



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**

123 West Indiana Avenue, DeLand, Florida 32720
(386) 736-5959

PUBLIC HEARING: March 18, 2021 – Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: CPA-21-003

SUBJECT: Large-Scale Comprehensive Plan Amendment – Public School Facilities Element Update

APPLICANT: Growth and Resource Management Department
Planning and Development Services Division

I. SUMMARY OF REQUEST

The purpose of this amendment is to update the Public School Facilities Element of the Volusia County Comprehensive Plan. This update is intended to make the element consistent with changes to Community Planning Act. The element has been streamlined and reorganized to improve functionality. Policies have been added, removed, and updated to reflect current county policies and practices.

Staff Recommendation:

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA-21-003, to County Council with a recommendation of approval to transmit to the Department of Economic Opportunity for expedited review and to the Volusia Growth Management Commission (VGMC) for certification.

II. OVERVIEW

The Growth and Resource Management Department, through its Planning and Development Services Division, has undertaken a review of the County's Comprehensive Plan to ensure consistency with the Community Planning Act and current county policies. A review of the Public School Facilities Element revealed that several changes are necessary to update the plan.

Chapter 163.3180, Florida Statutes, which governs concurrency as it relates to the Public School Facilities Element of local government comprehensive plans, is intended for comprehensive plans to be collaborative and coordinated with the school boards to provide and maintain a public education system that meets the needs of the current and future population. The policies were reviewed by the school district staff as well as members of the county's Growth Management team. The school district provided a letter of support on February 17, 2021 (attached). The item was also sent to the Volusia County Association of Responsible Development (VCARD) in February 2021. No comments were received from VCARD.

The Public School Facilities Element is structured with a goals, objectives, policies and a map series for support located in the Appendix. The structure of the Element remains as originally drafted. The changes in this update are primarily an effort to reflect current information and streamline the Comprehensive Plan. Policies have been added, removed, and updated to reflect existing policies and practices, correct grammar, and increase clarity. Modifications to the element typically fall into one of the categories discussed in the paragraphs below.

Several goals, objectives, and policies that address coordination with the School Board have been moved to the Public School Facilities Element from the Intergovernmental Coordination Element. This includes all goals, objectives, and policies previously contained in section 14.2 of the Intergovernmental Coordination Element, which have been moved to Section 3.3 of the Public School Facilities Element of the Comprehensive Plan.

Four policies have been removed at the direction of the School Board, or they have been completed and are no longer necessary. These include two policies relating to previous school capacity concerns, which have been addressed through additional capacity. The other two policies contain outdated information related to adopting school concurrency review procedures, which is now processed in accordance with the 2007 interlocal agreement.

Several policies have undergone minor revisions including renumbering, condensing policies, spelling out acronyms, and adding references to maps within the Appendix.

Eleven maps in the Appendix have been updated and renumbered to be consistent with other elements of the Comprehensive Plan. One map was removed at the direction of the School Board because it is no longer necessary. The map formally titled Map #10C

was a graphic representation of Policy 3.2.3.7(3), now 3.2.3.6(3), which has been removed because Chisholm and Read-Patillo Schools were adjacent to Samsula Elementary. However, Samsula is now a Charter School, which is not considered public. As a result, the County has no adjacent elementary schools in separate concurrency service areas that are not divided by a natural or man-made barrier.

This package includes Ordinance 2021-11, its exhibits, and a copy of the statutory requirements for the Public Schools Facilities Element. It also includes a matrix showing each of the revisions in strike-through/underline format along with comments explaining relevant changes.

III. STAFF RECOMMENDATION

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA 21-003, to County Council with a recommendation of approval to transmit to the Department of Economic Opportunity (DEO) for review and to the Volusia Growth Management Commission (VGMC) for certification.

IV. ATTACHMENTS

- Ordinance 2021-11
 - Exhibits A through M
- Strikethrough/underline Matrix with Comments
- Letter From School Board
- Chapter 163.3180, Florida Statutes

ORDINANCE 2021-11

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-10, AS PREVIOUSLY AMENDED; AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT, CHAPTER 3 OF THE COMPREHENSIVE PLAN; UPDATING GOALS, OBJECTIVES, AND POLICIES; RELOCATING SCHOOL COORDINATION AND COOPERATION GOALS, OBJECTIVES, AND POLICIES FROM THE INTERGOVERNMENTAL COORDINATION ELEMENT TO THE PUBLIC SCHOOL FACILITIES ELEMENT; UPDATING POLICIES AND REMOVING UNNECESSARY AND COMPLETED POLICIES; AMENDING APPENDIX 1 TO UPDATE MAPS RELATED TO THE PUBLIC SCHOOLS FACILITIES ELEMENT; AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et seq., Florida Statutes, creates the Community Planning Act ("Act"); and

WHEREAS, Section 163.3167, Florida Statutes, requires each county in the State of Florida to prepare and adopt a Comprehensive Plan; and

WHEREAS, the council adopted the Volusia County Comprehensive Plan by Ordinance No. 90-10 pursuant to the Act; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive Plan by the local government; and

WHEREAS, the council desires to take advantage of this statute and amend the Volusia County Comprehensive Plan; and

WHEREAS, the council has provided for broad dissemination of the proposed amendment to the Comprehensive Plan in compliance with Sections 163.3181 and 163.3184(3) and (11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County Code of Ordinances, chapter 72, article II, division 11, section 72-413, has designated the Volusia County Planning and Land Development Regulation Commission as a local planning agency for the unincorporated area of the County of Volusia, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ are deletions; words in double underline type are additions)

SECTION I: AMENDMENT – Chapter 3, Public School Element of the Volusia County Comprehensive Plan is amended as provided in EXHIBIT "A", attached hereto and incorporated herein.

1
2 **SECTION II:** AMENDMENT – Appendix 1, Table of Contents, Reference – Chapter 3
3 Public School Facilities Element, is amended as provided in EXHIBIT “B”, attached hereto and
4 incorporated herein.:

5
6 **SECTION III:** AMENDMENT – Appendix 1, Map #1 is replaced with Exhibit “C”, Figure 3-
7 1, attached hereto and incorporated herein.

8
9 **SECTION IV:** AMENDMENT – Appendix 1, Map #2 is replaced with Exhibit “D”, Figure 3-
10 2, attached hereto and incorporated herein.

11
12 **SECTION V:** AMENDMENT – Appendix 1, Map #3 is replaced with Exhibit “E”, Figure 3-
13 3, attached hereto and incorporated herein.

14
15 **SECTION VI:** AMENDMENT – Appendix 1, Map #4 is replaced with Exhibit “F”, Figure 3-
16 4, attached hereto and incorporated herein.

17
18 **SECTION VII:** AMENDMENT – Appendix 1, Map #5 is replaced with Exhibit “G”, Figure
19 3-5, attached hereto and incorporated herein.

20
21 **SECTION VIII:** AMENDMENT – Appendix 1, Map #6 is replaced with Exhibit “H”, Figure
22 3-6, attached hereto and incorporated herein.

23
24 **SECTION IX:** AMENDMENT – Appendix 1, Map #7 is replaced with Exhibit “I”, Figure 3-
25 7, attached hereto and incorporated herein.

26
27 **SECTION X:** AMENDMENT – Appendix 1, Map #8 is replaced with Exhibit “J”, Figure 3-
28 8, attached hereto and incorporated herein.

29
30 **SECTION XI:** AMENDMENT – Appendix 1, Map #9 is replaced with Exhibit “K”, Figure 3-
31 9, attached hereto and incorporated herein.

32
33 **SECTION XII:** AMENDMENT – Appendix 1, Map #10A is replaced with Exhibit “L”, Figure
34 3-10A, attached hereto and incorporated herein.

35
36 **SECTION XIII:** AMENDMENT – Appendix 1, Map #10B is replaced with Exhibit “M”, Figure
37 3-10B, attached hereto and incorporated herein.

38
39 **SECTION XIV:** AMENDMENT – Appendix 1, Map #10C is deleted in its entirety.

40
41 **SECTION XV:** INCLUSION IN COMPREHENSIVE PLAN – The provisions of this
42 ordinance shall be included and incorporated into the Volusia County Comprehensive Plan as
43 additions or amendments thereto, and shall be appropriately renumbered to conform to the
44 Volusia County Comprehensive Plan.

45
46 **SECTION XVI:** SEVERABILITY - Should any word, phrase, sentence, subsection or
47 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
48 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed
49 from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain
50 in full force and effect.
51

SECTION XVII: EFFECTIVE DATE – Within ten (10) days after enactment, a certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County Council and transmitted to the state land planning agency and any other agency or local government that provided timely comments pursuant to the expedited state review process in Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the following dates: (a) thirty-one (31) days after the state land planning agency notifies the County that the plan amendment package is complete and the issuance of a certificate of consistency or conditional certificate of consistency by the Volusia County Growth Management Commission, or (b) issuance of a final order by the state land planning agency or the State of Florida Administration Commission determining the amendment adopted by this Ordinance to be in compliance.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS ____ DAY OF ____, 2021.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

George Recktenwald
County Manager

Jeffrey S. Brower, County Chair

EXHIBIT A

CHAPTER 3

PUBLIC SCHOOLS FACILITIES IES ELEMENT

CHAPTER 3

PUBLIC SCHOOL FACILITIES ELEMENT

GOAL:

- 3.1 Collaborate and coordinate with the School Board of Volusia County to provide and maintain a public education system which meets the needs of Volusia County's current and future population.

OBJECTIVE:

- 3.1.1: ~~COORDINATION AND CONSISTENCY~~ The County of Volusia shall implement and maintain mechanisms designed to coordinate with the School Board to provide consistency between Volusia County comprehensive plans and public school facilities and programs.

POLICIES:

- ~~Policy~~ 3.1.1.1 Pursuant to the procedures and requirements of the adopted interlocal agreement, the County of Volusia shall coordinate with the School Board on growth and development trends, general population and student projections to ensure that the plans of the School Board and County of Volusia are based on consistent data.

~~Policy 3.1.1.2: At the time of transmittal of the Public Schools Facilities Element, the County of Volusia shall develop a report of projects not subject to school concurrency and submit the report to the School Board within thirty (30) days of transmittal. The report shall include the type, number and location of residential units that have received subdivision or site plan approval and provide a projected annual rate of growth for such projects.~~

- ~~Policy~~ 3.1.1.3-2: The County of Volusia shall provide the representative of the School Board with copies of all meeting agendas and staff reports through the county website.

- ~~Policy~~ 3.1.1.4 3: The County of Volusia shall meet at least annually with representatives from the School District and the other local governments in Volusia County to review the Public School Facilities Element including enrollment projects. The timing and content of these meetings shall be done according to the requirements and procedures set forth in the adopted interlocal agreement.

- 3.1.1.4 Volusia County and the Volusia County School Board have adopted an interlocal agreement to facilitate a joint planning process. The agreement ensures that the development of school facilities and supporting land use, services, and infrastructure are coordinated through the joint review and sharing of plans, programs, and data between the two agencies.

OBJECTIVE:

- 3.1.2 SCHOOL FACILITY SITING AND AVAILABILITY The County of Volusia shall coordinate with the School Board on the planning and siting of new public schools and ancillary facilities to ensure school facilities are coordinated with necessary

services and infrastructure and are compatible and consistent with the comprehensive plan.

POLICIES:

~~Policy 3.1.2.1:~~ The County of Volusia shall coordinate with the School Board to assure that proposed public school facility sites are consistent with the applicable land use categories and policies of the comprehensive plan. Schools shall be permitted in all future land use classifications ~~except for industrial land use classifications that contain industrial facilities that emit air pollutants and environmentally restricted land use classifications.~~ schools shall not be located in Conservation or Environmental System Corridor and the siting of schools in industrial and commercial areas shall be discouraged.

~~Policy 3.1.2.2:~~ Coordination of the location, acquisition, phasing and development of future school sites and ancillary facilities shall be accomplished through the procedures adopted in the interlocal agreement.

~~Policy 3.1.2.3:~~ The County of Volusia and School Board will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an existing school. If deemed necessary, the parties may enter into a written agreement as to the timing, location, and party or parties responsible for constructing, operating and maintaining the required improvements.

~~Policy 3.1.2.4:~~ The County of Volusia shall encourage the School Board to land bank sites for future use as school facilities. The County of Volusia shall coordinate with the School Board on the acquisition and use of land banked sites in the same manner as established for other sites in order to ensure adequate infrastructure is planned and constructed in advance of school construction.

~~Policy 3.1.2.5:~~ The County of Volusia shall protect schools and land banked school sites from the adverse impact of incompatible land uses by providing the School District with the opportunity to participate in the review process for all proposed development adjacent to schools.

~~Policy 3.1.2.6:~~ In developing capital improvements plans and programs for public services, the County of Volusia shall consider required infrastructure to service existing and proposed schools and any land banked school sites.

OBJECTIVE:

~~3.1.3: ENHANCE COMMUNITY DESIGN~~ The County of Volusia shall enhance community and neighborhood design through effective school facility design and siting standards and encourage the siting of school facilities in order to serve as community focal points and are compatible with surrounding land uses.

POLICIES:

~~Policy 3.1.3.1:~~ The County of Volusia shall coordinate with the School Board on opportunities for the expansion and rehabilitation of existing schools so as to support neighborhoods and redevelopment.

~~Policy 3.1.3.2:~~ The County of Volusia shall collaborate with the School Board on the siting of public facilities such as parks, libraries, and community centers near existing or planned public schools, to the extent feasible.

~~Policy 3.1.3.3:~~ The County of Volusia shall look for opportunities to co-locate and share the use of public facilities when preparing updates to the comprehensive plan's schedule of capital improvements and when planning and designing new or renovating existing, community facilities. Co-located facilities shall be governed by a written agreement between the School Board and the County of Volusia specifying operating procedures and maintenance and operating responsibilities.

~~Policy 3.1.3.4:~~ The County of Volusia shall reduce hazardous walking conditions consistent with Florida's ~~s~~Safe ~~w~~Ways ~~t~~To ~~s~~School program. In conjunction with the School Board, the County of Volusia shall implement the following strategies:

1. New developments adjacent to schools shall be required to provide a right-of-way and direct safe access path for pedestrian travel to existing and planned schools and shall connect to the neighborhood's pedestrian network.
2. New development and redevelopment within two miles of a school shall be required to provide sidewalks within or adjacent to the property for the corridor that directly serves the school or qualifies as an acceptable designated walk or bicycle route to the school.
3. In order to ensure continuous pedestrian access to public schools, the County of Volusia shall consider infill sidewalk and bicycle projects connecting networks serving schools as part of the annual capital budget process. Priority shall be given to hazardous walking conditions pursuant to Section 1006.23, Florida Statutes.
4. The County of Volusia shall coordinate with the ~~Metropolitan~~ Transportation Planning Organization to maximize the funding from the Florida Department of Transportation and other sources that may be devoted to improving pedestrian networks serving schools.

~~Policy 3.1.3.5:~~ The County of Volusia and School Board shall coordinate with Volusia County Emergency Services on efforts to build new school facilities, and facility rehabilitation and expansion, to be designed to serve as and provide emergency shelters as required by Section 1013.372, Florida Statutes.

OBJECTIVE:

~~3.1.4 COORDINATE COMPREHENSIVE PLAN AMENDMENTS AND DEVELOPMENT ORDERS WITH SCHOOL CAPACITY~~ Manage the timing of new development to coordinate with adequate school capacity as determined by the Volusia County School District.

POLICIES:

~~Policy 3.1.4.1:~~ The County of Volusia shall take into consideration the School Board comments and findings on the availability of adequate school capacity in the

evaluation of comprehensive plan amendments and other land use decisions including but not limited to developments of regional impact. School Board review shall follow the policies and procedures set forth in the interlocal agreement.

~~Policy 3.1.4.2:~~ Amendments to the future land use map shall be coordinated with the School Board and the Public School Facilities Planning Maps.

~~Policy 3.1.4.3:~~ Where capacity will not be available to serve students from the property seeking a land use change or other land use determination that increases residential density, the County of Volusia shall not approve the proposed land use change until such time as the School Board can find that adequate public schools can be timely planned and constructed to serve the student population or that the applicant has provided adequate mitigation to offset the inadequacies in anticipated school capacity.

GOAL:

~~3.2 IMPLEMENT PUBLIC SCHOOL CONCURRENCY~~ The County of Volusia shall assure the future availability of public school facilities to serve new development consistent with the adopted level of service standards. This goal will be accomplished recognizing the School District's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools and the County of Volusia authority for land use, including the authority to approve or deny comprehensive plan amendments, re-zonings or other development orders that generate students and impact the public school system. The County of Volusia shall operate and maintain in a timely and efficient manner adequate public facilities for both existing and future populations consistent with the available financial resources.

OBJECTIVE:

~~3.2.1: LEVEL OF SERVICE STANDARDS~~ The County of Volusia through coordinated planning with the School District and implementation of its concurrency management system shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level of service standard within the period covered by the five-year schedule of capital improvements. These standards and the concurrency management system shall be consistent with the interlocal agreement approved by the School Board and the local governments in Volusia County.

POLICIES:

~~Policy 3.2.1.1:~~ The level of service standards for schools shall be applied consistently by all the local governments in Volusia County and by the School Board district-wide to all schools of the same type.

