facilities in the vicinity of an airport;
  - 8) As to elementary school sites, whether the site is proximate to and within walking distance of the residential neighborhoods it is intended to serve, thereby encouraging the use of elementary schools as focal points for neighborhoods.
  - 9) As to middle and high school sites, whether the site is conveniently located to the residential neighborhoods it is intended to serve, and has access to major roads;
  - 10) Whether the new schools site, significant renovation, expansion or potential closure will support community redevelopment and revitalization;
  - 11) Whether the new school site, significant renovation, expansion or potential closure will increase or diminish the current and projected level of service within the concurrency service area, and contiguous concurrency service areas.
- (b) The facility shall be of a design, intensity, and scale to serve the surrounding neighborhood and be compatible with the surrounding land uses and zoning.

- Policy I.2.1.9** The City shall protect schools from the intrusion of incompatible land uses as determined by the City’s Land Development Regulations, by providing the DCPS the opportunity to participate in the review process for all proposed developments adjacent to schools.
- Policy I.2.1.10** The City shall coordinate with the DCPS to ensure that the future school facilities are located outside areas susceptible to hurricane and/or storm damage, and/or areas prone to flooding, or as consistent with Chapter 1013, Florida Statutes, regarding flood plain and school building requirements.
- Policy I.2.1.11** The emergency management officials of the City shall coordinate with the DCPS facilities staff to identify schools, both existing and proposed, which can serve as emergency shelter sites, as well as identify and make available to the DCPS any grants or other monies for use in preparing a structure as an emergency shelter site.
- Policy I.2.1.12** The DCPS and the Cities will jointly determine the need, responsibility for providing, and timing of any on or off-site infrastructure improvements necessary to support a new school located in the City. To the extent that the proposed renovation or expansion of an existing school located in the City effects on or off- site infrastructure improvements, the same determination shall be made for the proposed renovation or expansion.

## **Objective I.2.2**

### **Enhance Community/School Design**

The City shall coordinate with DCPS to enhance community and neighborhood design through establishing effective school facility design and siting standards thereby encouraging the siting of school facilities to serve as community focal points and to be compatible with surrounding land uses.

- Policy I.2.2.1** The City shall coordinate with the DCPS in order to provide consistency with the City’s Comprehensive Plan and public school facilities program, and to provide for the following desirable outcomes:
- (a) Greater efficiency by the placement of schools to take advantage of the existing and planned roads, water, sewer, parks, and drainage systems;
  - (b) Improved student access and safety by coordinating the construction of new and expanded schools with roads and sidewalk construction programs;
  - (c) The location and design of schools with parks, ball fields, libraries, and other community facilities to take advantage of shared use opportunities; and
  - (d) The expansion and rehabilitation of existing schools to support neighborhoods and redevelopment.
  - (e) The City shall coordinate any updates to its future land use map with the DCPS and the DCPS shall coordinate any updates to the long range public school facilities map with the City.

- Policy I.2.2.2** The City shall coordinate with DCPS to seek to provide for the shared-use and co-location of school sites and local government facilities with similar facility needs, such as libraries, parks, and recreation facilities, and health care facilities. The City will look for opportunities to co-locate and share local government facilities when preparing updates to the Comprehensive Plan's schedule of capital improvements and when planning and designing new or renovating existing, community facilities.
- Policy I.2.2.3** Where continued use of an existing school which is considered a locally significant building is not feasible, the City shall seek to coordinate with DCPS to provide for the adaptive reuse of that locally significant building.
- Policy I.2.2.4** New residential developments adjacent to schools which do not prohibit school aged residents shall be required to provide a direct access that is safe for pedestrian travel to existing and planned school sites, and shall connect to the neighborhood's existing pedestrian network.
- Policy I.2.2.5** The City shall coordinate with the DCPS to ensure that pedestrian and bicycle facilities are provided adjacent to school sites located in the City to allow for the safety of pedestrians and bicyclists.
- Policy I.2.2.6** The City shall coordinate with the DCPS to find opportunities to collaborate on public transit and public school bus routes to better serve citizens and students.
- Policy I.2.2.7** The City shall encourage the DCPS to use sustainable design and performance standards, such as using energy efficient and recycled materials, to reduce lifetime costs, where feasible.

### **Objective I.2.3**

#### **Coordinate Land Use with School Capacity**

The City will coordinate proposed changes to future land use, rezoning, and developments of regional impact for residential development with adequate school capacity. This objective will be accomplished recognizing the DCPS statutory and constitutional responsibility to provide a uniform system of free and adequate schools.

- Policy I.2.3.1** The City will provide an electronic copy, or otherwise make available electronically, to the DCPS, copies of all land use applications and development and redevelopment proposals pending before them that may affect student enrollment, enrollment projections, or school facilities, as provided in the amended Interlocal Agreement.
- Policy I.2.3.2** The City will coordinate with DCPS to establish plan review procedures to manage the timing of Future Land Use Map amendments and other land use decisions so that these decisions coordinate with adequate school capacity.
- Policy I.2.3.3** The City will take into consideration the DCPS comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments, and



other land use decisions as provided in Section 163.3177(6)(a), Florida Statutes, and development of regional impacts as provided in 1380.06, Florida Statutes.

