

# XI - PUBLIC SCHOOLS FACILITIES ELEMENT



Serving the Community



**GOAL 11.1:** The City of Cocoa will ensure, through effective planning and coordination with the School District, that adequate school capacity is available to accommodate enrollment demand for City residents.

**Objective 11.1.1:** The City shall ensure adequate public school facilities are available in the City of Cocoa by adopting and implementing a school concurrency management system to address both short and long term planning needs.

**Policy 11.1.1.1:** The City adopts and shall utilize the following Level of Service (LOS) standards for public schools adopted by the School District. The permanent capacity of a school shall be that number contained in the Florida Inventory of School Houses (FISH) maintained by the Florida Department of Education (FDOE). Currently, the LOS for the School District is 100%.

**Policy 11.1.1.2:** When necessary, the School Board shall initiate appropriate program changes, boundary adjustments, and/or additional capacity to prevent the tiered LOS standards from being exceeded.

**Policy 11.1.1.3:** 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 adopted by the School District. Either the City or the School District may propose a change to the CSA boundaries. The following procedures shall be used for modifying the CSA map:

- A. The School District will transmit proposed CSA map modifications, with supporting data and analysis, to the City, other local governments, 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, taking into account transportation costs, court approved desegregation plans and other relevant factors. Adjustment measures to achieve the LOS standard shall include school boundary adjustments, shifts to contiguous CSA's with available capacity, proportionate share mitigation (land donation or payment), or construction of a traditional or charter school or permanent expansions.
- B. The City and the COC will review the proposed modification of the CSA and send their comments to the School District within 45 days of receipt of the proposed change.
- C. The modification of a CSA shall be effective upon adoption by the School Board.

**Policy 11.1.1.4:** For purposes of determining a proposed development's impact, the total number of students expected to be generated by the development, the projected number and type of residential units of

the proposed development shall be multiplied by the School District Student Generation Multiplier (SGM). The SGM shall be reviewed annually and amended as necessary to reflect the most recent district-wide generation rates.

**Policy 11.1.1.5:** The City shall participate with the School District, utilizing the following process, in considering and processing changes in the use of schools:

- A. Following a determination by the School District that a school change is appropriate, considering the appropriate use of the school and utilization requirements, the School District shall transmit the proposed school use change and the associated data and analysis in support of the requested change to the Capital Outlay Committee and Staff Working Group.
- B. The Capital Outlay Committee and Staff Working Group shall review the proposed changes to the school use, along with the supporting data and analysis, 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.

**Objective 11.1.2:** The City shall ensure adequate public school capacity exists to accommodate new students generated by residential development. The City shall forward all applications for a residential development permit to the School District for a school concurrency evaluation and determination.

**Policy 11.1.2.1:** The City shall adopt necessary and appropriate provisions into its Land Development Regulations (LDR) to implement school concurrency management as contemplated in the Interlocal Agreement with the Brevard County School District and consistent with the objectives and policies of its Public Schools Facilities Element.

**Policy 11.1.2.2:** The City shall not approve any non-exempt residential development application for a new residential preliminary subdivision, site plan or functional equivalent until the School District School has issued a School Capacity Availability Determination Letter (SCADL) verifying available capacity.

**Policy 11.1.2.3:** The City shall consider the following criteria to exempt residential uses from the requirements of school concurrency:

- A. Single family lots of record existing prior to the commencement date of the School Concurrency Program.
- B. Any new residential development that has preliminary subdivision 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 that does not increase the number of dwelling units or change the type of dwelling units (single-family to multi-family, etc.).
  - D. Age restricted communities with no permanent residents under the age of 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.

**Policy 11.1.2.4:** The City, 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 11.1.2.3.

The minimum process requirements shall be as follows:

- A. A residential development application including a School Impact Analysis (SIA) is submitted to the City for review.
- B. The City determines application is sufficient and complete and transmits the SIA application to the School District for review.
- C. The School District reviews the SIA application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the City consistent with the following:
  1. Where capacity is available within the affected CSA, the School District shall issue a SCADL verifying available capacity.
  2. Where capacity is not available within the affected CSA, capacity availability in one or more contiguous CSAs shall be reviewed.
  3. If capacity is available in one or more of 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 timeframe in

which to negotiate with the City and the School District regarding mitigation options or alternatives.