~~Policy 3.2.1.2:~~ Consistent with the interlocal agreement, the uniform, district-wide level-of-service standards are set as follows using Florida Inventory of School Houses (FISH) capacity based on the traditional school calendar:

1. Elementary Schools: 115% of permanent FISH capacity for the concurrency service area
2. K-8 Schools: 115% of permanent FISH capacity for the concurrency service area.
3. Middle Schools: 115% of permanent FISH capacity for the concurrency service area
4. High Schools: 120% of permanent FISH capacity for the concurrency service area
5. Special Purpose Schools: 100% of permanent FISH capacity

Policy 3.2.1.3: ~~The following schools shall achieve the adopted level of service no later than the identified date. The level of service presented in the following table is the tiered level of service that shall apply to that school unit the dated noted in the table.~~

SCHOOL	LOS	DATE
Orange City Elementary	117%	July 1, 2012
Horizon Elementary	158%	July 1, 2012
Freedom Elementary	126%	July 1, 2012
Osceola Elementary	117%	July 1, 2012
Ortona Elementary	150%	July 1, 2012
Ormond Beach Elementary	116%	July 1, 2012
Southwestern Middle	120%	July 1, 2013
New Smyrna Beach Middle	122%	July 1, 2014

~~Source: Volusia County Interlocal Agreement~~

~~[Note: This policy designates a tiered LOS for those schools that exceed the desired levels at the end of the five-year capital improvements program.]~~

Policy 3.2.1.4: ~~The following schools shall be considered constrained schools at the designated LOS due to the inability to add capacity at the site and the nature of the communities they serve. Concurrency will be reviewed in the adjacent concurrency service areas and requests to increase residential densities in the constrained concurrency service areas will need to be accompanied by a plan to address school capacity.~~

SCHOOL	LOS
Burns Oak Hill Elementary	115%
Coronado Elementary	115%
Samsula Elementary	165%

~~Source: Volusia County Interlocal Agreement~~

Policy 3.2.1.53: The County of Volusia and School Board recognize and agree that short-term changes in enrollment unrelated to new development approvals can and do occur, and that students enrolling in their assigned school will be accepted consistent with the School District's constitutional obligations regardless of the utilization levels at the assigned school.

~~Policy 3.2.1.64:~~ If there is a consensus to amend any level of service, the amendment shall be accomplished by execution of an amendment to the interlocal agreement by all parties and the adoption of amendments to each local government's comprehensive plan. The amended level of service shall not be effective until all plan amendments are effective and the amended interlocal agreement is fully executed. No level of service standard shall be amended without showing that the amended level of service standard is financially feasible and can be achieved and maintained within the five years of the capital facilities plan.

OBJECTIVE:

~~3.2.2: SCHOOL CONCURRENCY SERVICE AREAS~~ The County of Volusia shall establish School Concurrency Service Areas as the area within which an evaluation is made of whether adequate school capacity is available based on the adopted level of service standard. Maps of the School Concurrency Service Areas are adopted in the Volusia County Interlocal Agreement for Public School Facilities Planning.

POLICIES:

~~Policy 3.2.2.1:~~ The concurrency service area for elementary schools shall be the elementary school attendance boundary as represented on the map series "Public School Facilities Element Elementary School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. (See Figure 3-2 in the Appendix)

~~Policy 3.2.2.2:~~ The concurrency service area for middle schools shall be the middle school attendance boundary as represented on the map series "Public School Facilities Element Middle School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. (See Figure 3-3 in the Appendix)

~~Policy 3.2.2.3:~~ The concurrency service area for high schools shall be as represented on the map series "Public School Facilities Element High School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. (See Figure 3-4 in the Appendix)

~~Policy 3.2.2.4:~~ The concurrency service area for K-8 schools shall be the attendance boundary as represented on the map series "Public School Facilities Element K-8 Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference.

~~*[Note: No K-8 schools have been established at this time.]*~~

~~Policy 3.2.2.5:~~ The concurrency service area for special use purpose schools shall be district wide.

~~Policy 3.2.2.6:~~ The concurrency service area maps designate three areas where school capacity is not anticipated for the planning period, except schools as specifically authorized pursuant to policy 3.2.2.8 and approved in a Master DRI.

~~Policy 3.2.2.7:~~ Within the central concurrency service areas all current and future students shall be assigned to schools designated for them as part of the School District's normal school assignment procedures. Requests for development orders for new development consistent with the future land use designations and existing residential zoning densities shall be evaluated for concurrency based on the adjacent concurrency service areas subject to the limitations in Policy 3.2.3.76. The school district shall maintain a listing of assigned and adjacent concurrency service areas for each central school concurrency service area.

~~Policy 3.2.2.8:~~ Requests to develop properties within the central school concurrency service areas at residential densities and intensities greater than the current land use or zoning designations shall be done via a comprehensive plan amendment consistent with the Volusia County Charter provision 206 regarding school planning. The comprehensive plan amendment shall demonstrate how school capacity will be met consistent with the terms of the First Amendment to the Interlocal Agreement for Public School Facility Planning effective July 2007 and Section 206 of the Volusia County Charter. If the project area is to be annexed by a municipality, the comprehensive plan amendment shall include an amendment of the central concurrency service area boundary by Volusia County to exclude the subject parcel.

~~Policy 3.2.2.9:~~ Amendments to the School Concurrency Service Areas shall be completed according to the procedures specified in the Volusia County Interlocal Agreement for School Facilities Planning. Amendments to concurrency service areas shall consider the following criteria: utilizing the maximum school capacity

- ~~1. Adopted level of service standards shall not exceed the level of service standard within the initial five-year planning period~~
- ~~2. The utilization of school capacity is maximized to the greatest extent possible taking into account level of service, transportation costs, court approved desegregation plans, proximity to schools, ethnic and socio-economic diversity, subdivisions and neighborhoods, demographic changes, future land development patterns, crossing guard availability and other relevant factors.~~

OBJECTIVE:

~~3.2.3: PROCESS FOR SCHOOL CONCURRENCY IMPLEMENTATION~~ In coordination with the School Board the County of Volusia will establish a process for implementation of school concurrency which includes applicability and capacity determination, availability standards and school capacity methods. The County of Volusia shall manage the timing of residential subdivision approvals and site plans to ensure adequate school capacity is available consistent with the adopted level of service standards for public schools.

POLICIES:

~~Policy 3.2.3.1:~~ School concurrency applies to residential development not otherwise exempt as specified by Policy 3.2.3.3.

~~Policy 3.2.3.2:~~ Development orders may be issued for residential development where:

1. Adequate school capacity, as determined by the School Board, exists or will be under construction for each level of school in the affected concurrency service area within three years after the issuance of the development order allowing the residential development.
2. Adequate school facilities, as determined by the School Board, are available within an adjacent concurrency service area subject to the limitations of Policy 3.2.3.76. Where capacity from an adjacent concurrency service area or areas is utilized, the impacts of development shall be shifted to that area. If capacity exists in more than one concurrency service area or school within a concurrency service area, the School District shall determine where the impacts of development shall be allocated based on the School District policies for student assignment.
3. The developer executes a legally binding commitment with the School Board and County of Volusia to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property as provided by Objective 3.2.4 and its supporting policies.

~~Policy 3.2.3.3:~~ The following residential development shall be considered exempt from the school concurrency requirements:

1. Single family lots of record existing as such at the time School Concurrency implementing ordinance is adopted which otherwise would be entitled to build, shall be exempt from School Concurrency requirements.
2. Any residential development or any other development with a residential component that received approval of a Final Development Order or functional equivalent or is otherwise vested prior to the implementation date of school concurrency is considered vested for that component which was previously approved for construction and shall not be considered as proposed new residential development for purposes of school concurrency.
3. Amendments to residential development approvals which do not increase the number of students generated by the development based on the student generation rates for each school type as determined by the School District.
4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy by a resident under the age of fifty-five. Such deed restrictions must be recorded and be irrevocable for a period of at least thirty years.
5. Group quarters that do not generate students including residential facilities such as jails, prisons, hospitals, bed and breakfast, hotels and motels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.
6. The creation of subdivisions and/or single-family lots equal to or less than ten (10) residential units.

~~Policy 3.2.3.4:~~ The creation of subdivisions and/or single family lots equal to or less than ten units shall be subject to school concurrency as part of an annual concurrency

management review. The County of Volusia shall report such projects to the School Board as part of the annual planning coordination process established by the interlocal agreement and these units shall be included by the School Board in planning student allocations by school.

~~**Policy 3.2.3.5:** By February 1, 2008 the County of Volusia shall adopt a school concurrency ordinance which establishes the application procedures and process for evaluating school capacity and making concurrency determinations consistent with the provisions of the interlocal agreement.~~

~~**Policy 3.2.3.65:**~~ The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate capacity to accommodate proposed development for each type of school within the affected concurrency service area consistent with the adopted level of service. The School Board may issue a certificate of school concurrency if sufficient capacity exists for the proposed development or the School Board may set forth conditions required to satisfy the requirements of school concurrency including proportionate share mitigation.

~~**Policy 3.2.3.76:**~~ If the adopted level of service standard cannot be met within a particular concurrency service area as applied to an application for development order and if the needed capacity is available in one or more contiguous service areas, then this capacity shall be applied to the concurrency evaluation of the application for development approval subject to the following limitations:

1. Areas established for diversity at schools shall not be considered contiguous.
2. Concurrency service areas generating excessive transportation costs shall not be considered contiguous. Excessive transportation costs are defined as transporting students beyond the a transport time of fifty minutes one way as determined by School District transportation routing staff.
3. Concurrency service areas shall not be considered contiguous when the concurrency service areas are separated by a natural or man-made barrier such as a river, water body, or interstate highway that requires indirect transport of students through a third concurrency service area. ~~(Refer to graphic examples.)~~
4. When capacity in an adjacent concurrency service area is allocated to a development application, assignment of the students to the school with available capacity may be accomplished by applying any of the techniques used to establish school attendance zones including modification of existing attendance zone boundaries or creation of island zones.
5. Student transportation not in conformance with the conditions established in items 1 through 4 above shall be permitted to allow student assignments based on specific educational programming options; to comply with State and Federal mandatory transfer opportunities; or for other transfer opportunities that School Board shall deem appropriate for the specific circumstances of an individual student.

~~[Note: Maps 10A, 10B & 10C are adopted as a graphic illustration of Policy 3.2.3.7.]~~

~~Policy 3.2.3.87:~~ If the adopted level of service cannot be met within a particular concurrency service area the School Board may apply one or more of the following techniques to maximize use of available capacity and provide for adequate numbers of student stations to meet current and future demand:

1. Construct new school facilities;
2. Construct additions to current facilities;
3. Adjust program assignments to schools with available capacity;
4. Modify attendance boundaries to assign students to schools with available capacity; and
5. Eliminate variances to overcrowded facilities that are not otherwise restricted by State or Federal requirements.

OBJECTIVE:

~~3.2.4: PROPORTIONATE SHARE MITIGATION~~ The County of Volusia shall provide for mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible work program.

POLICIES

~~Policy 3.2.4.1:~~ In the event that sufficient school capacity is not available in the affected concurrency service area, the developer shall have the option to propose proportionate share mitigation to address the impacts of the proposed development.

~~Policy 3.2.4.2:~~ Mitigation shall be directed toward a permanent capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development consistent with the adopted level of service standards.

~~Policy 3.2.4.3:~~ Mitigation shall be directed to projects on the School Board's financially feasible work program that the School Board agrees will satisfy the demand created by the proposed development approval and shall be assured by a legally binding development agreement between the School Board, the County of Volusia, and the applicant which shall be executed prior to the County of Volusia issuance of the subdivision or site plan approval. If the School Board agrees to the mitigation, the School Board shall commit in the agreement to placing the improvement required for mitigation in its work plan.

~~Policy 3.2.4.4:~~ The applicant's total proportionate share obligation shall be based on multiplying the number of needed student stations generated from the proposed project times the School Board's current cost per student station plus land cost for each type of school. The applicant's proportionate share mitigation obligation shall

be credited toward any impact fee or exaction fee imposed by local ordinance for the same need on a dollar for dollar basis. (For example, if the proportionate share mitigation provides only for land, the credit is applied only against that portion of the impact fee or other exaction devoted to land costs.)

~~Policy-3.2.4.5:~~ The student generation rates used to determine the impact of a particular development shall be the student generation rates adopted in the most recent school impact fee study.

~~Policy-3.2.4.6:~~ The cost per student station shall be the most recent actual costs per student station, and capitalization costs if applicable, paid by the School Board for the equivalent school facility.

~~Policy-3.2.4.7:~~ Mitigation options must consider the School Board's educational delivery methods and requirements and the State Requirements for Educational Facilities and may include, but not be limited to, the following:

1. Donation of buildings for use as a primary or alternative learning facility
2. Renovation of existing buildings for use as learning facilities
3. Funding dedicated to, or construction of permanent student stations or core capacity
4. For schools contained in the School Board's adopted five-year capital facilities work program, upon agreement with the School Board, the applicant may build the school in advance of the time set forth in the five-year work program
5. Dedication of a school site as approved by the School Board
6. Up front lump sum payment of school impact fees
7. Up front payment of interest and other costs of borrowing
8. Payment of off-site infrastructure expenses including but not limited to roads, water, and/or sewer improvements
9. Payment of transportation costs associated with the movement of students as a result of overcapacity school
10. Funding assistance with acquisition of school site
11. Phasing of construction or delay of construction in order to timely plan for the availability of school capacity,
12. Establishment of an educational facilities benefit district
13. Establishment of educational facilities mitigation banks

OBJECTIVE:

~~3.2.5: CAPITAL FACILITIES PLANNING~~ The County of Volusia shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for schools.

POLICIES:

~~Policy 3.2.5.1:~~ In accordance with the adopted interlocal agreement the County of Volusia shall collaborate with the School Board in locating required school sites as identified in the School Board's five, ten and twenty year capital facilities plan.

~~Policy 3.2.5.2:~~ The County of Volusia shall ensure that future development pays a proportionate share of the costs of capital facilities capacity needed to accommodate new development and to assist in maintaining the adopted level of service standards via impact fees and other legally available and appropriate methods.

~~Policy 3.2.5.3:~~ By December 1 of each year, the County of Volusia shall adopt as part of its Capital Improvement Element the Volusia County School District five year work program approved in September of each year as part of the School District budget including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.

GOAL:

3.3 Establish and maintain a cooperative relationship between the County of Volusia and School District to provide an effective joint planning process including procedures to coordinate land use planning with the development of school facilities including public school siting, calculate population projections, and provide for the development of public education facilities concurrently with residential development and other public facilities and services.

OBJECTIVE:

3.3.1 The County of Volusia shall establish coordination mechanisms with the School Board to achieve a collaborative effort to identify school needs provide for schools facilities and implement school concurrency using consistent supporting data and analysis.

Policies:

3.3.1.1 In cooperation with the School Board, the County of Volusia shall adopt and implement the interlocal agreement as required by Section 1013.33 F.S., which includes procedures for:

- a. Coordinating and sharing information;
- b. Educational and ancillary siting procedures;
- c. Comprehensive plans and plan amendment review;
- d. Site design and development plan review;
- e. Joint development of schools, parks and other uses;

- f. School concurrency implementation;
- g. Implementation and amendments; and
- h. Resolution of disputes.

3.3.1.2 In accordance with the schedule established in the interlocal agreement, the County of Volusia shall appoint a representative to meet with School Board and other local government representatives to review data and annually approve a projection of the amount, type, and distribution of population growth and student enrollment. Data shall include but not be limited to:

- a. Capital budgets for each jurisdiction;
- b. School Board five-year facilities work program;
- c. School Board educational plant survey (every fifth year);
- d. Volusia County five-year road improvement program;
- e. Anticipated new development, infill development and redevelopment; and
- f. Student enrollment and school utilization including portable classroom assignments.

3.3.1.3 The County of Volusia and the School Board shall coordinate the acquisition and development of sites for future educational and ancillary facilities in accordance with the process established in the interlocal agreement.

Objective:

3.3.2 The County of Volusia shall regularly monitor and evaluate the implementation of the Public School Facilities Element to assure compliance with the provisions of the comprehensive plan and the interlocal agreement, to assure the use of best practices in the joint planning of school facilities, and to provide for the continuing coordination of school planning.

Policies:

3.3.2.1 For each comprehensive plan amendment reviewed by the Volusia Growth Management Commission (VGMC), the County of Volusia shall identify in the VGMC application support materials how anticipated impacts of the proposed amendment to school facilities are addressed.

3.3.2.2 The County of Volusia shall appoint a citizen to serve as a member of the oversight committee created by the adopted Interlocal Agreement and shall appoint a staff member to serve on the technical committee created by the adopted Interlocal Agreement.

EXHIBIT B

Appendix 1

MAPS AND FIGURES

All maps and figures contained in Appendix 1 are attached hereto and a part herewith of the Volusia County Comprehensive Plan. Said maps and figures are adopted as part of the Comprehensive Plan unless otherwise specified.