## **GOAL I.3**

### **IMPLEMENT PUBLIC SCHOOL CONCURRENCY**

**The City shall ensure the future availability of public school facilities to serve development consistent with the adopted level of service standards. This goal will be accomplished recognizing the DCPS statutory and constitutional responsibility to provide uniform system of free and adequate public schools, and the Cities' authority for land use control and management, and their joint responsibility to maintain the adopted level of service standards.**

### **Objective I.3.1**

#### **Adopted Level of Service (LOS) Standards**

Through the implementation of its concurrency management systems and in coordination with the DCPS, the City shall ensure that the capacity of schools is sufficient to support new residential developments at the adopted level of service (LOS) standards within the period covered in the five-year schedule of capital improvements and the long range planning period. These standards shall be consistent with the Interlocal Agreement agreed upon by the DCPS, the City of Jacksonville and the other municipalities. Minor deviations to the LOS standards may occur, so long as they are limited, temporary and with scheduled capacity improvements, school capacity is maximized to the greatest extent feasible.

**Policy I.3.1.1** The LOS standards set forth herein shall be applied consistently for the purpose of implementing school concurrency, including determining whether sufficient school capacity exists to accommodate a particular development application, and determining the financial feasibility of DCPS Five-Year Capital Facilities Plan and the City's Capital Improvement Plan.

**Policy I.3.1.2** The uniform LOS standards for all public schools including magnets and instructional facility types, shall be 105% of the permanent Florida Inventory of School House (FISH) capacity, plus portables, based on the utilization rate as established by the State Requirements for Educational Facilities (SREF).

- (a) The designated middle schools in CSA 5 shall be identified as backlogged facilities and an interim level of standard within CSA 5 shall be 115% until January 1, 2018, after which the uniform LOS standard shall apply.
- (b) The implementation of long term concurrency management shall be monitored to evaluate the effectiveness of the implemented improvements and strategies toward improving the level of service standards for middle schools in CSA 5 over the 10-year period.
- (c) The City shall adopt DCPS Long Range Capital Improvements Plan as the 10-year longterm schedule of improvements for the purpose of correcting existing deficiencies and setting priorities for addressing backlogged facilities within CSA 5.

The long-term schedule includes capital improvements and revenues sufficient to meet the anticipated demands for backlogged facilities within the 10-year period. The longterm schedule improves interim level of service standards for backlogged facilities and ensures uniform LOS, as established in policy above, is achieved by 2018. The long-term schedule will be updated by December 1st of each year, in conjunction with the annual update to the DCPS Five-Year Capital Facilities Plan and the Cities' Capital Improvements Elements.

- (d) The City's strategy, in coordination with DCPS, for correcting existing deficiencies and addressing future needs includes:
- 1) Implementation of a financially feasible Five Year Capital Facilities Plan to ensure level of service standards are achieved and maintained;
  - 2) Implementation of interim level of service standards within designated concurrency service areas with identified backlogged facilities in conjunction with a long-term (10-year) schedule of improvements to correct deficiencies and improve level of service standards to the district-wide standards;
  - 3) Identification of adequate sites for funded and planned schools; and
  - 4) The expansion of revenues for school construction.

**Policy I.3.1.3** The uniform LOS standards may only be amended by agreement of the City of Jacksonville, the DCPS and all other municipalities. Such agreement must be reflected in amendment of the Interlocal Agreement relating to schools. The revised LOS standard shall not become final until the Interlocal Agreement has been amended. No level of service shall be amended without a showing that the proposed LOS is financially feasible. The LOS will be achieved and maintained by the end of the five-year planning period.

## **Objective I.3.2**

### **School Concurrency Service Areas (CSAs)**

The City' shall coordinate with DCPS to establish Concurrency Service Areas (CSAs), as the areas within which an evaluation is made of whether adequate school capacity is available based on the adopted level of service standards.

**Policy I.3.2.1** The City shall enter into an Interlocal Agreement with the DCPS, the City of Jacksonville and other municipalities in Duval County to establish CSAs to be used as the basis of school concurrency determinations. The CSAs shall be delineated so as to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the adopted LOS standards, taking into consideration the following criteria:

- (a) Maximization of school facilities,

- (b) Minimize transportation costs,
- (c) Limiting student travel time,
- (d) Requirements of court-approved desegregation plans.
- (e) Achieving socioeconomic, racial, and cultural diversity objectives,
- (f) Recognizing capacity commitments resulting from local governments' development approvals for the CSA and contiguous CSAs.

**Policy I.3.2.2** The CSA designations may only be amended by agreement of the City of Jacksonville, the DCPS and all other municipalities, after receiving comments from the Joint Planning Committee and the ILA Team. Such agreement must be reflected in an amendment to the Interlocal Agreement relating to schools. The revised CSA designations shall not become final until the Interlocal Agreement has been amended.

**Policy I.3.2.3** There shall be Concurrency Service Areas established for Duval County for elementary and high schools, and Concurrency Service Areas for middle schools as depicted on the CSA maps attached to the adopted Interlocal Agreement.

### **Objective I.3.3**

#### **Process for School Concurrency Implementation**

In coordination with the DCPS, the Cities will establish a process for implementation of school concurrency which includes applicability and capacity determination and availability standards, and school capacity methods. The City shall manage the timing of new residential development approvals to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

Except as provided in policies below, school concurrency applies only to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the School Concurrency Ordinances.