- Policy 11.1.2.5:** New school capacity within a CSA which is in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent, shall be counted as available capacity for the residential development under review.
- Policy 11.1.2.6:** The City, in conjunction with the School District, shall review applications for proportionate share mitigation projects to add school capacity necessary to accommodate the impacts of a proposed residential development. Mitigation options may include, but are not limited to:
- A. Contribution of land or payment for land acquisition in conjunction with the provision of additional school capacity; or
  - B. Mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits; or
  - C. Donation of buildings for use as a primary or alternative learning facility; or
  - D. Renovation of existing buildings for use as learning facilities; or
  - E. Construction or expansion of permanent student stations or core capacity; or
  - F. Construction of a public school facility in advance of the time set forth in the School District's Five-Year District Facilities Work Program.
- Policy 11.1.2.7:** The estimated cost to construct the mitigating improvement(s), consistent with the mitigation options listed in Policy 11.1.2.4, shall be calculated to reflect, and consider, the estimated future construction costs at the time of the anticipated construction.
- 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 11.1.2.8:** Consistent with Policy 11.1.2.4.C.4, the City and the School District shall provide a 90-day negotiation period to allow for the review and negotiation of proportionate share mitigation proposals offered by a developer.

- A. Where mitigation is approved, the City and the School District shall enter into a binding and enforceable agreement with the developer, the improvement(s) will be included in the School District's annually adopted Five-Year District Facilities Work Program, and the improvement(s) will be reflected in the next update to the Capital Improvements Element.
- B. Where mitigation is denied, the City must deny the application for residential based upon insufficient school capacity being available.
- C. The City shall not issue any permit(s) for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.

**Policy 11.1.2.9:** The City shall notify the School District when an approved residential development has paid impact fees and when the development order for the residential development expires.

**Policy 11.1.2.10:** The City may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

- A. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the City of Cocoa Comprehensive Plan.
- B. The CIE and the Brevard School Board's Work Plan provide for school facilities adequate to serve the proposed development or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.
- C. The landowner is assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

**Objective 11.1.3:** Beginning with an effective date of 2009 and no later than December 1st of each year thereafter, the City will include in its Capital Improvements Element (CIE), the School District's annually updated five-year schedule of capital improvements 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 11.1.3.1:** The City of Cocoa hereby adopts by reference the School District's Five-Year District Facilities Work Program for the planning period 2018-2019 through 2022-2023, approved on October 23, 2018.

**Policy 11.1.3.2:** The City shall annually update the Capital Improvements Element to incorporate the School District's annually adopted Five-Year District

Facilities Work Program’s “Summary of Capital Improvements Program” and “Summary of Estimated Revenue” Tables which shall identify school facility capacity projects which are necessary to address existing deficiencies and meet future needs and demonstrate the School District can maintain the adopted LOS standard for the five-year planning period, as supported by data and analysis.

**Policy 11.1.3.3:** The City shall, in conjunction with the School District, other local governments and through the Capital Outlay Committee, review school enrollment projections and provide an annual update of the process, including the Public School Facilities Element and maintain a public school facilities map series which are coordinated with the City’s Future Land Use Map or Map Series, including the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period. At a minimum, the Map Series shall include:

- A. Concurrency Service Area Map;
- B. Existing Public School Facilities Map - type and location of ancillary plants;
- C. Five-Year Planning Period Map - generally planned public school facilities and ancillary plants; and
- D. Long Range Planning Period Map – generally planned areas of future public school facility needs.

**Objective 11.1.4:** The City shall participate with the School District, through its membership on the Capital Outlay Committee (COC), to monitor the implementation and administration of school concurrency as well as to further coordinate planning and school concurrency issues.

**GOAL 11.2:** **The City, working cooperatively with the School District, shall ensure new public schools are appropriately located and integrated into the community where they provide the greatest maximum benefit to the residents of the City and are valued as a vital community resource and amenity.**

**Objective 11.2.1:** New public schools built within the City will be coordinated with the School District to ensure consistency and conformity with the City’s adopted Comprehensive Plan and its implementing land development regulations except where exempted by statutory authority, such as local landscape ordinance requirements.

**Policy 11.2.1.1:** The School District shall avoid locating new public schools on the periphery of the City’s boundaries or in areas that would encourage urban sprawl.

**Policy 11.2.1.2:** The City shall review construction and/or site plans in a timely manner and provide comments to the School District as to the consistency with the City’s adopted comprehensive plan and implementing land development regulations.

**Objective 11.2.2:** New public schools built within the City will be coordinated with the School District to ensure that proposed school facilities are located proximate to existing and proposed residentially developing areas, within appropriate existing and future land uses; serve as community focal points; are co-located with other appropriate public facilities; will have needed supporting public facilities and services; and be compatible with surrounding land uses.

**Policy 11.2.2.1:** The City, 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 11.2.2.2:** The City 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 11.2.2.3:** The City shall encourage the location of schools near residential areas by:

- A. Assisting the School District in the identification of funding and/or construction opportunities (including developer participation or City 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 11.2.2.4:** The City, 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 11.2.2.5:** The City, in conjunction with the School District, shall identify issues relating to public school emergency preparedness, such as:

- 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.