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 Map # Figure 3-2 Elementary School Concurrency Service Areas
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 Map # Figure 3-4 High School Concurrency Service Areas
 Map # Figure 3-5 Existing Public School Facilities and Ancillary Plants – East Volusia
 Map # Figure 3-6 Existing Public School Facilities and Ancillary Plants West Volusia
 Map # Figure 3-7 Planned Public School Facilities and Ancillary Plants – FY 07/08 – 11/12 – East Volusia
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Reference – Chapter 11 Coastal Management Element

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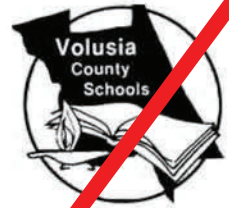
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 Figure 17-2 Historic Resources Map Series Unincorporated Volusia County
 Figure 17-2A Seville Vicinity
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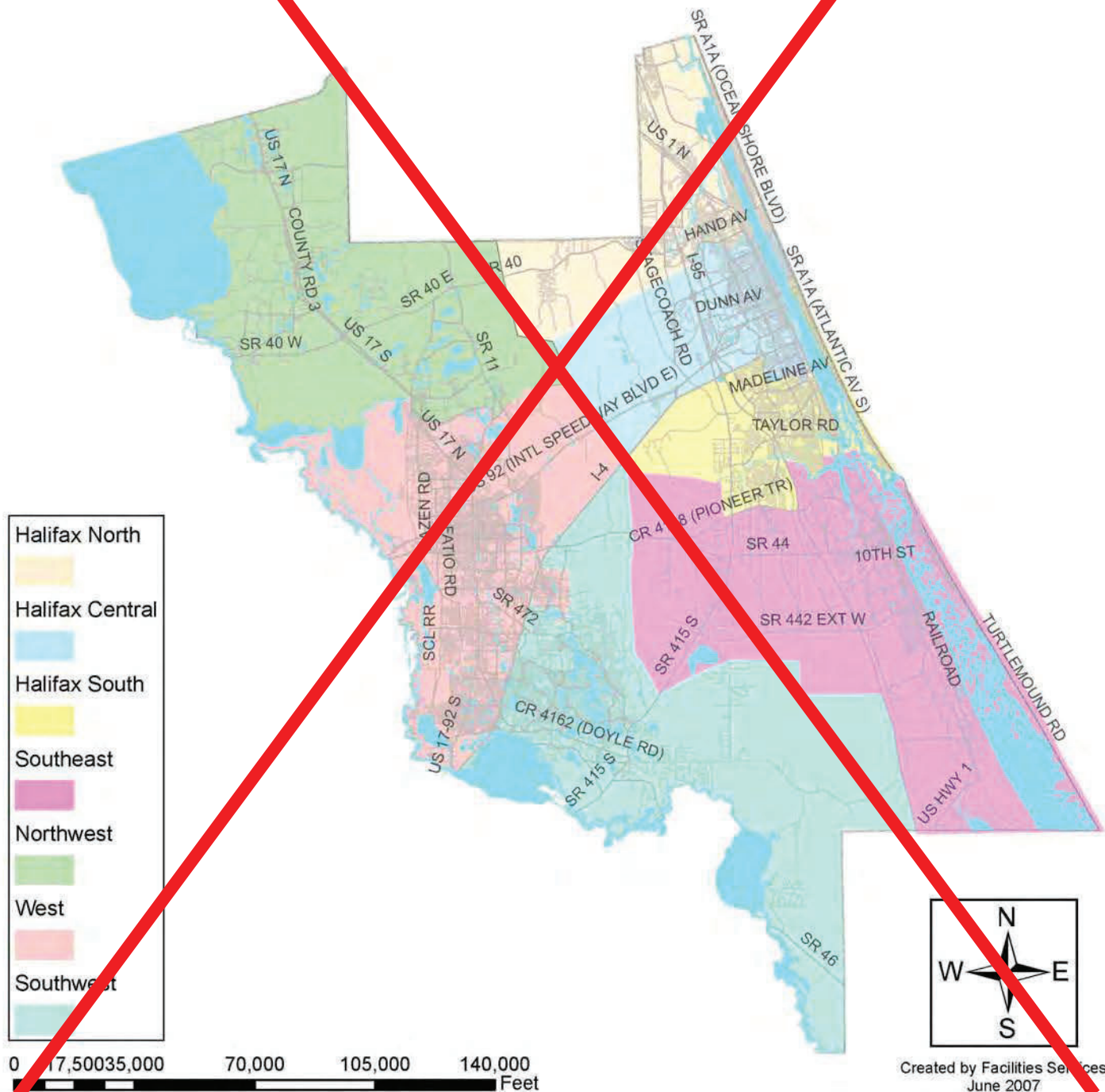
Figure 17-2C	Deleon Springs Vicinity
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Figure 17-3	Significant Historic Resources Owned and Managed by Volusia County

DRAFT - PLDRC

School Planning Areas



~~Map #1~~



School Planning Area



Figure 3-1

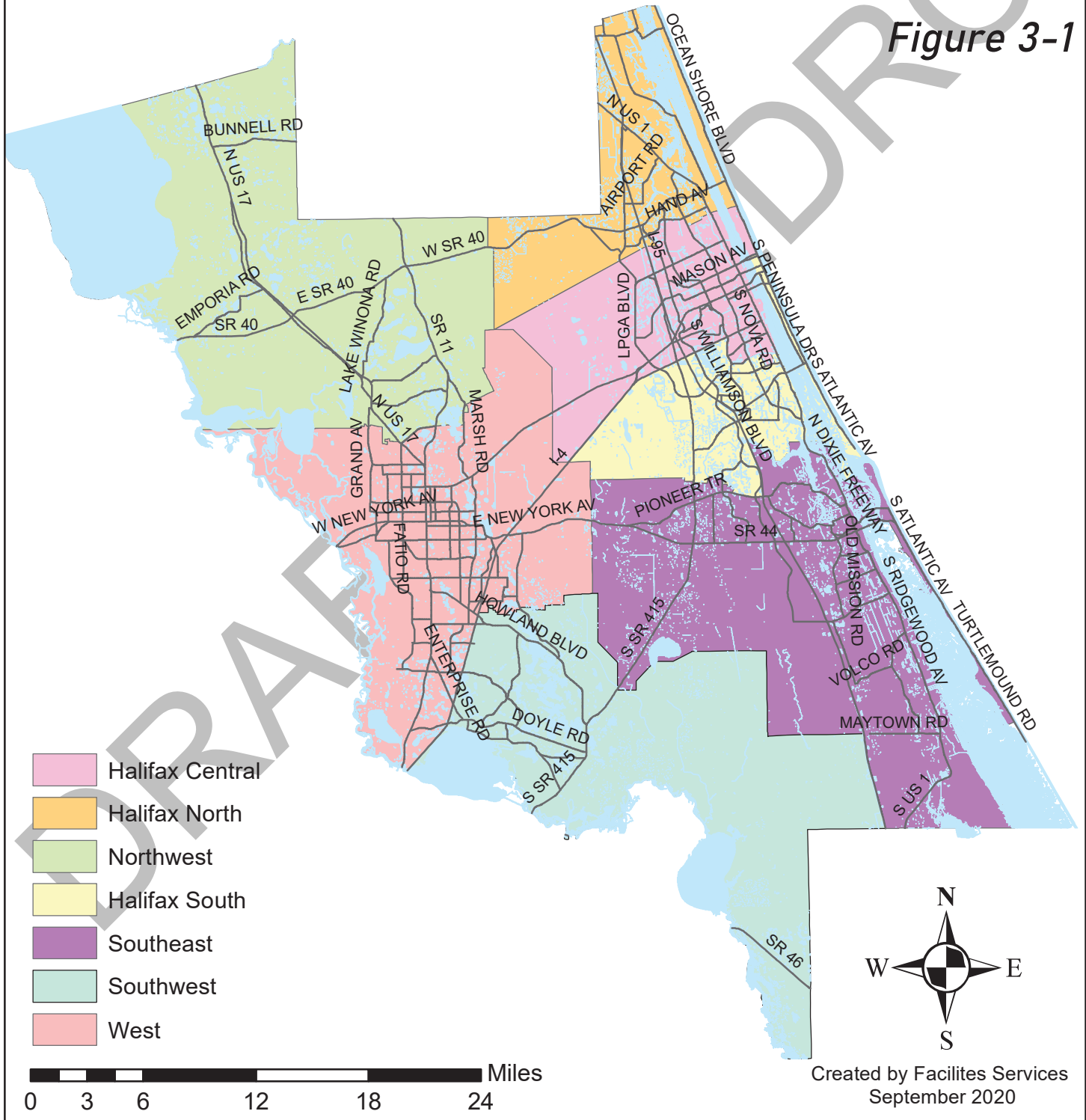


EXHIBIT D

Elementary School Concurrency Service Areas)

—+— Rail Roads)
 — Thoroughfare)

Central CSA's)

North)
 Central)
 South)



Halifax)

Champion)	Pine Trail)
Cypress Creek)	Port Orange)
Holly Hill)	South Daytona)
Horizon)	Spruce Creek)
Longstreet)	Sugar Mill)
Ormond Beach)	Sweetwater)
Ortona)	Tomoka)
Osceola)	Turie T Small)
Palm Terrace)	Westside)
Pathways)	

Southeast)

Chisholm)
Coronado Beach)
Edgewater)
Indian River)
Read Pattillo)

Southwest)

Deltona Lakes)
Discovery)
Enterprise)
Forest Lakes)
Friendship)
Osteen)
Pride)
Spirit)
Sunrise)
Timbercrest)

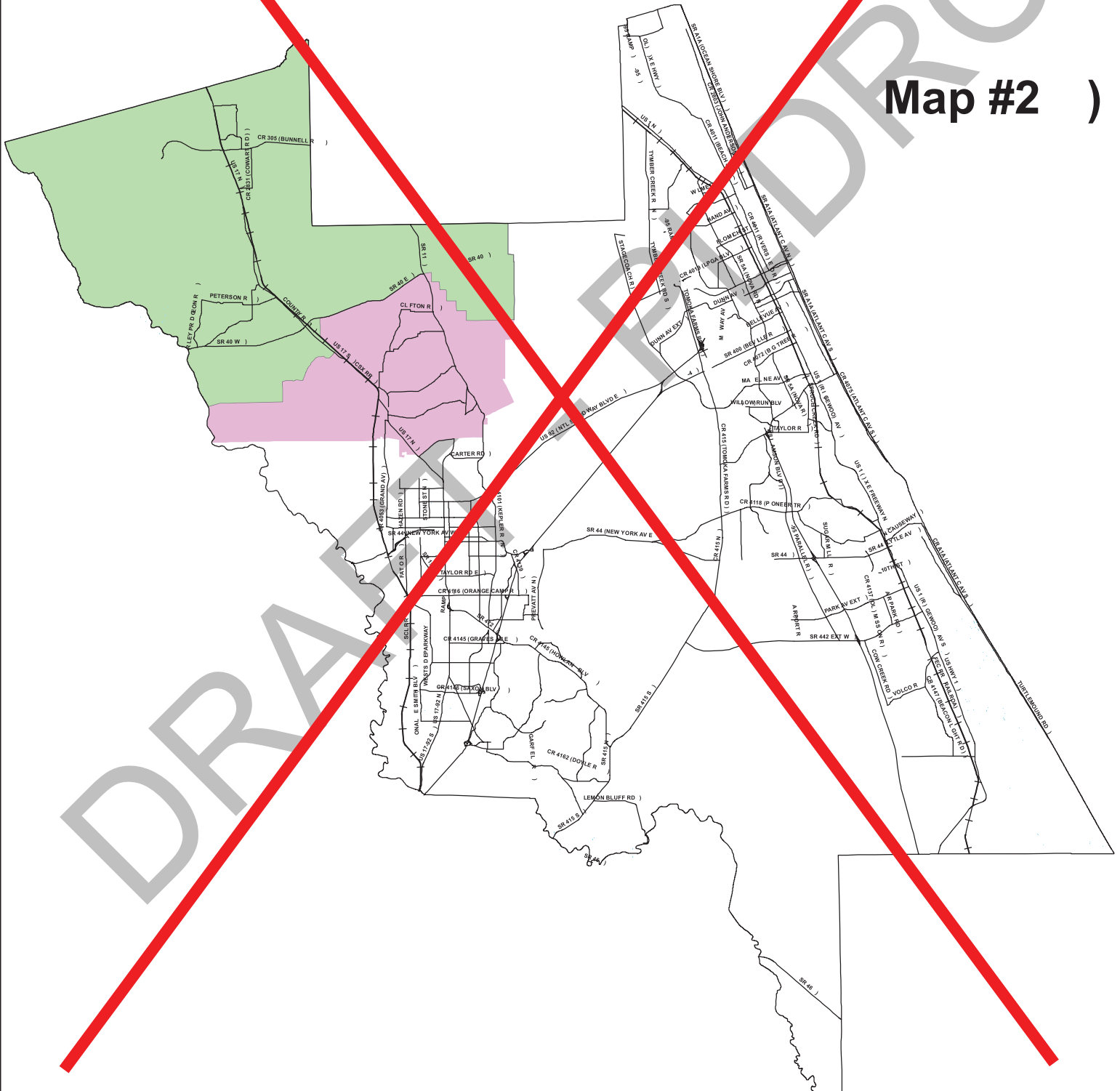
West)

Blue Lake)
Debarry)
Elementary Z)
Freedom)
George Marks)
Manatee Co)
Orange Co)
Starker)
Volusia Pines)
Woodward Avenue)

Northwest)

McInnis)
Pierson)

Map #2)

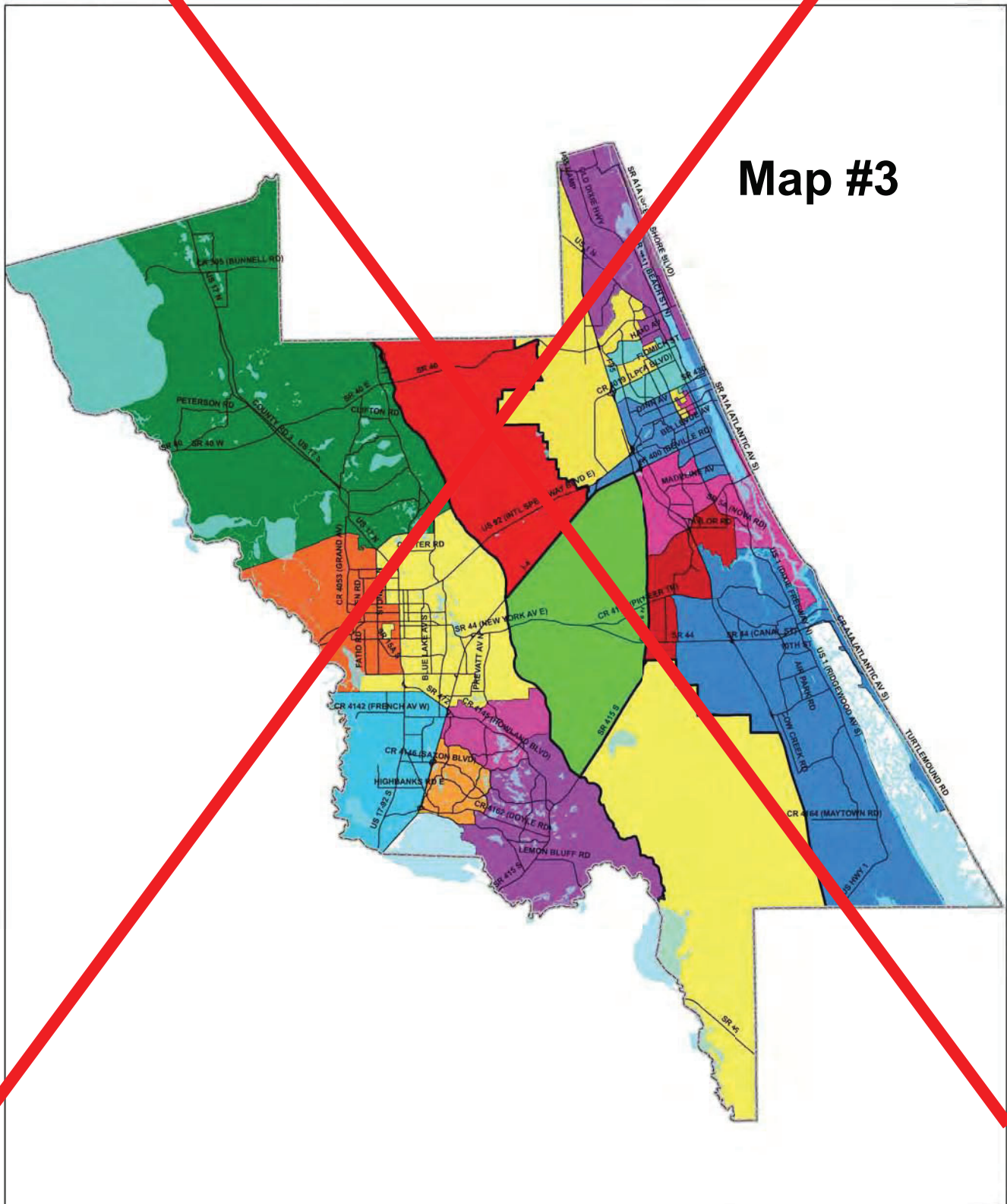


Middle School Concurrency Service Areas

EXHIBIT E



Map #3



Middle School Concurrency Service Areas

Halifax

- Campbell MS
- Creekside MS
- Hinson, David C MS
- Holly Hill K-8
- Ormond Beach MS
- Silver Sands MS