**Policy I.3.3.1** The City of Atlantic Beach in consultation with DCPS and the other municipalities shall establish a uniform methodology for determining capacity. Capacity will be defined as: a) the number of student stations as established in the permanent FISH, plus portables; and b) Proposed changes to permanent FISH capacity as a result of construction, rehabilitation, or other changes in school capacity which will commence in the first three (3) years of the Five-Year Capital Facilities Plan.

**Policy I.3.3.2** The DCPS will be responsible for “concurrency testing” of any new residential development projects. This process will involve applying the adopted student generation rate to the development project to determine the number of students in each school type and then evaluating whether or not the schools in the appropriate Concurrency Service Area (CSA) or the adjacent concurrency areas have sufficient excess capacity to absorb the new students.

**Policy I.3.3.3** The following residential uses shall be considered exempt from the requirements of school concurrency due to the lack of impact on the school facilities or the accommodations made for schools.

(a) Age restricted communities.

(b) Any development with a de minimus impact as defined as any residential development of 20 units or less, subject to land development regulation aggregation criteria.

**Policy I.3.3.4** In evaluating a proposed residential development for concurrency, any relevant improvements which are committed or planned in the Five-Year Capital Facilities Plan and the Capital Improvement Plan, shall be considered available capacity for the project and factored into the level of service analysis. Any relevant improvements which will commence construction after the 3rd year of the Five- Year Capital Facilities Plan shall not be considered available capacity for the project unless either: (i) funding and a schedule to accelerate the improvement into the first three years is assured through DCPS; (ii) funding for the improvements which are scheduled to commence in years four or five is provided through proportionate share mitigation; (iii) the developer and the DCPS agrees to accelerate the construction and funding of the facility to be moved into first three years; or (iv) some other means. Also, any projected reduction in the number of students enrolled in the CSA or adjacent CSA will be considered as additional available capacity. The City shall not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for exceeding the adopted level of service, where adequate school facilities will be in place or under construction within three years after the issuance of final subdivision or site plan approval, or the functional equivalent. If the adopted LOS standard cannot be met in the particular CSA as applied to an application for a development permit, and if the needed capacity for the particular service area is available in one or more contiguous CSAs, as adopted by the City, then the City may not deny an application for site plan or final subdivision approval, or the functional equivalent for a development or phase of a development on the basis of school concurrency, and, if issued, development impacts shall be shifted to contiguous CSAs with schools having available capacity.

**Policy I.3.3.5** The City will approve final development orders for residential projects, only after the applicant has complied with the terms of the School Concurrency Ordinance.

**Policy I.3.3.6** In any instance where the DCPS, in consultation with the City, has determined that a proposed development will cause level of service standards for schools to be exceeded within the testing period in both the affected School Concurrency Service Area and the adjacent School Concurrency Service areas, then the City shall coordinate with the applicant for the proposed development and the DCPS to determine whether improvements will be in place or under actual construction within three years after issuance of final subdivision or site plan approval, or the functional equivalent, sufficient to provide adequate capacity to meet the adopted level of service. If adequate capacity does not exist, then the City will coordinate with the applicant for the development and

the DCPS to determine whether improvements are planned in the Capital Improvement Plan with adequate capacity after the 3rd year of the Capital Facilities Plan. The City will also request that the DCPS determine whether it has the capacity to further maximize school usage in the system to accommodate the anticipated impact without requiring the construction of new school facilities.

After all alternatives to providing sufficient capacity to provide for the adopted level of service are considered and determined not to be feasible, the City, the applicant and the DCPS may: (i) enter into a mitigation agreement whereby the applicant will pay for his proportionate share of the impacts; or (ii) some other form of acceptable mitigation will be provided, and upon payment of the proportionate share mitigation, the developer will be allowed to proceed with development. If no mitigation agreement can be reached that is acceptable to all parties, and proportionate share mitigation is not feasible, then the school capacity deficiency shall be a basis for denial of the application.

**Policy I.3.3.7** The City will issue a School Concurrency Determination only upon:

- (a) Determination that adequate school capacity to serve the development (or anticipated phase of the development which will be constructed in the first three years) will be in place or under actual construction within 3 years after the issuance of the final subdivision or site plan approval, or the functional equivalent; or
- (b) The execution of a legally binding mitigation agreement between the applicant, the DCPS and the City.

**Policy I.3.3.8** Where a proportionate share agreement is required, capacity shall be reserved as specifically defined by an approved mitigation agreement between DCPS, the developer and the City that includes a performance schedule and phased payments.

**Policy I.3.3.9** The school concurrency system shall provide that concurrency application may be applied for and a concurrency determination made at any time prior to the issuance of a development order.

## **Objective I.3.4**

### **Proportionate Share Mitigation**

The City shall establish a procedure for coordinating with the DCPS and applicants to provide for proportionate share mitigation in appropriate circumstances.

**Policy I.3.4.1** The City shall establish standards, procedures, and methodologies for the application of proportionate share mitigation.

**Policy I.3.4.2** The City shall establish a procedure and methodology to assure that in the event that there is not sufficient capacity in the affected or adjacent CSA to address the impacts of a proposed residential development and acceptable mitigation is agreed to, the mitigation found acceptable shall be incorporated into the final development order.