West

- Deland MS
- River Springs MS
- Southwestern MS

Southwest

- Deltona MS
- Galaxy MS
- Heritage MS

Southeast

- New Smyrna MS

Northwest

- TD Taylor MS/HS

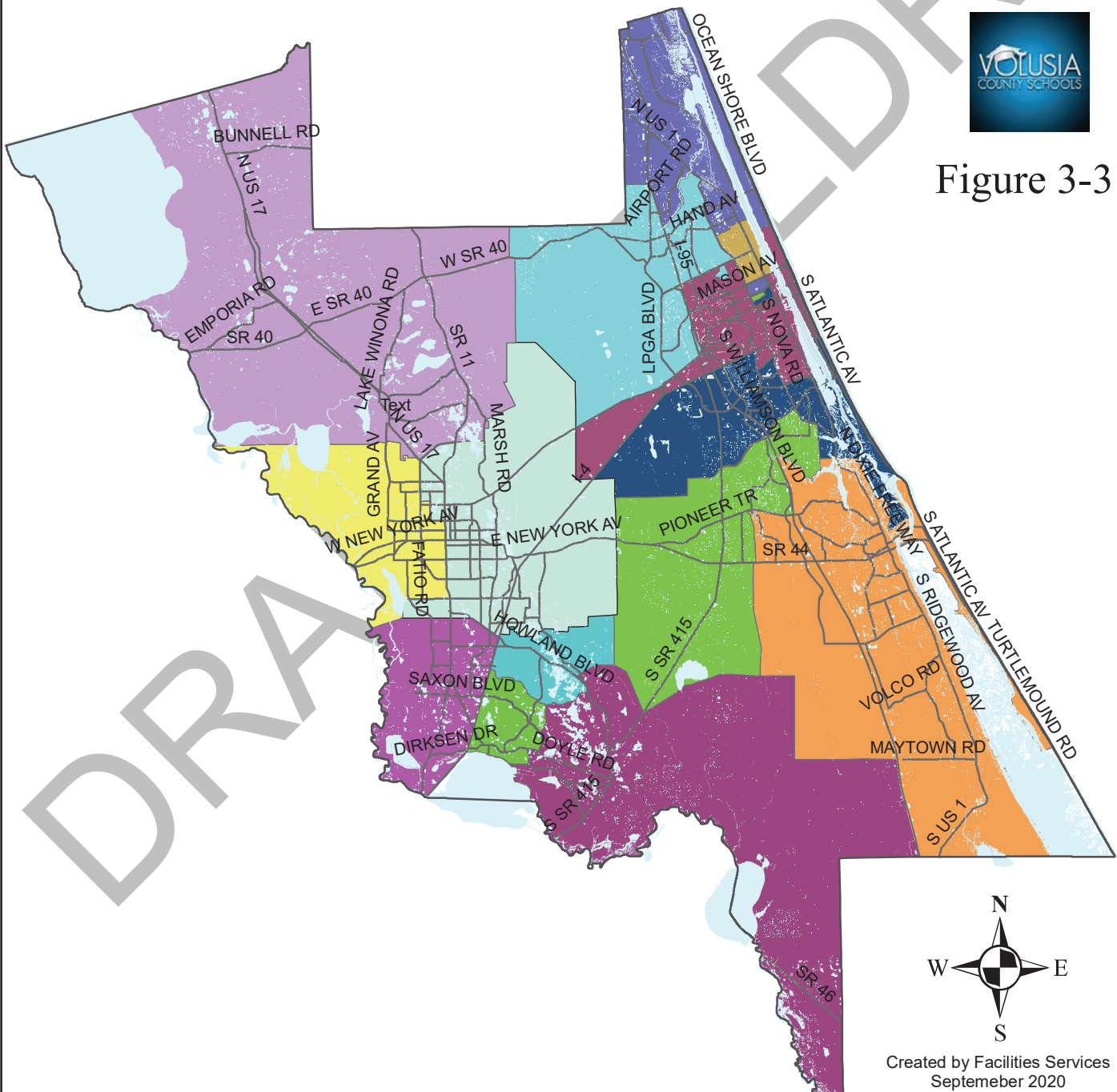
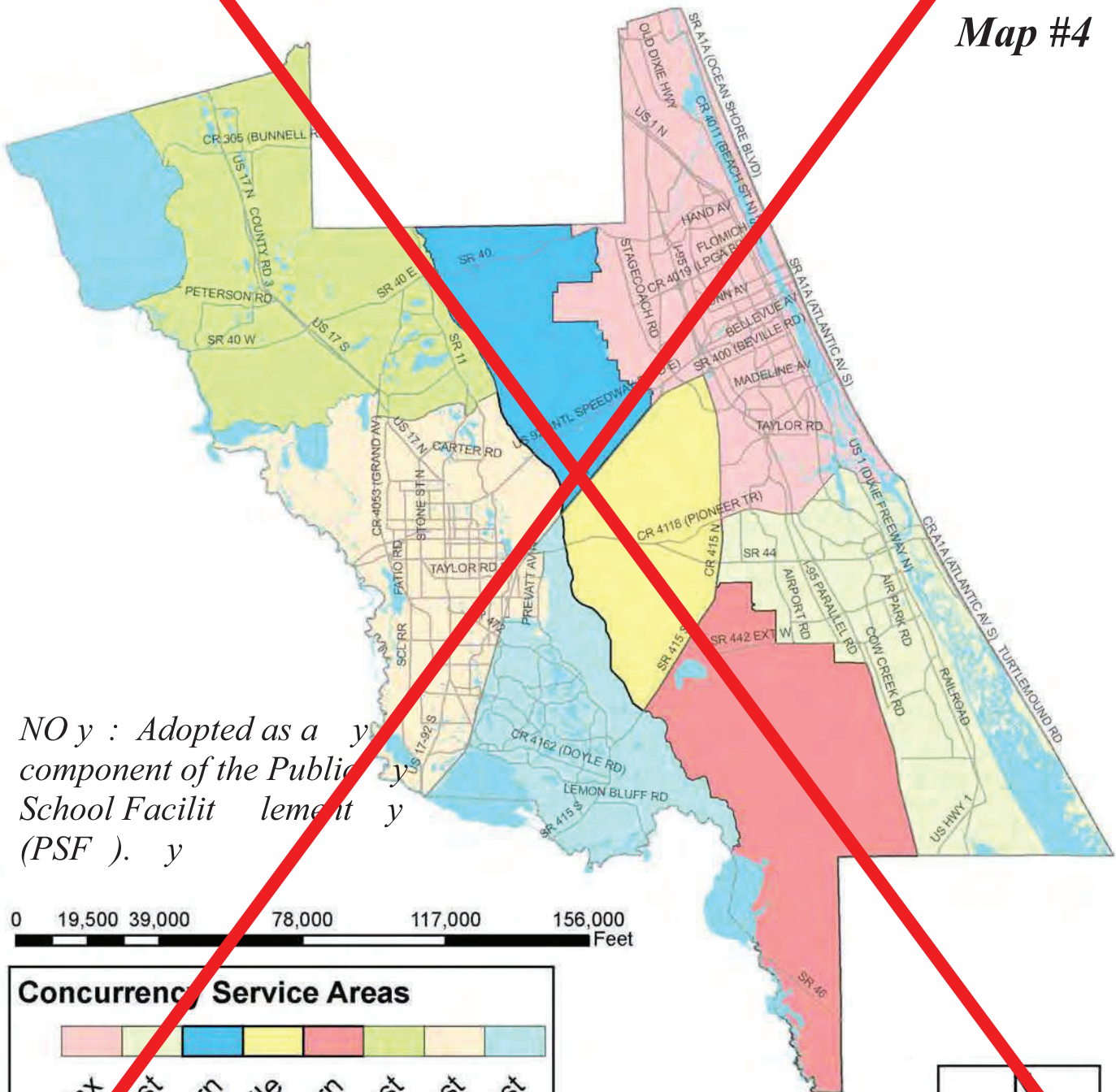


EXHIBIT F

High School Concurrency Service Areas



Map #4



NO y : Adopted as a y
component of the Public y
School Facilit lement y
(PSF). y

0 19,500 39,000 78,000 117,000 156,000 Feet

Concurrency Service Areas



Halifax
Southeast
Central Northern
Central Middle
Central Southern
Northwest
West
Southwest



Created by Facilities Services
June 2007

High School Concurrency Service Areas

Halifax

- Atlantic High
- Mainland High
- Seabreeze High
- Spruce Creek High

West

- Deland High
- University High

Southwest

- Deltona High
- Pine Ridge High

Southeast

- New Smyrna High

Northwest

- TD Taylor Middle/High

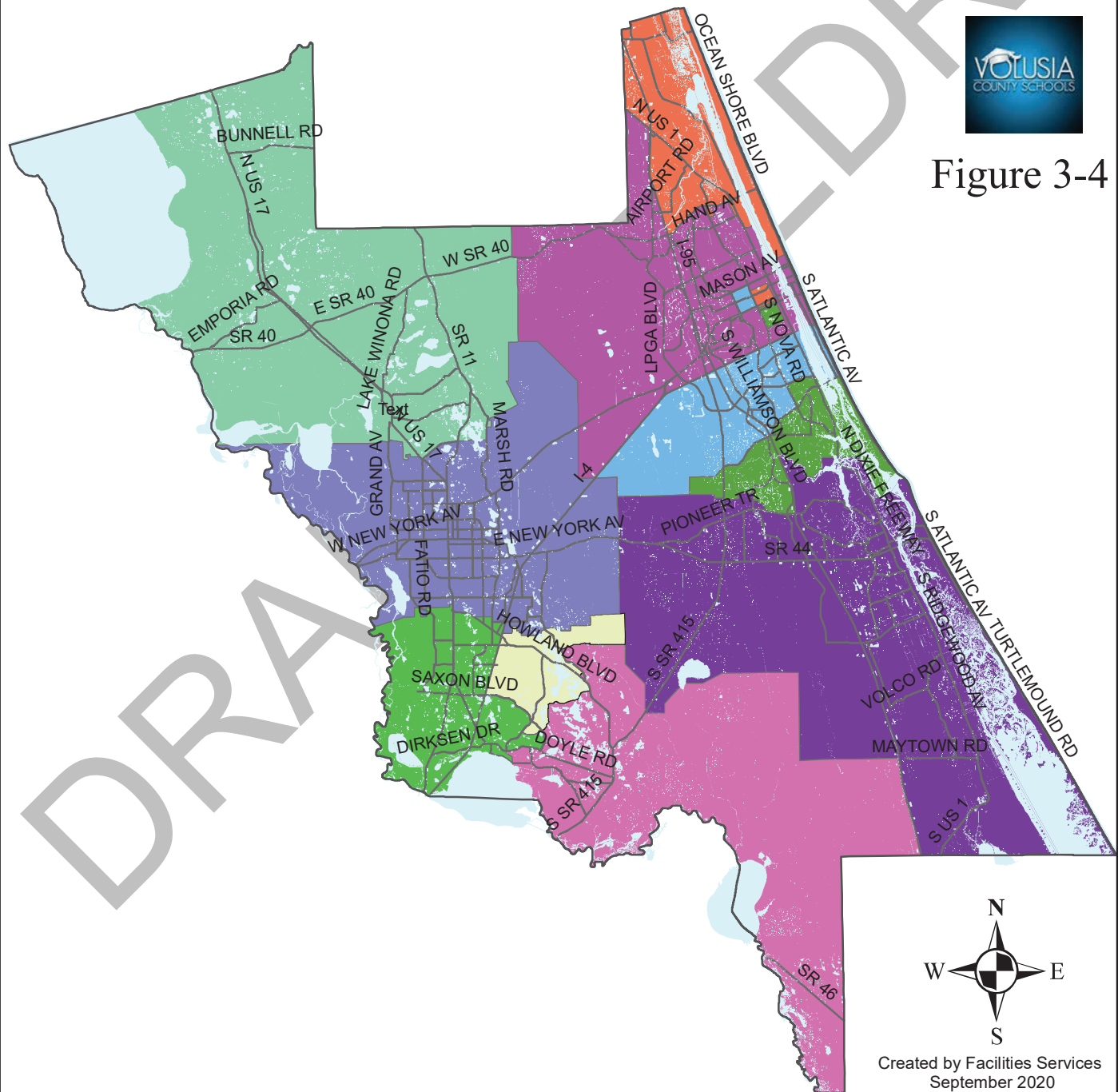
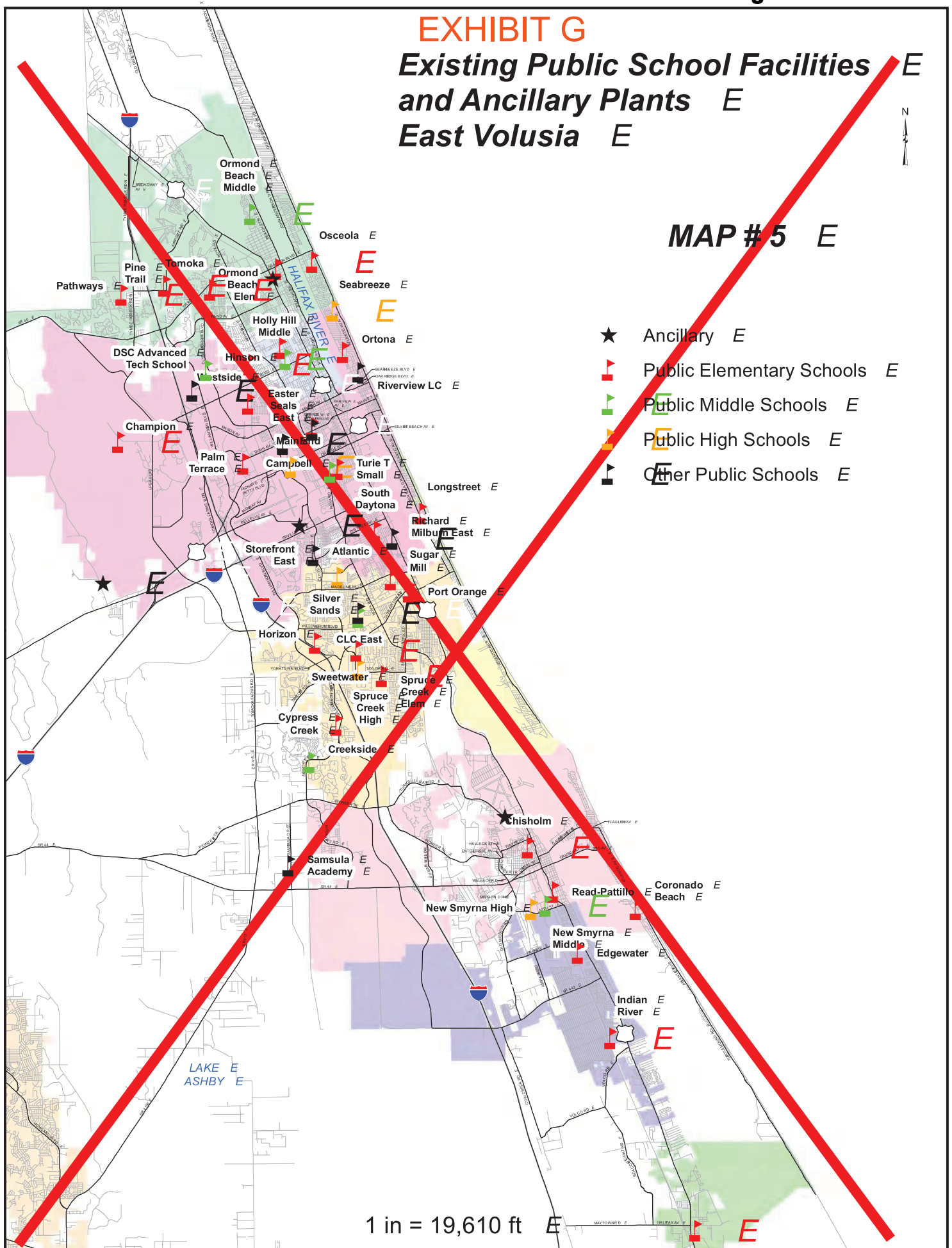


EXHIBIT G**Existing Public School Facilities
and Ancillary Plants
East Volusia****MAP #5**