**Policy I.3.4.3** The City and DCPS shall develop a procedure and methodology to determine the proportionate share within the CSAs.

**Policy I.3.4.4** Mitigation shall be allowed where feasible, for those developments that cannot meet the adopted level of service standards set forth in Policy 3.1.2. The applicant shall initiate in writing a mitigation negotiation period with the DCPS in order to establish an acceptable form of mitigation, pursuant to Florida Statutes, the Cities' School Concurrency Ordinances, and this agreement. Mitigation shall be negotiated and agreed to by the DCPS and shall be sufficient to offset the demand for public school facilities projected to be required by the development.

Acceptable forms of mitigation shall include but not be limited to:

- (a) The donation, construction, or funding of school facilities sufficient to offset the demand for public schools created by the proposed development such as: a developer signs a development agreement and builds a new or improves an existing school or schools to specifications and under a business arrangement satisfactory to the DCPS and the city. Improvements to existing schools will only be acceptable if they add permanent student station and associated core space capacity, if needed.
- (b) Land acquisition or contribution such as: a developer signs a development agreement or is subject to a conditional zoning requiring donation of land satisfactory to the DCPS and the city. Land must be demonstrated to contain the minimum number of buildable acres determined by the DCPS and the city as required for a particular school type, as Evidenced by a report by a licensed environmental consultant acceptable to the DCPS.
- (c) Expansion of existing permanent school facilities subject to the expansion being consistent with DCPS standards for a school of the same category;
- (d) Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF);
- (e) Mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits. Capacity credits shall be sold to developments within the same CSA or adjacent CSA;
- (f) Proportionate Share mitigation as set forth in Section 163.3180, Florida Statutes.

**Policy I.3.4.5** By December 1st of each year, the City in coordination with DCPS, shall update its Capital Improvement Plan to incorporate those changes made by the DCPS in its Capital Facilities Plan and committed improvements required by development orders or other approved mitigation plans. DCPS may accelerate the provision of one or more schools that serve the development's capacity needs. The DCPS will update the Five-year Capital Facilities Plan by October of each year in advance of the annual December update.

**Policy I.3.4.6** Proposed mitigation must be directed toward permanent school capacity improvement identified in or amended into the DCPS financially feasible Five- Year Capital Facilities Plan, which satisfies the demands created by the proposed development. Relocatable classrooms will not be accepted as or used as mitigation.

### **Objective I.3.5**

#### **School Capital Facilities Planning**

The City shall cooperate with the DCPS to ensure existing deficiencies and future needs are addressed with the adopted level of service standards for public schools.

**Policy I.3.5.1** The City shall implement its school concurrency management system established pursuant to Policies contained in Objective I.3.2 through I.3.4.

**Policy I.3.5.2** The PSFE shall include future condition maps showing existing and anticipated schools over the five-year or long term planning period. The maps of necessity may be general over the long-term planning period and do not prescribe a land use on a particular parcel of land.

**DEFINITIONS**

**Ancillary Plant** – A building or facility necessary to provide district wide support services, such as energy plant, bus garage, warehouse, maintenance building, or administrative building.

**Auxiliary Facility** – The spaces located at educational plants which are not designated for student occupant stations.

**Available Capacity** – A factor to be used to determine school concurrency that is determined by current permanent FISH capacity plus portables plus planned additional permanent seats plus portables over the applicable testing period according to the CIE less current student enrollment (for testing in the current year) or projected enrollment (for testing in year 3) based on State COFTE, adjusted to remove students generated by projected new housing stock (see Policy 1.1.4 in the PSFE).

**Capacity** – The number of students that may be housed in a facility for the testing period based upon the permanent FISH capacity calculations plus portables.

**Capital Improvements** – Physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of capital improvement is generally nonrecurring and may require multi-year financing.

**Class Size Reduction** – A provision to ensure that by July 1, 2010, there are sufficient number of classrooms in a public school so that:

- (a) The maximum number of students who are assigned to each teacher in the public classrooms for pre-kindergarten through 3rd grade does not exceed 18 students;
- (b) The maximum number of students who are assigned to each teacher in the public classrooms for 4th grade through 8th grade does not exceed 22 students; and
- (c) The maximum number of students who assigned to each teacher in the public classrooms for 9th grade through 12th grade does not exceed 25 students.

**Core Facility** – The cafeteria, media center, gymnasium, toilet facilities and circulation space of an educational facility.

**Concurrency** – With regard to the provision of facilities and services, the assurance that the necessary public facilities and services to maintain the City's adopted level of service standards are available when the impacts of development occur.

**Concurrency Management System** – The procedures and/or process the City will use to assure that development orders and permits when issued will not result in a reduction of the adopted level of service standards at the time the impact of the development occurs. Applied to schools, such a process is called a school concurrency management system. Applied to streets and highways, such a system is called a transportation concurrency management system.



**Concurrency Service Areas (CSAs)** – The designation of an area within which the level of service will be measured when an application for a residential development order is reviewed.

**Concurrency Requirement** – A growth management tool for ensuring the availability of adequate public facilities and services to maintain adopted levels of service necessary to accommodate the impacts of development.