Existing Public School Facilities and Ancillary Plants East Volusia



Figure 3-5

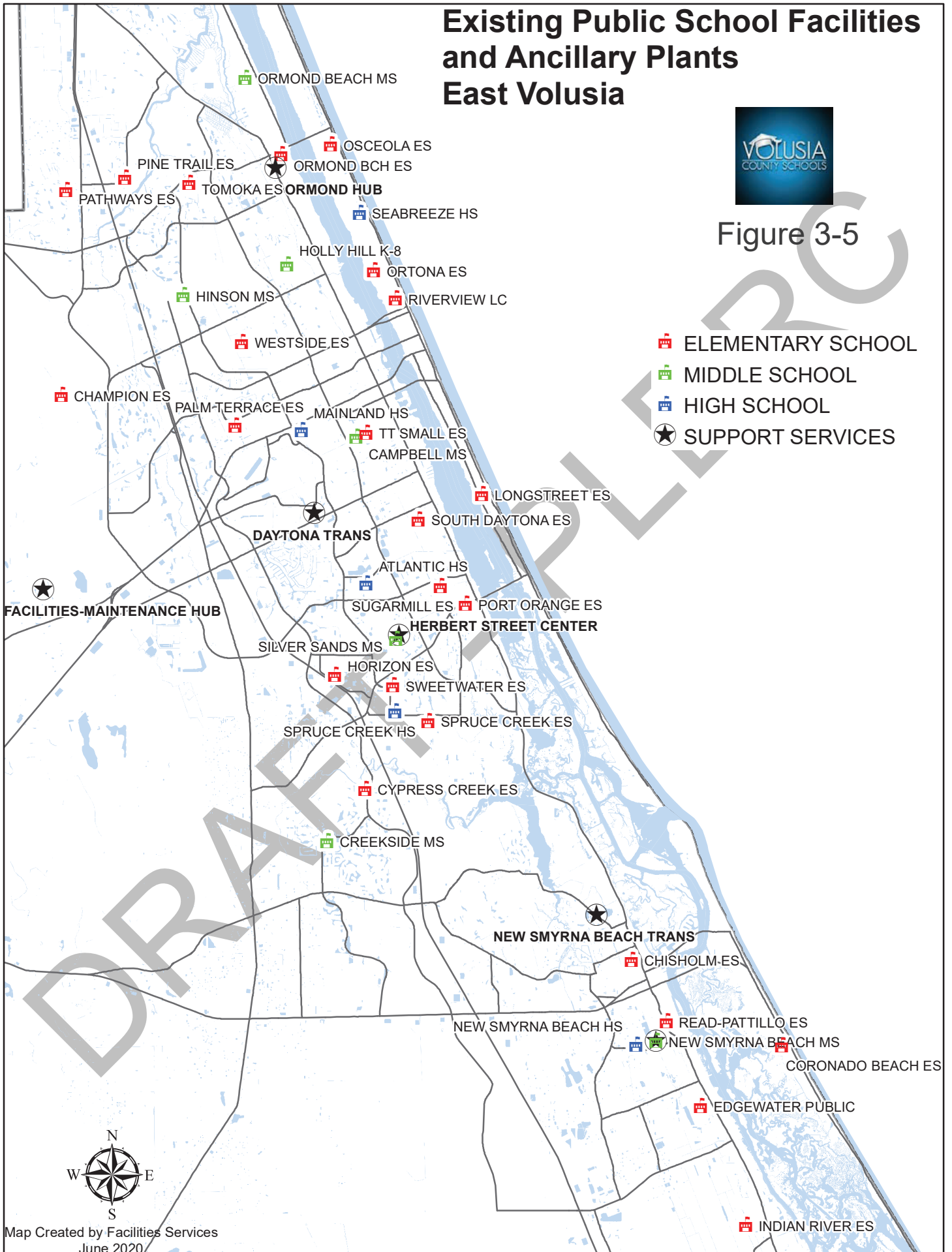
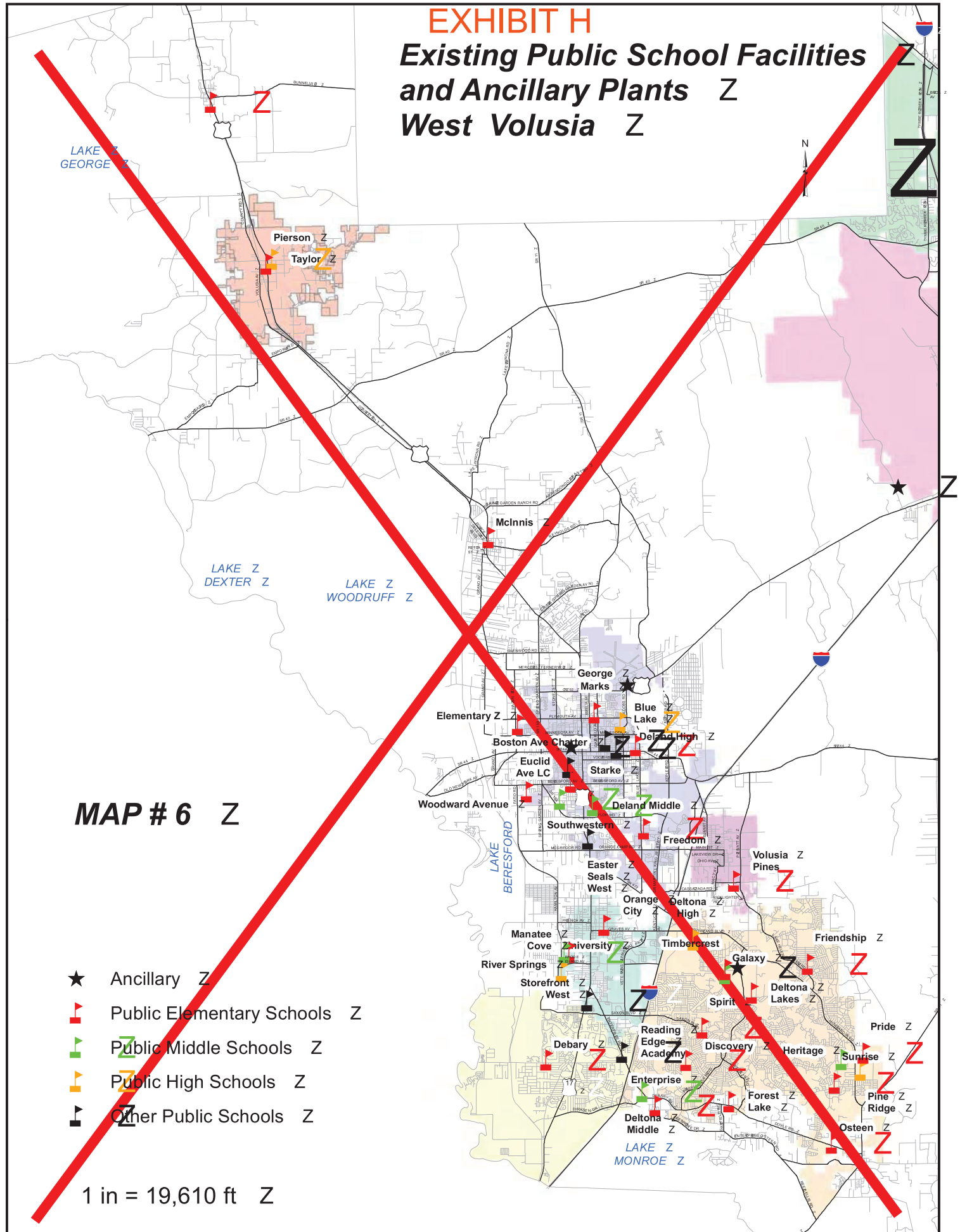


EXHIBIT H**Existing Public School Facilities
and Ancillary Plants
West Volusia Z**LAKE Z
GEORGE ZLAKE Z
DEXTER ZLAKE Z
WOODRUFF Z**MAP # 6 Z**

- ★ Ancillary Z
- ▴ Public Elementary Schools Z
- ▴ Public Middle Schools Z
- ▴ Public High Schools Z
- ▴ Other Public Schools Z

1 in = 19,610 ft Z



Public School Facilities and Ancillary Plants West Volusia



Figure 3-6

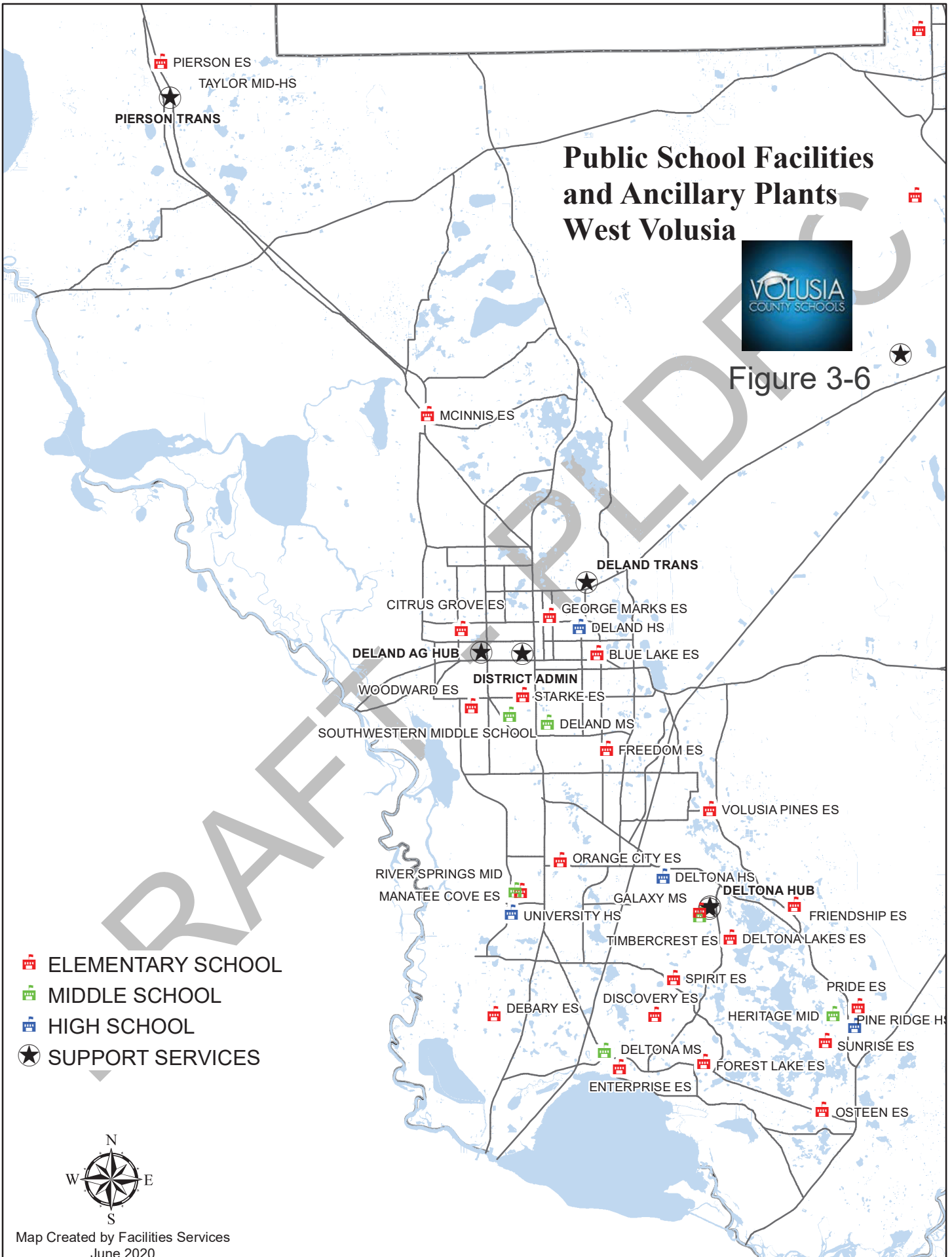
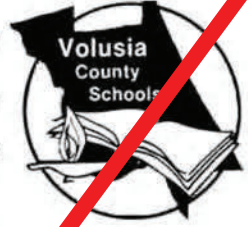
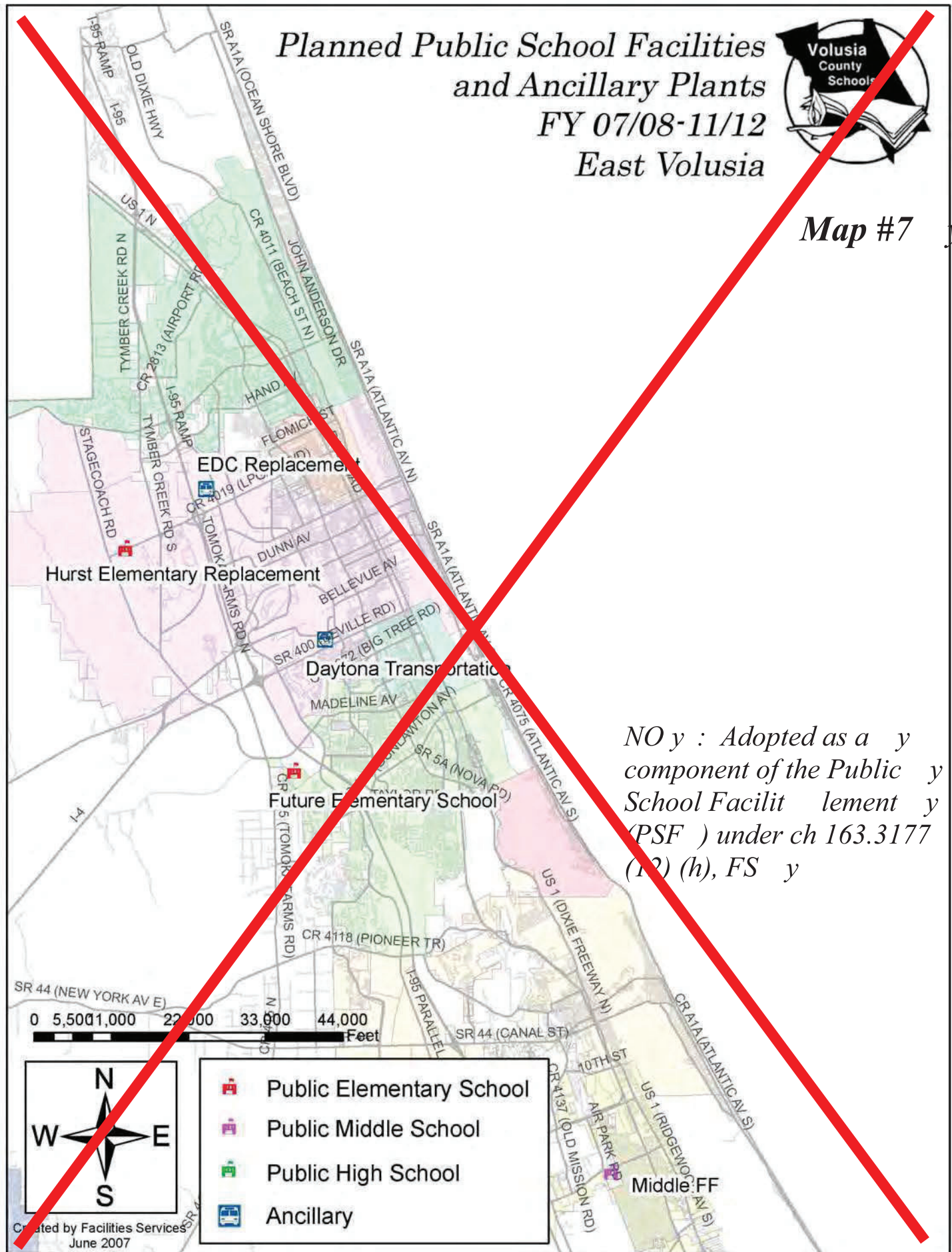


EXHIBIT I

*Planned Public School Facilities
and Ancillary Plants
FY 07/08-11/12
East Volusia*



Map #7



*NO y : Adopted as a y
component of the Public y
School Facilit lement y
(PSF) under ch 163.3177 y
(12) (h), FS y*

Planned Public School Facilities East Volusia



Figure 3-7

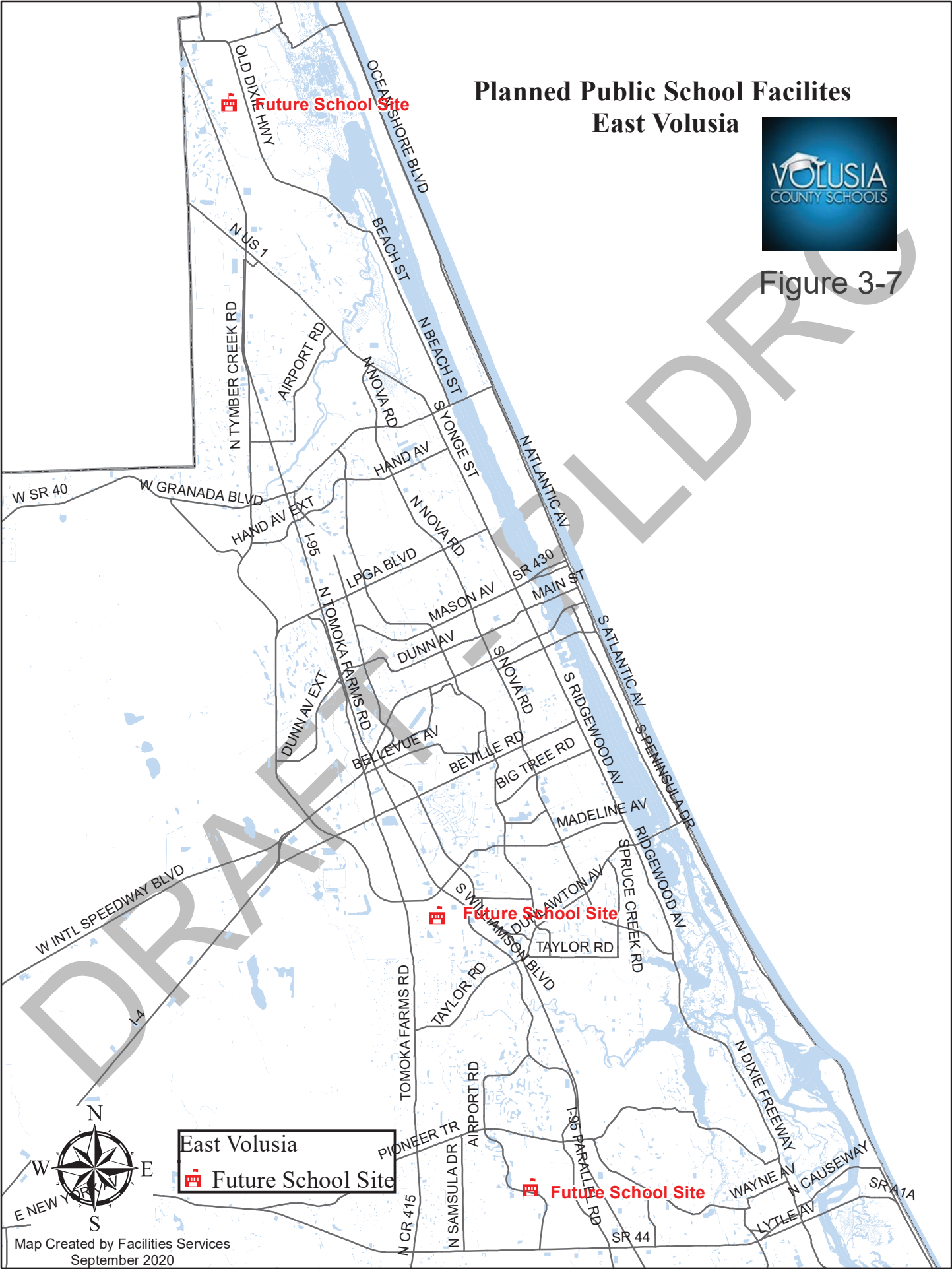






EXHIBIT J

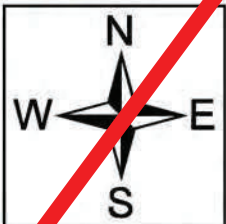
Planned Public School Facilities and Ancillary Plants FY 07/08-11-12 West Volusia



Map #8

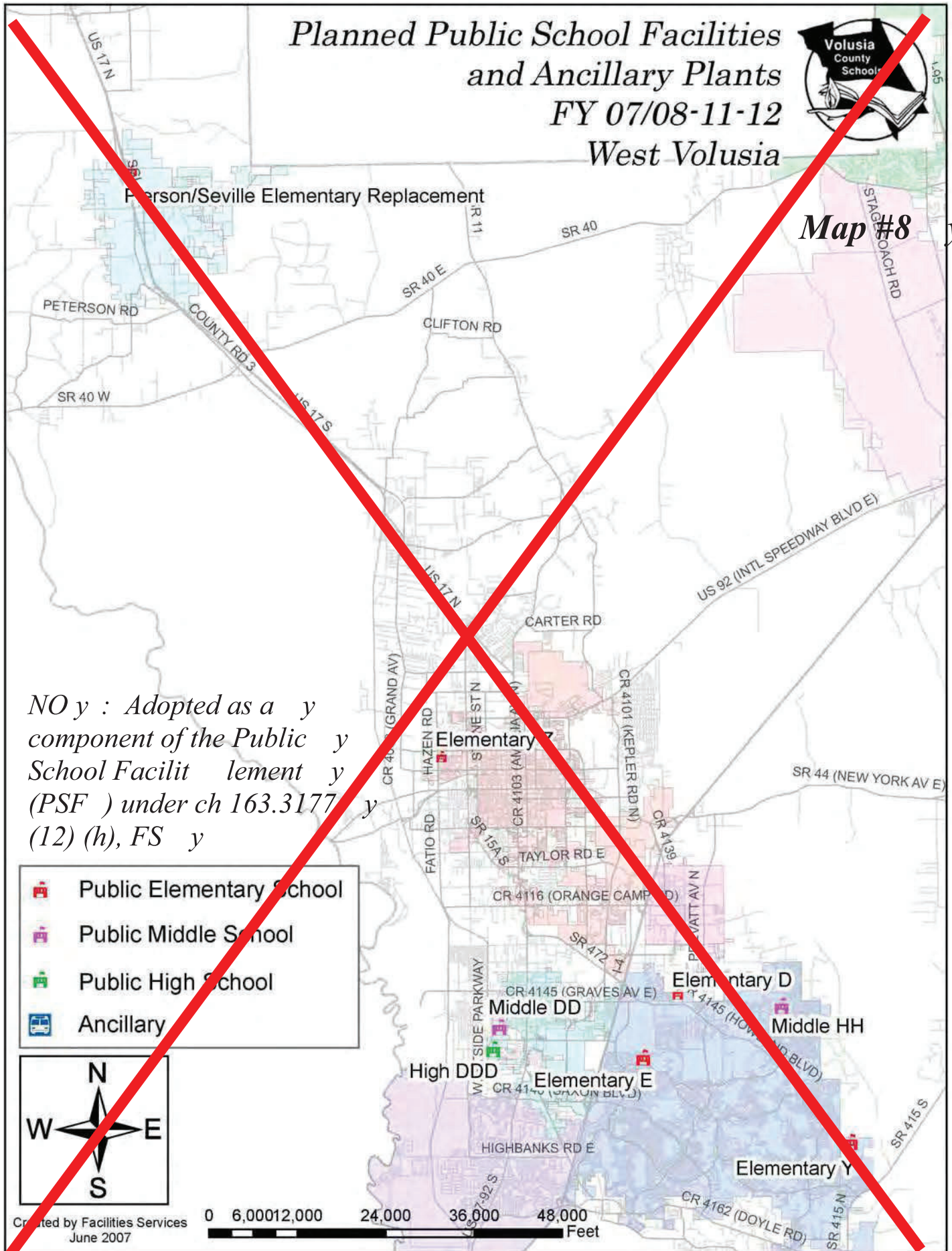
NO y : Adopted as a y
component of the Public y
School Facilit lement y
(PSF) under ch 163.3177 y
(12) (h), FS y

-  Public Elementary School
-  Public Middle School
-  Public High School
-  Ancillary



Created by Facilities Services
June 2007

0 6,000 12,000 24,000 36,000 48,000 Feet



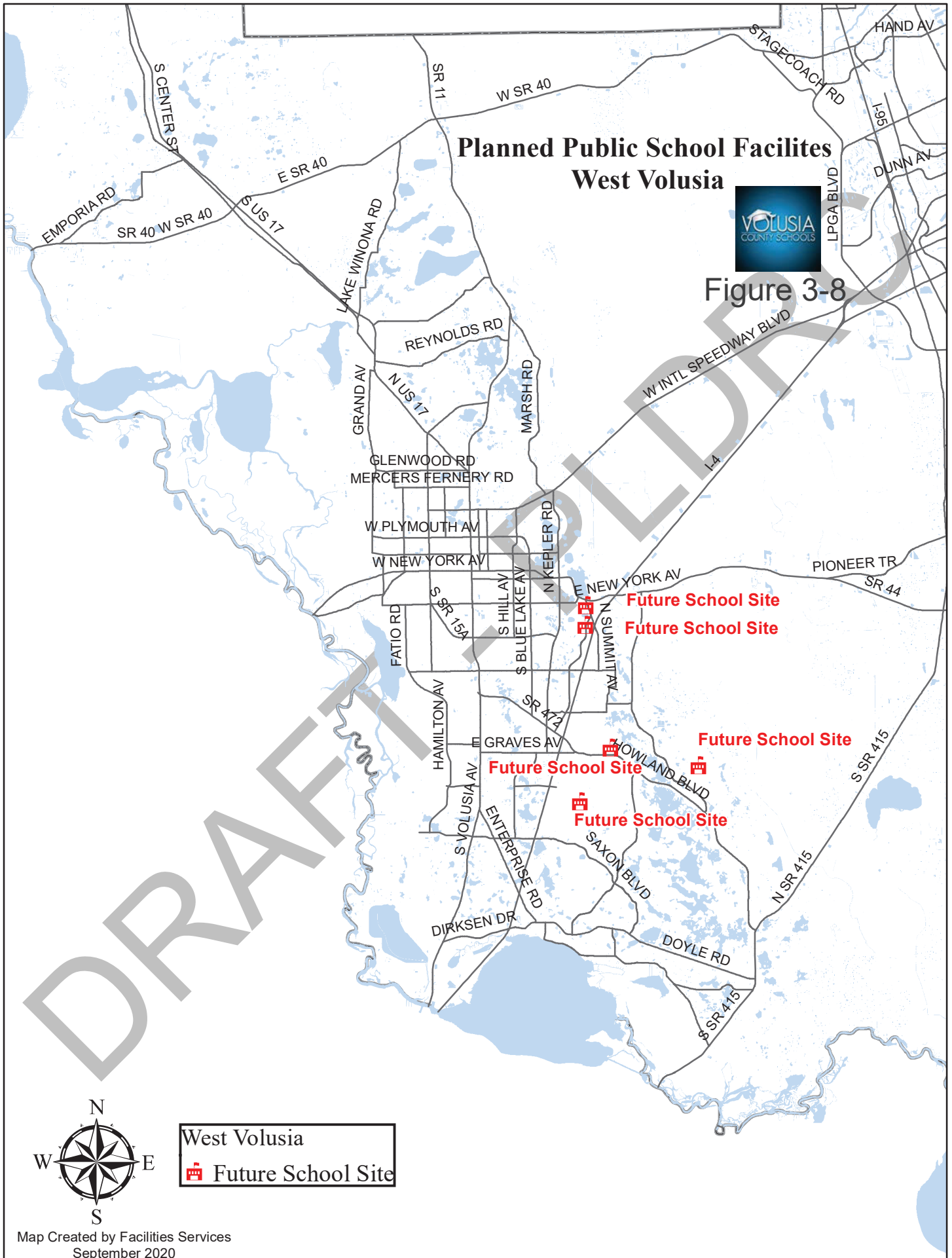


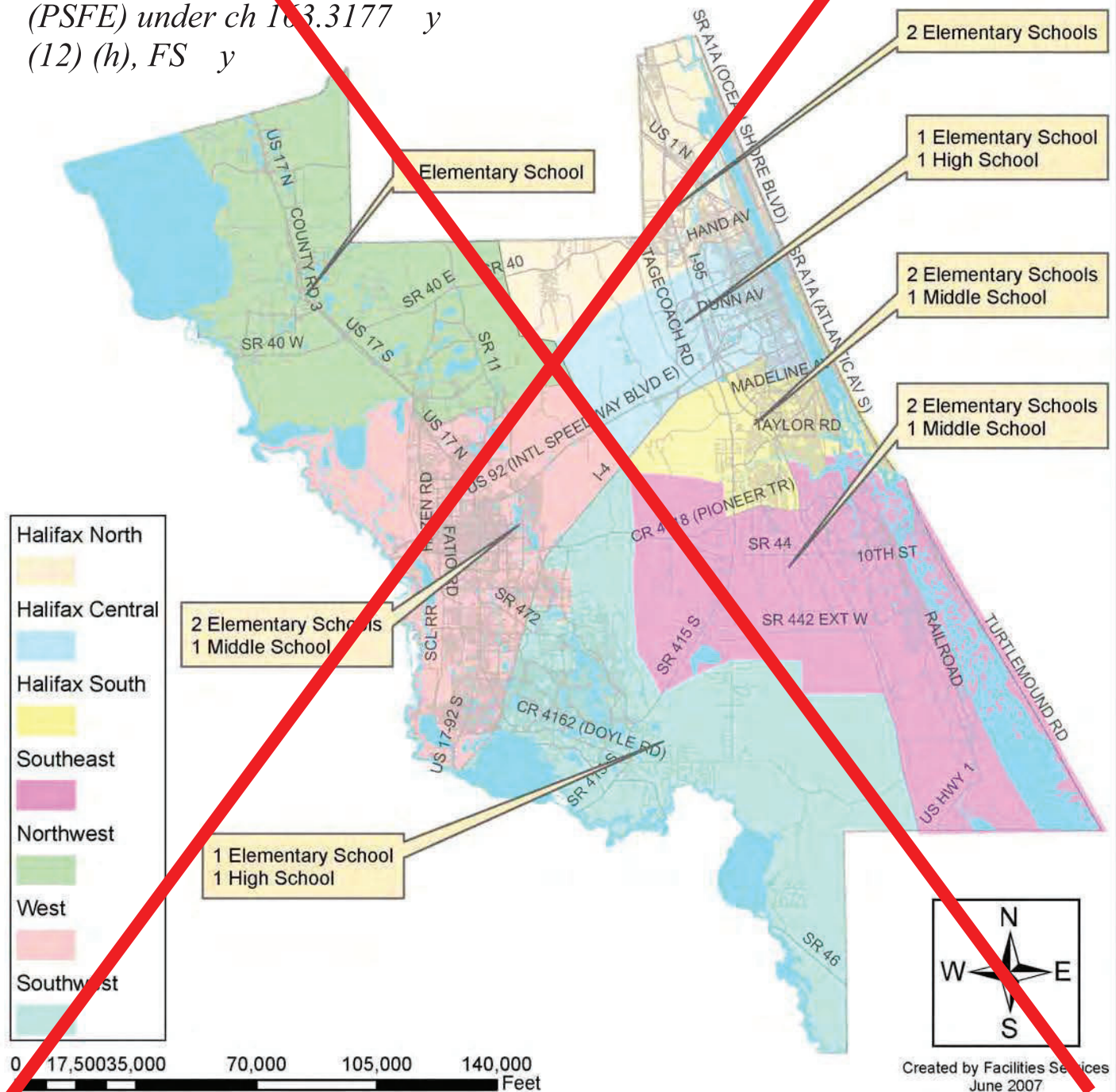
EXHIBIT K

2011-2025 Long Range Planned Public School Facilities By School Planning Areas



Map #9

NOTE: Adopted as a policy
component of the Public
School Facility Element
(PSFE) under chapter 163.3177
(12)(h), FS



Planned Public School Facilities By School Planning Areas



Figure 3-9

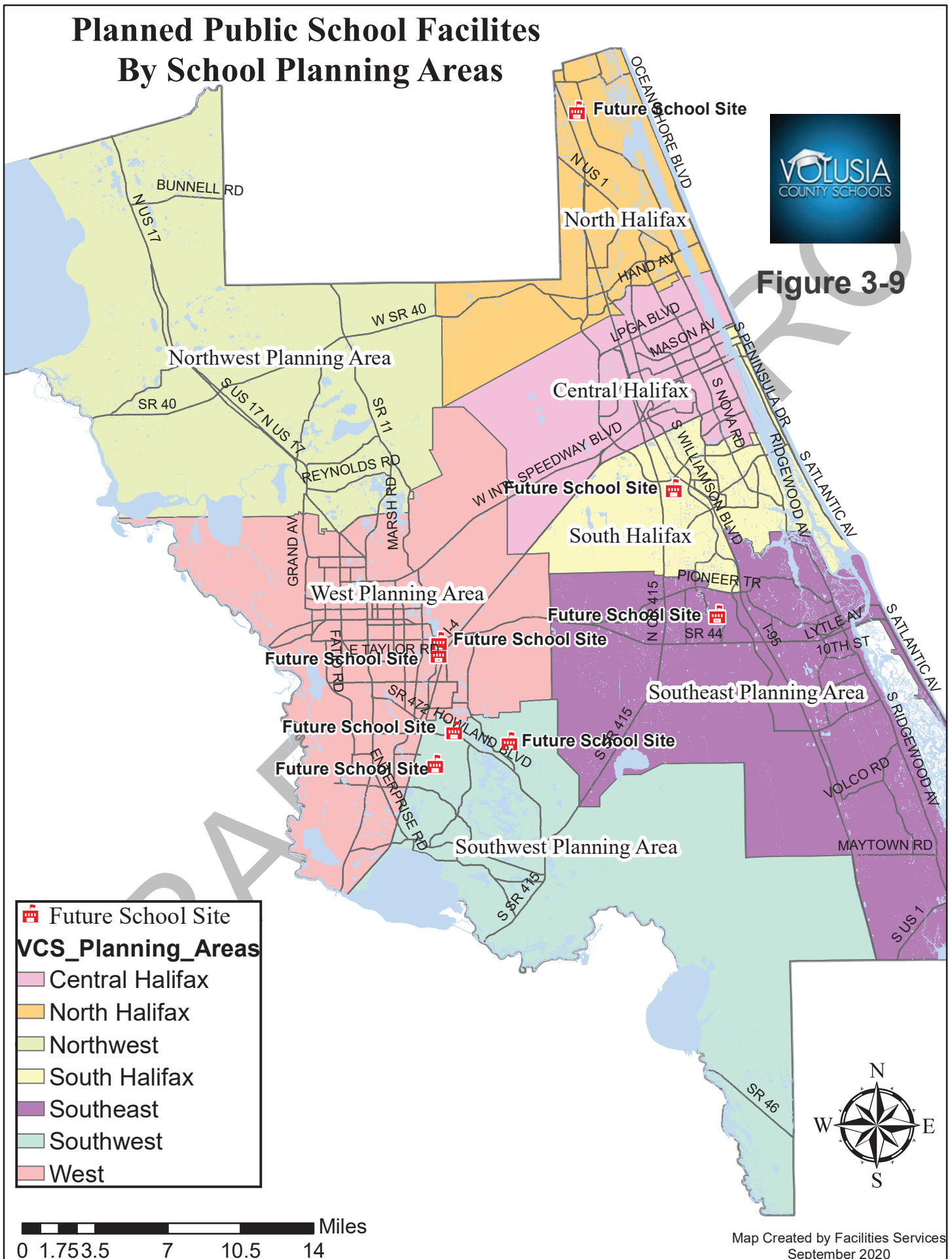
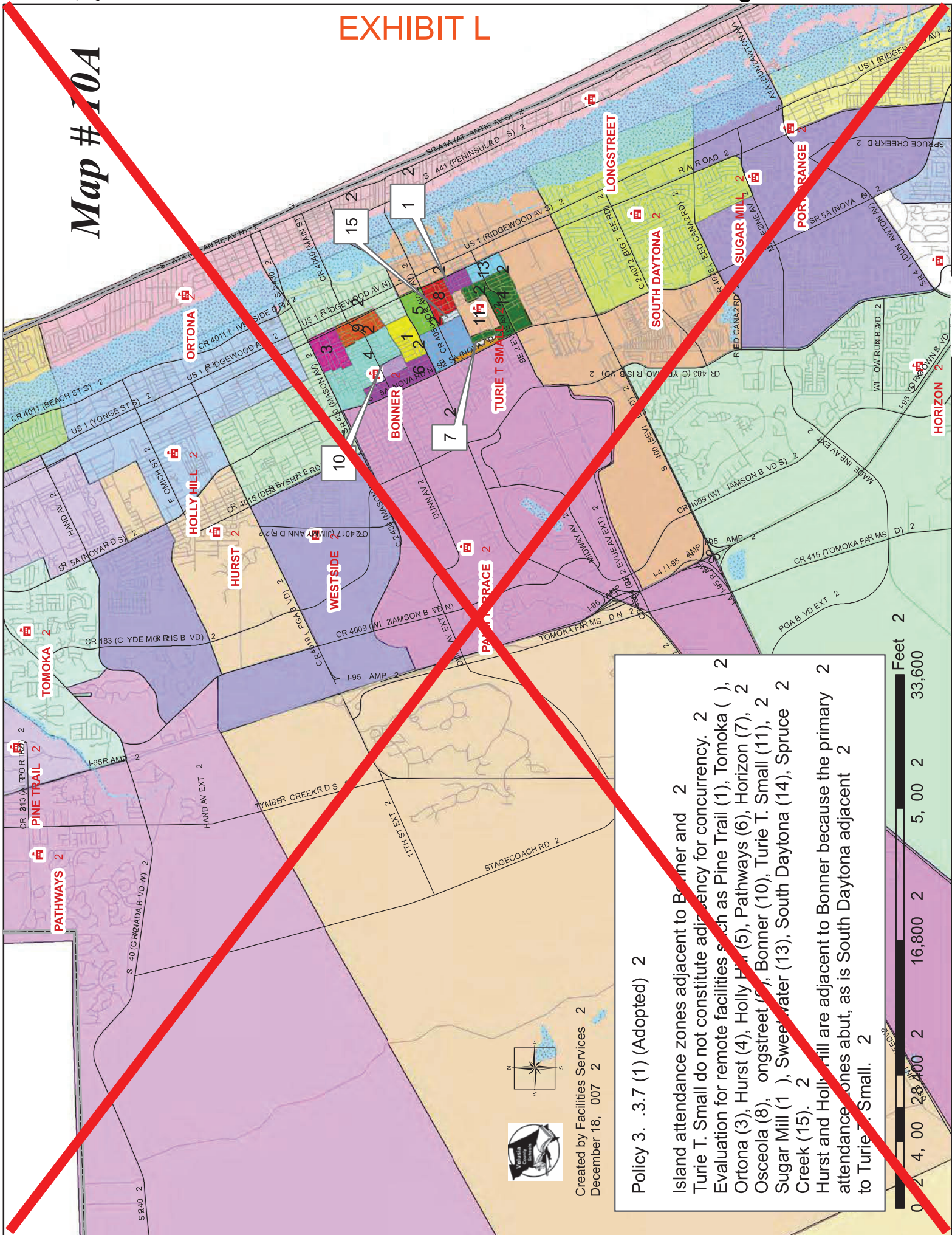