**Cost per Student Station** – Cost per Student Station includes all costs of providing instructional and core capacity facilities as published in the Educational Specifications, State Requirements for Educational Facilities (SREF), Florida Building Code and designed using the standards listed in the Facilities Services Design Guidelines developed by the School District, including school facility construction cost, hurricane hardening of structures, required on and off-site infrastructure costs, including land, professional fees for architects, engineers, construction managers, design, DCPS athletic costs, buildings, equipment, furniture, and site improvements.

**Developer** – Any person, including governmental agency undertaking any development.

**Development Order** - Means an order granting, or granting with conditions an application for a building permit.

**Development Permit** – Means any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

**Duval County Public Schools (DCPS)** – The Duval County Public Schools District Educational Facilities – The public buildings and equipment, structures, and special educational use areas that are built, installed or established to serve educational purposes only.

**Educational Facilities Work Plan** – The listing of capital outlay projects for a five-year period that is adopted by the DCPS as part of the educational facilities plan. The work plan must include a schedule of major repair and renovation projects necessary to maintain the educational and ancillary facilities and a schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs.

**Education Plant Survey** – A systematic study of educational and ancillary facilities conducted every five years, to evaluate existing facilities, and to plan for future facilities to meet proposed program needs.

**Financial Feasibility** – An assurance that sufficient revenues are currently available or will be available from committed or planned funding sources for the 5-year capital improvements schedule.

**Five-Year Capital Facilities Plan** – The adopted DCPS Five-Year Work Plan and Capital Improvements Budget as authorized by Section 1013.35, Florida Statutes.

**Florida Inventory of School Houses (FISH) Capacity** – The report of the permanent capacity of existing public school facilities. The FISH capacity is the number of students that may be housed in a facility (school)

at any given time based on a percentage of the total number of existing student stations and a designated size for each school type, based on the Department of Education (DOE) formulas.

**Grade Level** – Pre-Kindergarten – 5th grade, 6th – 8th grade, and 9th – 12th grade.

**Infrastructure** – Those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water well serving a system; solid waste disposal sites or retention areas; Stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads' seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges and roadways.

**Interlocal Agreement** – an Agreement among the DCPS, the City, the City of Jacksonville and the other municipalities containing the specific details of the school concurrency management system for all of Duval County, including the establishment of a process and uniform methodology for determining proportionate share mitigation. A school concurrency management system cannot be created by a single local government body acting alone.

**ILA Team** – A committee of members representing the DCPS, the City, the Office of General Counsel, and the Cities of Atlantic, Neptune and Jacksonville Beaches and the Town of Baldwin.

**Joint Planning Committee** – A committee of elected and citizen members which provides advice to the DCPS, the Jacksonville City Council, and the other municipalities.

**Level of Service (LOS) Standards** – A standard established to measure utilization or capacity of a facility, expressed as the percentage or ratio of student enrollment to the capacity of the school.

**Maximized Utilization** - the use of student capacity at each school to the greatest extent possible, based on the adopted LOS and the total number of permanent student stations according to FISH inventory, taking into considerations such as, core capacity, special programs, transportation costs, geographic impediments, court ordered desegregation, and class size reduction requirements to prevent disparate enrollment levels between schools of the same type and provide equitable distribution of student enrollment district-wide.

**Mitigation Banking** – The means by which a residential developer or a group of developers may front the cost of contributing land or constructing school facilities and be reimbursed by future residential development.

**Other Municipalities** – The City of Atlantic Beach, City of Jacksonville Beach, City of Neptune Beach, and the Town of Baldwin.

**Permanent FISH Capacity** – Permanent FISH capacity, plus portables, for each school type, based on the utilization rate as established by the State Requirements for Educational Facilities (SREF).

**Permanent Student Station** – An area within a school that provides instructional space for a student, as specified by the FISH inventory.

**Proportionate Share Mitigation** – A developer funded improvement or contribution identified in a binding and enforceable agreement between the developer, DCPS, and the City to provide compensation for the additional demand on deficient public school facilities created through residential development.

**Public Facilities** – Major capital improvements including but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, education, parks and recreation, health systems and facilities, and spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports listed in Section 403.021 (9)(b).

**Public School Facilities Element (PSFE)** – The specific details contained in the interlocal agreement must become part of each local government’s comprehensive plan. This element must be based on data and analysis and contain goals, objectives and policies as set forth in Section 163.3177 (c)-(h), Florida Statutes. Among other things, The Element must establish the options for proportionate share mitigation of impacts on school facilities.

**Residential Development** – Any development that is comprised of dwelling units, in whole or in part, for permanent human habitation.

**School Concurrency Determination** – DCPS identifying if school capacity is available to serve a residential development project.

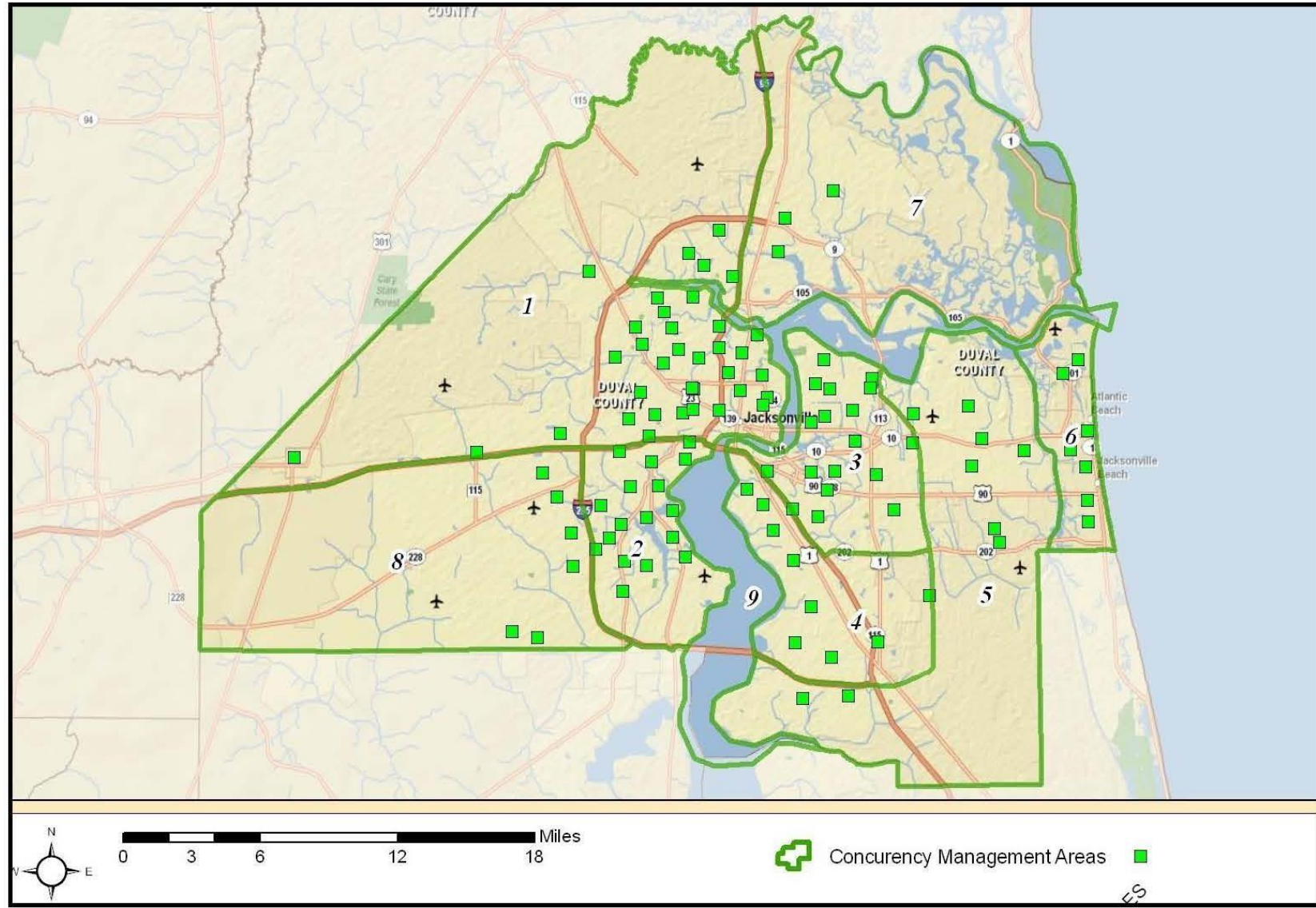
**School Concurrency Ordinance** – The legislation adopted by the City implementing its concurrency management system.

**School Type** – Elementary, Middle, and High School

**State Requirements for Educational Facilities (SREF)** – The Florida Department of Education’s standards regulating the construction of educational facilities.