EXHIBIT L

Map # 10A



Created by Facilities Services
December 18, 2007

Policy 3.3.7 (1) (Adopted) 2

Island attendance zones adjacent to Bonner and Turie T. Small do not constitute adjacency for concurrency. 2
Evaluation for remote facilities such as Pine Trail (1), Tomoka (), 2
Ortona (3), Hurst (4), Holly Hill (5), Pathways (6), Horizon (7), 2
Osceola (8), Longstreet (9), Bonner (10), Turie T. Small (11), 2
Sugar Mill (1), Sweetwater (13), South Daytona (14), Spruce 2
Creek (15). 2
Hurst and Holly Hill are adjacent to Bonner because the primary 2
attendance zones abut, as is South Daytona adjacent 2
to Turie T. Small. 2



Figure 3-10A

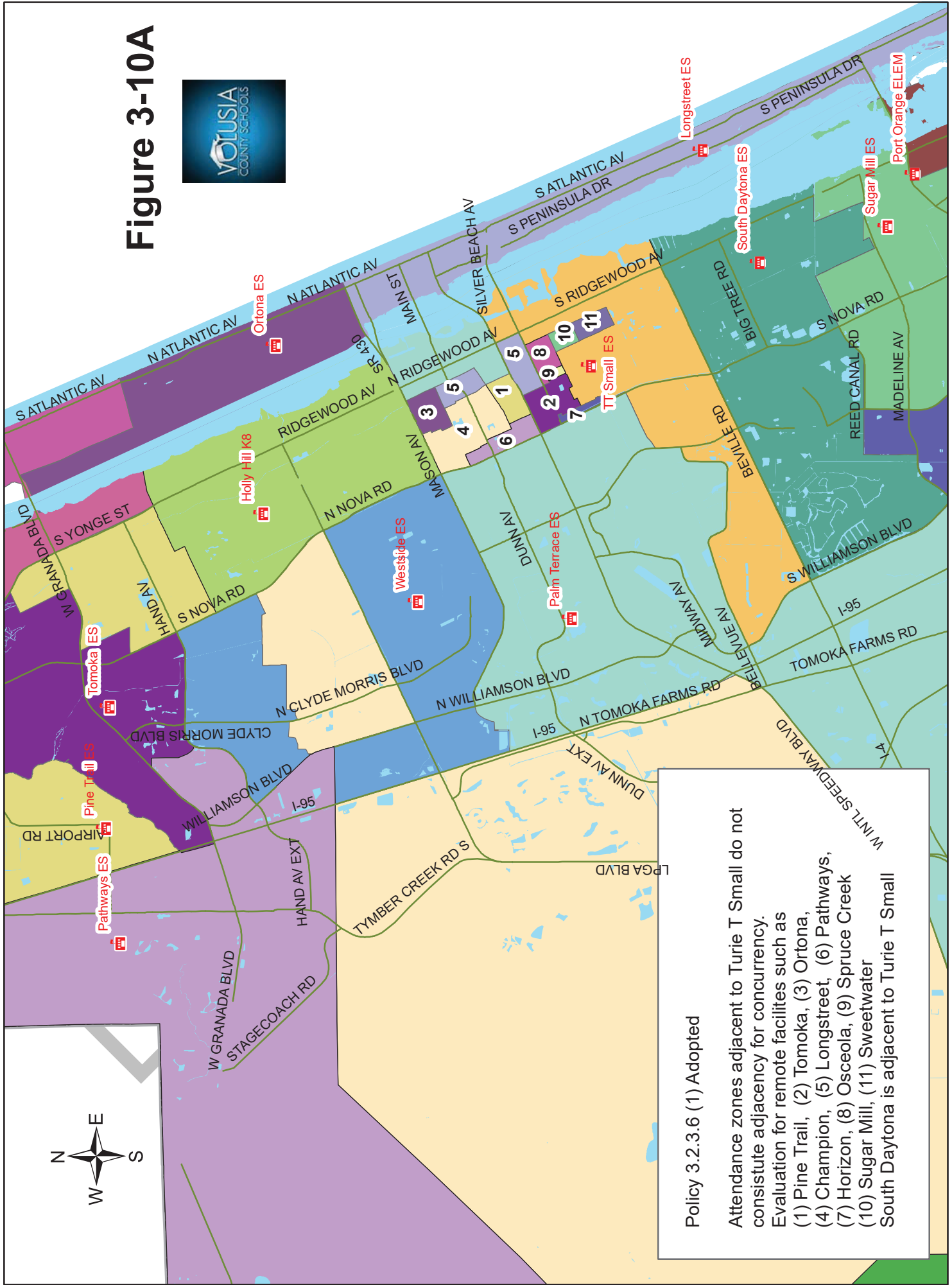
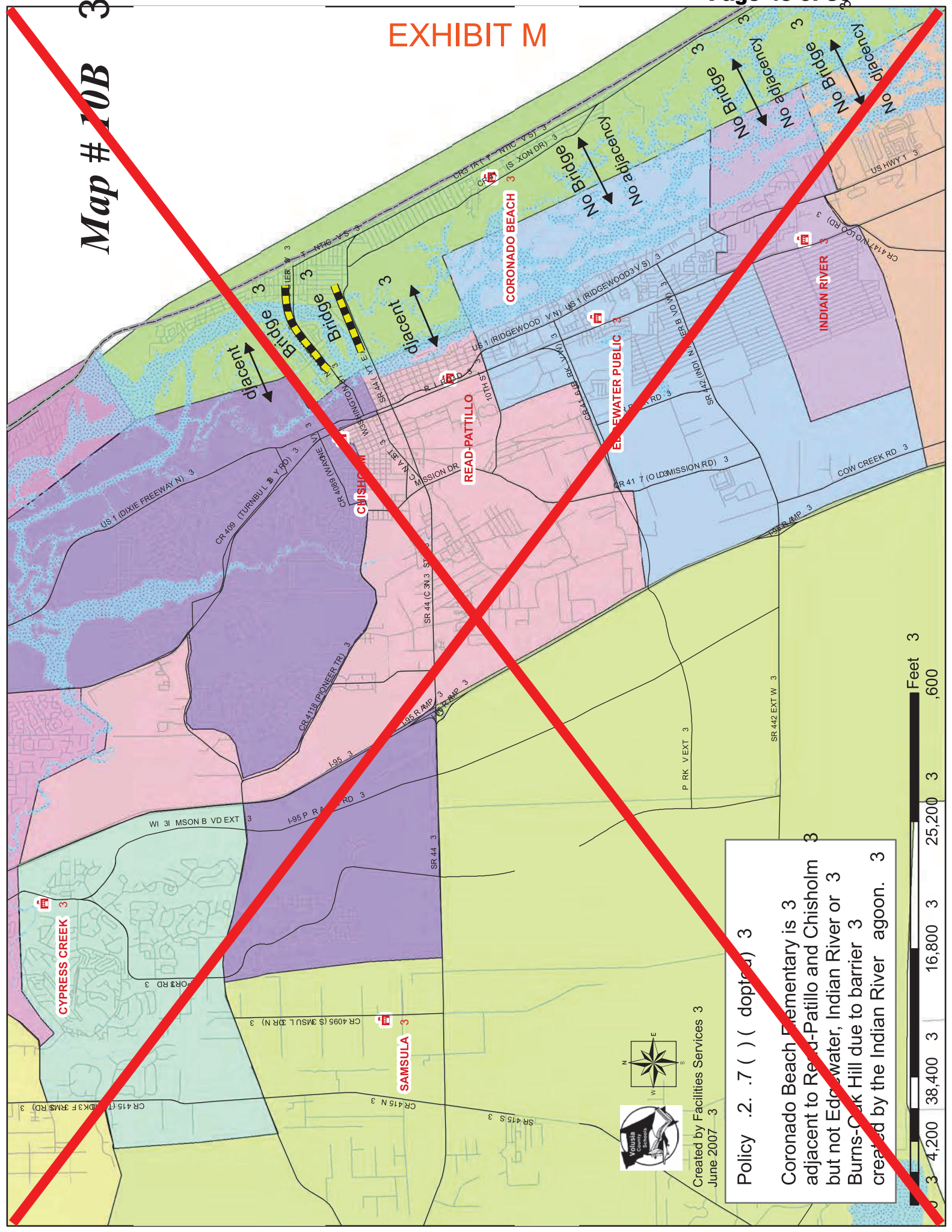


EXHIBIT M

Map # 10B 3



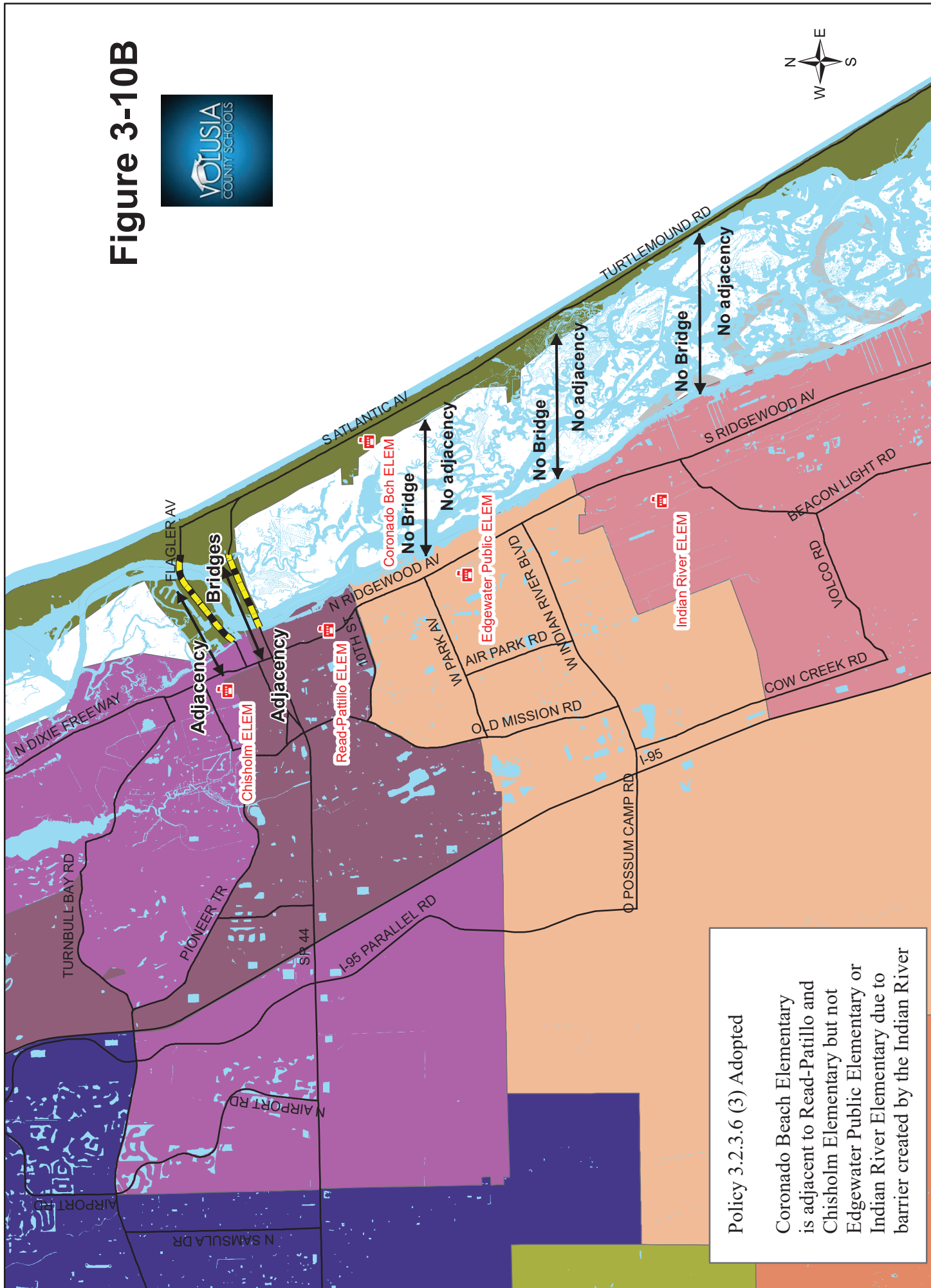
Policy 2.7 () (adopted) 3

Coronado Beach Elementary is 3
adjacent to Read-Patillo and Chisholm 3
but not Edgewater, Indian River or 3
Burns-Cook Hill due to barrier 3
created by the Indian Riveragoon. 3



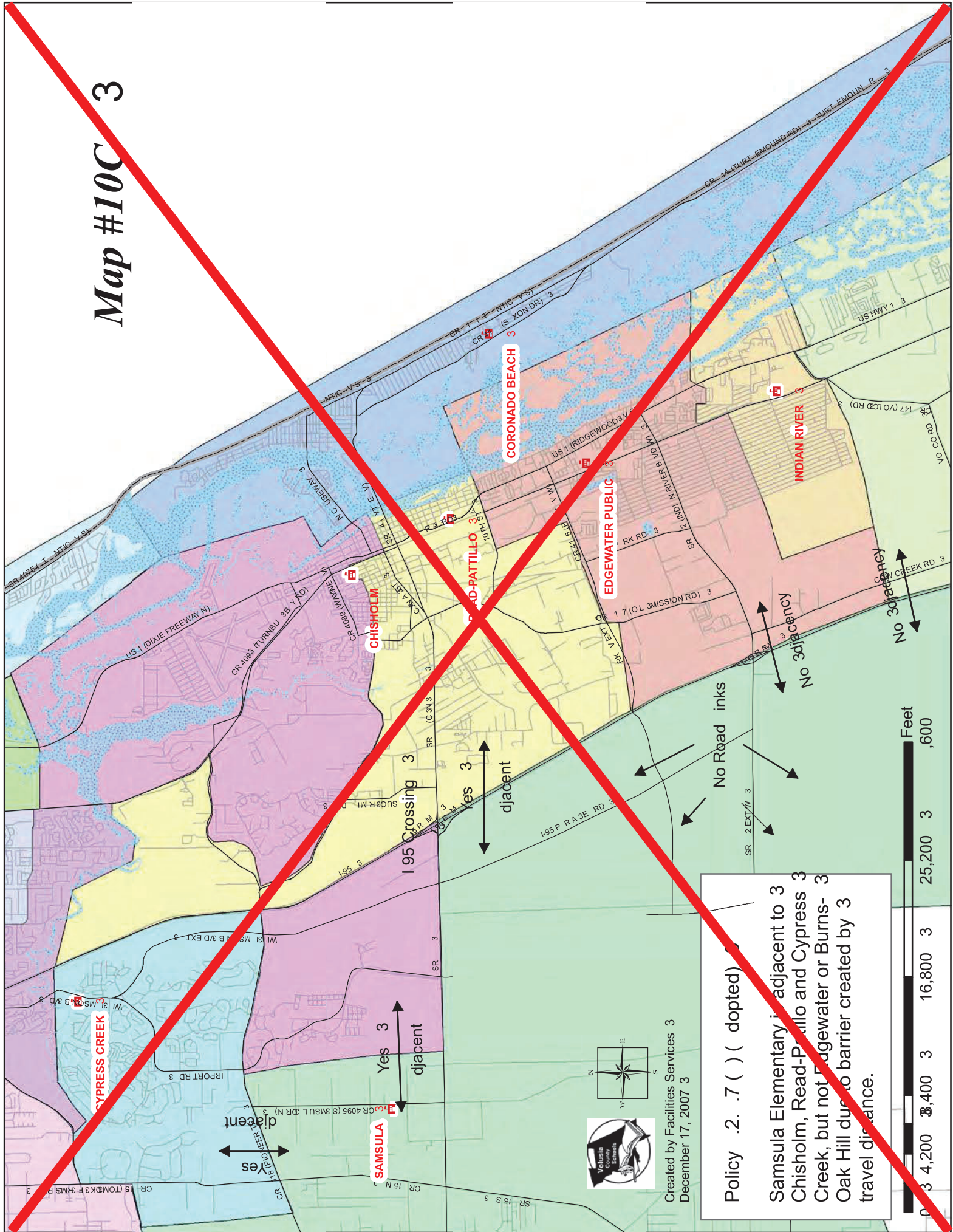
Created by Facilities Services 3
June 2007 3

Figure 3-10B



Policy 3.2.3.6 (3) Adopted

Coronado Beach Elementary is adjacent to Read-Patillo and Chisholm Elementary but not Edgewater Public Elementary or Indian River Elementary due to barrier created by the Indian River



Goals, Objectives, Policies		Florida Statute Citation						Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
	Public School Facilities (Chapter 3)	163.3180,							
GOAL 3.1:	Collaborate and coordinate with the School Board of Volusia County to provide and maintain a public education system, which meets the needs of Volusia County's current and future population.		X						
OBJECTIVE 3.1.1:	The County of Volusia shall implement and maintain mechanisms designed to coordinate with the School Board to provide consistency between Volusia County comprehensive plans and public school facilities and programs.		X						Removed title per legal.
COORDINATION AND CONSISTENCY									
POLICIES									
Policy 3.1.1.1:	Pursuant to the procedures and requirements of the adopted interlocal agreement, the County of Volusia shall coordinate with the School Board on growth and development trends, general population and student projections to ensure that the plans of the School Board and County of Volusia are based on consistent data.							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.
Policy 3.1.1.2:	At the time of transmittal of the Public Schools Facilities Element, the County of Volusia shall develop a report of projects not subject to school concurrency and submit the report to the School Board within thirty (30) days of transmittal. The report shall include the type, number and location of residential units that have received subdivision or site plan approval and provide a projected annual rate of growth for such projects.			X					Deleted. All concurrency items are shared with the School Board as they are reviewed.
Policy 3.1.1.3:	The County of Volusia shall provide the representative of the School Board with copies of all meeting agendas and staff reports <u>through the county website</u> .							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Revised to reflect current practice.