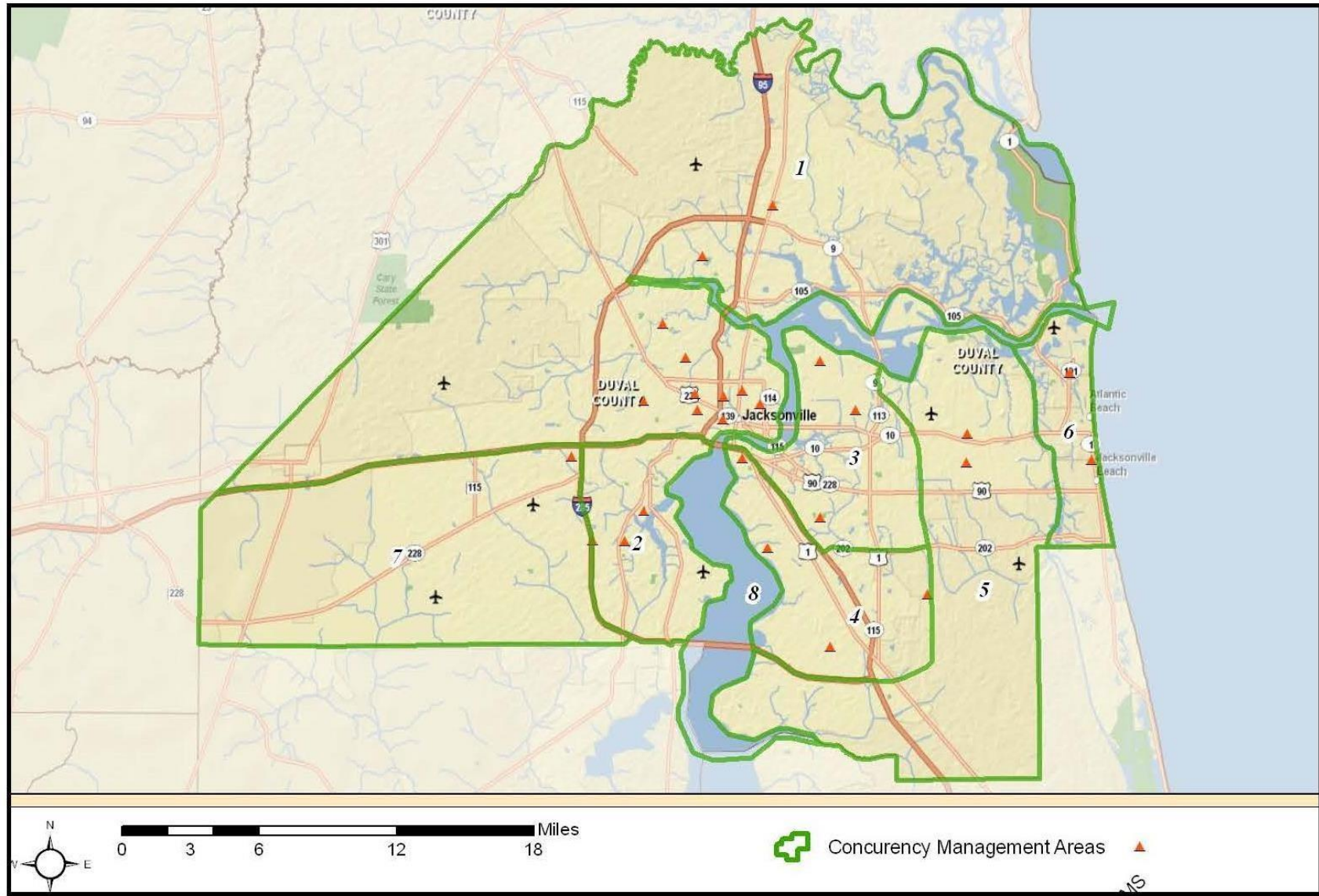
**Student Generation Rate** – Student Generation Rate shall be calculated for each school type by dividing the total number public school students actually enrolled in that school type in Duval County by the number of total housing units for the same year.

**EXISTING LOCATIONS OF DCPS PUBLIC ELEMENTARY SCHOOLS**

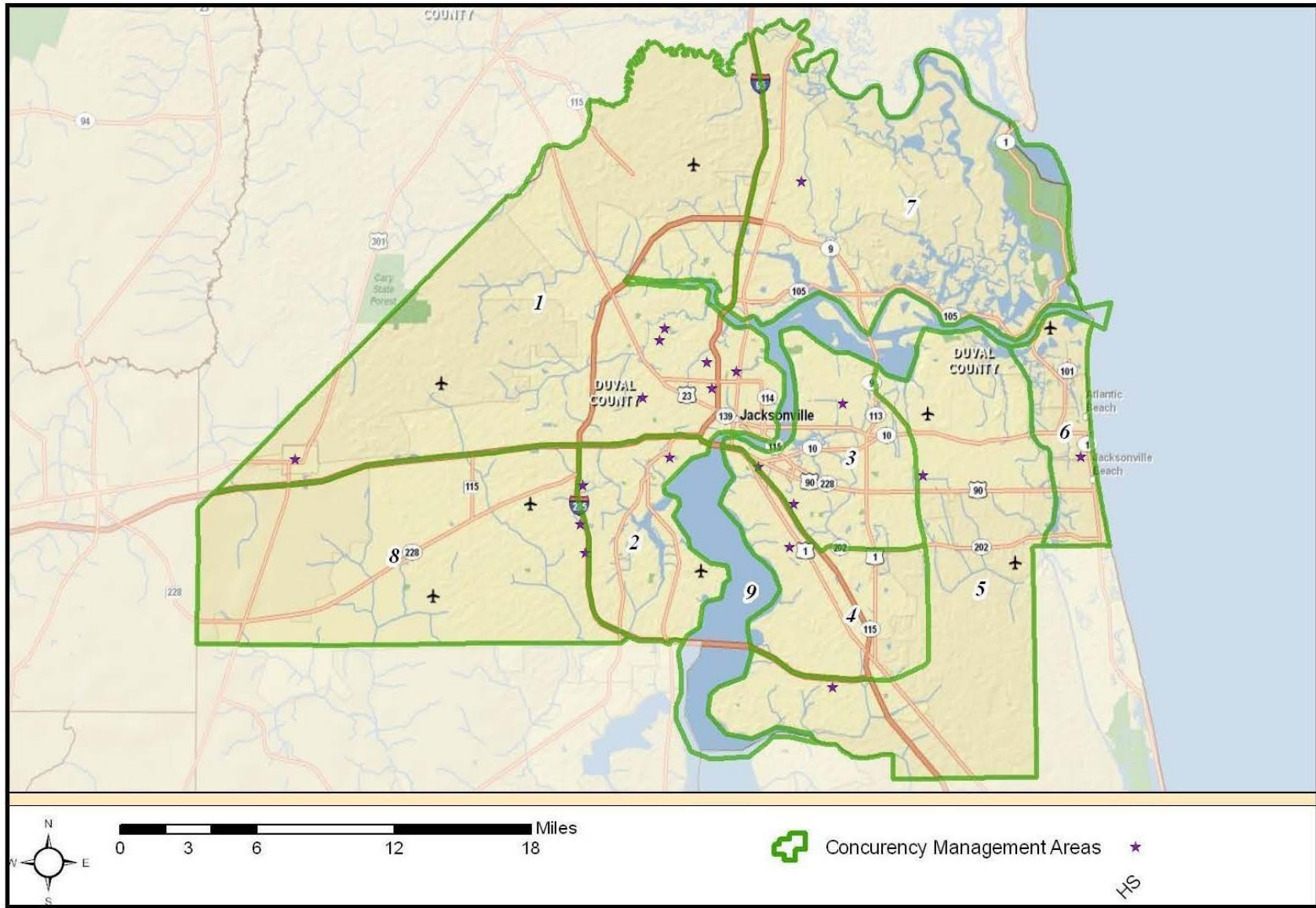




**EXISTING LOCATIONS OF DCPS PUBLIC MIDDLE SCHOOLS**

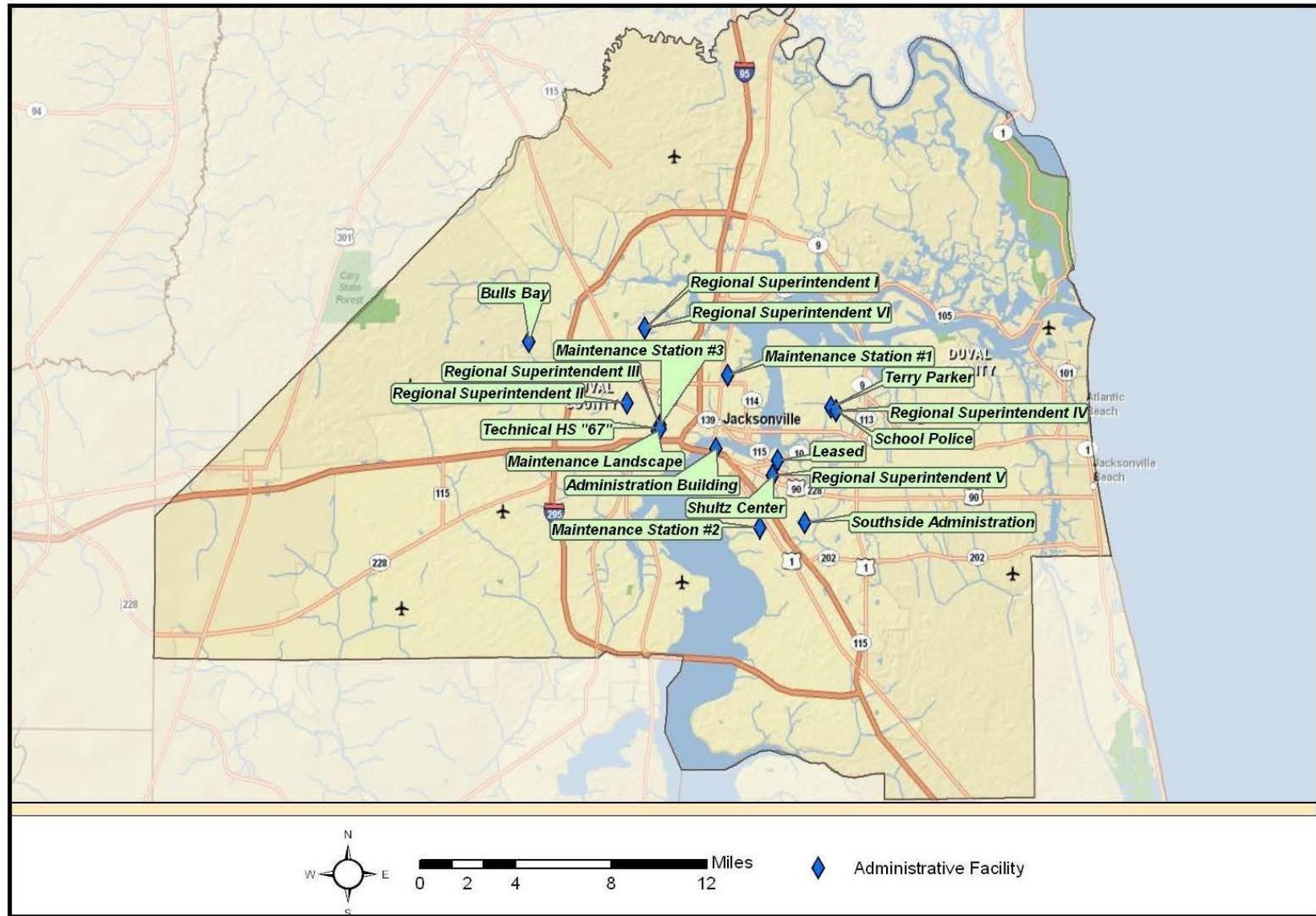


**EXISTING LOCATIONS OF DCPS PUBLIC HIGH SCHOOLS**





**EXISTING LOCATIONS OF DCPS ANCILLARY AND ADMINISTRATIVE FACILITIES**



PLANNED LOCATIONS OF DCPS PUBLIC SCHOOLS FACILITIES