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
<u>Policy 3.1.1.4.3:</u>	The County of Volusia shall meet at least annually with representatives from the School District and the other local governments in Volusia County to review the Public School Facilities Element including enrollment projects. The timing and content of these meetings shall be done according to the requirements and procedures set forth in the adopted interlocal agreement.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
<u>3.1.1.4</u>	<u>Volusia County and the Volusia County School Board have adopted an interlocal agreement to facilitate a joint planning process. The agreement ensures that the development of school facilities and supporting land use, services, and infrastructure are coordinated through the joint review and sharing of plans, programs, and data between the two agencies.</u>				X				Moved from Intergovernmental Coordination Policy 14.1.1.12.	
OBJECTIVE 3.1.2: SCHOOL FACILITY SITING AND AVAILABILITY	The County of Volusia shall coordinate with the School Board on the planning and siting of new public schools and ancillary facilities to ensure school facilities are coordinated with necessary services and infrastructure and are compatible and consistent with the comprehensive plan.		X						Removed title per legal.	
POLICIES:										
<u>Policy 3.1.2.1:</u>	The County of Volusia shall coordinate with the School Board to assure that proposed public school facility sites are consistent with the applicable land use categories and policies of the comprehensive plan. Schools shall be permitted in all future land use classifications except for industrial land use classifications that contain industrial facilities that emit air pollutants and environmentally restricted land use classifications. schools shall not be located in							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Modified to be consistent with the Future Land Use Element.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
	<u>Conservation or Environmental System Corridor and the siting of schools in industrial and commercial areas shall be discouraged.</u>									
Policy-3.1.2.2.2:	Coordination of the location, acquisition, phasing and development of future school sites and ancillary facilities shall be accomplished through the procedures adopted in the interlocal agreement.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.1.2.3.3:	The County of Volusia and School Board will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an existing school. If deemed necessary, the parties may enter into a written agreement as to the timing, location, and party or parties responsible for constructing, operating and maintaining the required improvements.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.1.2.4.4:	The County of Volusia shall encourage the School Board to land bank sites for future use as school facilities. The County of Volusia shall coordinate with the School Board on the acquisition and use of land banked sites in the same manner as established for other sites in order to ensure adequate infrastructure is planned and constructed in advance of school construction.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy 3.1.2.5.5:	The County of Volusia shall protect schools and land banked school sites from the adverse impact of incompatible land uses by providing the School District with the opportunity to participate in the review process for all proposed development adjacent to schools.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.1.2.6.6:	In developing capital improvements plans and programs for public services, the County of Volusia shall consider		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	required infrastructure to service existing and proposed schools and any land banked school sites.									
OBJECTIVE 3.1.3. ENHANCE COMMUNITY DESIGN	The County of Volusia shall enhance community and neighborhood design through effective school facility design and siting standards and encourage the siting of school facilities in order to serve as community focal points and are compatible with surrounding land uses.		X						Removed title per legal.	
<u>POLICIES:</u>										
Policy-3.1.3.1:	The County of Volusia shall coordinate with the School Board on opportunities for the expansion and rehabilitation of existing schools so as to support neighborhoods and redevelopment.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.1.3.2:	The County of Volusia shall collaborate with the School Board on the siting of public facilities such as parks, libraries, and community centers near existing or planned public schools, to the extent feasible.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	

Goals, Objectives, Policies		Florida Statute Citation	Recommended Action					
			Keep	Delete	New	Replace	Move	Modify
Policy-3.1.3.3:	The County of Volusia shall look for opportunities to co-locate and share the use of public facilities when preparing updates to the comprehensive plan's schedule of capital improvements and when planning and designing new or renovating existing, community facilities. Co-located facilities shall be governed by a written agreement between the School Board and the County of Volusia specifying operating procedures and maintenance and operating responsibilities.		X					
			Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.					

Goals, Objectives, Policies		Florida Statute Citation	Keep	Delete	New	Replace	Move	Modify	Recommended Action
Policy-3.1.3.4:	<p>The County of Volusia shall reduce hazardous walking conditions consistent with Florida's sSafe wWays tTo sSchool program. In conjunction with the School Board, the County of Volusia shall implement the following strategies:</p> <ol style="list-style-type: none">1. New developments adjacent to schools shall be required to provide a right-of-way and direct safe access path for pedestrian travel to existing and planned schools and shall connect to the neighborhood's pedestrian network.2. New development and redevelopment within two miles of a school shall be required to provide sidewalks within or adjacent to the property for the corridor that directly serves the school or qualifies as an acceptable designated walk or bicycle route to the school.3. In order to ensure continuous pedestrian access to public schools, the County of Volusia shall consider infill sidewalk and bicycle projects connecting networks serving schools as part of the annual capital budget process. Priority shall be given to hazardous walking conditions pursuant to Section 1006.23, Florida Statutes.4. The County of Volusia shall coordinate with the Metropolitan <u>Transportation</u> Planning Organization to maximize the funding from the Florida Department of Transportation and other sources that may be devoted to improving pedestrian networks serving schools.							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Capitalized Safe Ways To School. Update organizations name to TPO.

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
Policy 3.1.3.5:	The County of Volusia and School Board shall coordinate with Volusia County Emergency Services on efforts to build new school facilities, and facility rehabilitation and expansion, to be designed to serve as and provide emergency shelters as required by Section 1013.372, Florida Statutes.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
OBJECTIVE 3.1.4: COORDINATE COMPREHENSIVE VE PLAN AMENDMENTS AND DEVELOPMENT ORDERS WITH SCHOOL CAPACITY	Manage the timing of new development to coordinate with adequate school capacity as determined by the Volusia County School District.		X						Removed title per legal.	
POLICIES:										
Policy 3.1.4.1:	The County of Volusia shall take into consideration the School Board comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments and other land use decisions including but not limited to developments of regional impact. School Board review shall follow the policies and procedures set forth in the interlocal agreement.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy 3.1.4.2:	Amendments to the future land use map shall be coordinated with the School Board and the Public School Facilities Planning Maps.							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Revised to be more concise.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
Policy—3.1.4.3:	Where capacity will not be available to serve students from the property seeking a land use change or other land use determination that increases residential density, the County of Volusia shall not approve the proposed land use change until such time as the School Board can find that adequate public schools can be timely planned and constructed to serve the student population or that the applicant has provided adequate mitigation to offset the inadequacies in anticipated school capacity.		X							Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.
GOAL IMPLEMENT PUBLIC SCHOOL CONCURRENCY	3.2: The County of Volusia shall assure the future availability of public school facilities to serve new development consistent with the adopted level of service standards. This goal will be accomplished recognizing the School District's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools and the County of Volusia authority for land use, including the authority to approve or deny comprehensive plan amendments, re-zonings or other development orders that generate students and impact the public school system. The County of Volusia shall operate and maintain in a timely and efficient manner adequate public facilities for both existing and future populations consistent with the available financial resources.	163.3180	X							Removed title per legal.
OBJECTIVE 3.2.1: LEVEL-OF SERVICE STANDARDS	The County of Volusia through coordinated planning with the School District and implementation of its concurrency management system shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level of service standard within the period covered by the five-year schedule of capital improvements. These standards and the concurrency management system shall be consistent with the interlocal agreement		X							Removed title per legal.

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	approved by the School Board and the local governments in Volusia County.									
<u>POLICIES:</u>										
<u>Policy-3.2.1.1:</u>	The level of service standards for schools shall be applied consistently by all the local governments in Volusia County and by the School Board district-wide to all schools of the same type.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
<u>Policy-3.2.1.2:</u>	Consistent with the interlocal agreement, the uniform, district-wide level-of-service standards are set as follows using <u>Florida Inventory of School Houses (FISH)</u> capacity based on the traditional school calendar: <ol style="list-style-type: none"> 1. Elementary Schools: 115% of permanent FISH capacity for the concurrency service area 2. K-8 Schools: 115% of permanent FISH capacity for the concurrency service area. 3. Middle Schools: 115% of permanent FISH capacity for the concurrency service area 4. High Schools: 120% of permanent FISH capacity for the concurrency service area 5. Special Purpose Schools: 100% of permanent FISH capacity 		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Spelled out Florida Inventory of School Houses.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action																										
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification																										
Policy 3.2.1.3:	<p>The following schools shall achieve the adopted level of service no later than the identified date. The level of service presented in the following table is the tiered level of service that shall apply to that school unit the dated noted in the table:</p> <table><thead><tr><th>SCHOOL</th><th>LOS</th><th>DATE</th></tr></thead><tbody><tr><td>Orange City Elementary</td><td>117%</td><td>July 1, 2012</td></tr><tr><td>Horizon Elementary</td><td>158%</td><td>July 1, 2012</td></tr><tr><td>Freedom Elementary</td><td>126%</td><td>July 1, 2012</td></tr><tr><td>Oseola Elementary</td><td>117%</td><td>July 1, 2012</td></tr><tr><td>Ortona Elementary</td><td>150%</td><td>July 1, 2012</td></tr><tr><td>Ormond Beach Elementary</td><td>116%</td><td>July 1, 2012</td></tr><tr><td>Southwestern Middle</td><td>120%</td><td>July 1, 2013</td></tr><tr><td>New Smyrna Beach Middle</td><td>122%</td><td>July 1, 2014</td></tr></tbody></table> <p>Source: Volusia County Interlocal Agreement</p> <p><i>[Note: This policy designates a tiered LOS for those schools that exceed the desired levels at the end of the five-year capital improvements program.]</i></p>	SCHOOL	LOS	DATE	Orange City Elementary	117%	July 1, 2012	Horizon Elementary	158%	July 1, 2012	Freedom Elementary	126%	July 1, 2012	Oseola Elementary	117%	July 1, 2012	Ortona Elementary	150%	July 1, 2012	Ormond Beach Elementary	116%	July 1, 2012	Southwestern Middle	120%	July 1, 2013	New Smyrna Beach Middle	122%	July 1, 2014	X						Policy 3.2.1.3 was removed at the advisement of the School Board. Level of Service has been achieved due to capacity increases.
SCHOOL	LOS	DATE																																	
Orange City Elementary	117%	July 1, 2012																																	
Horizon Elementary	158%	July 1, 2012																																	
Freedom Elementary	126%	July 1, 2012																																	
Oseola Elementary	117%	July 1, 2012																																	
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Southwestern Middle	120%	July 1, 2013																																	
New Smyrna Beach Middle	122%	July 1, 2014																																	
Policy 3.2.1.4:	<p>The following schools shall be considered constrained schools at the designated LOS due to the inability to add capacity at the site and the nature of the communities they serve. Concurrence will be reviewed in the adjacent concurrency service areas and requests to increase residential densities in the constrained concurrency service areas will need to be accompanied by a plan to address school capacity.</p> <table><thead><tr><th>SCHOOL</th><th>LOS</th></tr></thead><tbody><tr><td>Burns-Oak Hill Elementary</td><td>115%</td></tr><tr><td>Coronado Elementary</td><td>115%</td></tr><tr><td>Samsula Elementary</td><td>165%</td></tr></tbody></table>	SCHOOL	LOS	Burns-Oak Hill Elementary	115%	Coronado Elementary	115%	Samsula Elementary	165%	X						Policy 3.2.1.4 was removed at the advisement of the School Board. Burns and Samsula are now a Charter Schools, while Coronado is no longer constrained due to adjacent schools having capacity.																			
SCHOOL	LOS																																		
Burns-Oak Hill Elementary	115%																																		
Coronado Elementary	115%																																		
Samsula Elementary	165%																																		

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	_____Source: Volusia County Interlocal Agreement									
Policy 3.2.1.5 3:	The County of Volusia and School Board recognize and agree that short-term changes in enrollment unrelated to new development approvals can and do occur, and that students enrolling in their assigned school will be accepted consistent with the School District's constitutional obligations regardless of the utilization levels at the assigned school.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Renumbered	
Policy 3.2.1.6 4:	If there is a consensus to amend any level of service, the amendment shall be accomplished by execution of an amendment to the interlocal agreement by all parties and the adoption of amendments to each local government's comprehensive plan. The amended level of service shall not be effective until all plan amendments are effective and the amended interlocal agreement is fully executed. No level of service standard shall be amended without showing that the amended level of service standard is financially feasible and can be achieved and maintained within the five years of the capital facilities plan.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Renumbered	
OBJECTIVE 3.2.2: SCHOOL CONCURRENCY SERVICE AREAS	The County of Volusia shall establish School Concurrency Service Areas as the area within which an evaluation is made of whether adequate school capacity is available based on the adopted level of service standard. Maps of the School Concurrency Service Areas are adopted in the Volusia County Interlocal Agreement for Public School Facilities Planning.		X						Removed title per legal.	
<u>POLICIES:</u>										

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
Policy-3.2.2.1:	The concurrency service area for elementary schools shall be the elementary school attendance boundary as represented on the map series "Public School Facilities Element Elementary School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. <u>(See Figure 3-2 in the Appendix)</u>							X		Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Added reference to map in the Appendix.
Policy-3.2.2.2:	The concurrency service area for middle schools shall be the middle school attendance boundary as represented on the map series "Public School Facilities Element Middle School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. <u>(See Figure 3-3 in the Appendix)</u>							X		Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Added reference to map in the Appendix.
Policy-3.2.2.3:	The concurrency service area for high schools shall be as represented on the map series "Public School Facilities Element High School Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. <u>(See Figure 3-4 in the Appendix)</u>							X		Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Added reference to map in the Appendix.
Policy-3.2.2.4:	The concurrency service area for K-8 schools shall be the attendance boundary as represented on the map series "Public School Facilities Element K-8 Concurrency Service Areas" adopted as part of the Volusia County Comprehensive Plan and which is incorporated herein by reference. <i><u>(Note: No K-8 schools have been established at this time.)</u></i>							X		Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Delete Note.

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
Policy-3.2.2.5:	The concurrency service area for special use use <u>purpose</u> schools shall be district wide.							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Modified to match term used in state statute and policy 3.2.1.2..	
Policy-3.2.2.6:	The concurrency service area maps designate three areas where school capacity is not anticipated for the planning period, except schools as specifically authorized pursuant to policy 3.2.2.8 and approved in a Master DRI.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy 3.2.2.7:	Within the central concurrency service areas all current and future students shall be assigned to schools designated for them as part of the School District's normal school assignment procedures. Requests for development orders for new developments consistent with the future land use designations and existing residential zoning densities shall be evaluated for concurrency based on the adjacent concurrency service areas, subject to the limitations in Policy 3.2.3.7 <u>6</u> . The school district shall maintain a listing of assigned and adjacent concurrency service areas for each central school concurrency service area.							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Policy 3.2.3.7 has been renumbered to 3.2.3.6.	
Policy-3.2.2.8:	Requests to develop properties within the central school concurrency service areas at residential densities and intensities greater than the current land use or zoning designations shall be done via a comprehensive plan amendment consistent with the Volusia County Charter provision 206 regarding school planning. The comprehensive plan amendment shall demonstrate how school capacity will be met consistent with the terms of the First Amendment to the Interlocal Agreement for Public School Facility Planning effective July 2007 and Section 206 of the Volusia County Charter. If the project area is to be annexed by a municipality, the comprehensive plan amendment shall		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	include an amendment of the central concurrency service area boundary by Volusia County to exclude the subject parcel.									
Policy 3.2.2.9:	<p>Amendments to the School Concurrency Service Areas shall be completed according to the procedures specified in the Volusia County Interlocal Agreement for School Facilities Planning. Amendments to concurrency service areas shall consider the following criteria: <u>utilizing the maximum school capacity</u></p> <p>1. Adopted level of service standards shall not exceed the level of service standard within the initial five-year planning period</p> <p>2. The utilization of school capacity is maximized to the greatest extent possible taking into account <u>level of service</u>, transportation costs, court approved desegregation plans, proximity to schools, ethnic and socio-economic diversity, subdivisions and neighborhoods, demographic changes, future land development patterns, crossing guard availability and other relevant factors.</p>						X		Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Per the School Board. Criteria 1 no longer applies and therefore was removed. Level of service was added per School Board. The former criteria 2 was condensed.	
OBJECTIVE 3.2.3: PROCESS FOR SCHOOL CONCURRENCY IMPLEMENTATION	In coordination with the School Board the County of Volusia will establish a process for implementation of school concurrency which includes applicability and capacity determination, availability standards and school capacity methods. The County of Volusia shall manage the timing of residential subdivision approvals and site plans to ensure adequate school capacity is available consistent with the adopted level of service standards for public schools.		X						Removed title per legal.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification
<u>POLICIES:</u>									
Policy 3.2.3.1:	School concurrency applies to residential development not otherwise exempt as specified by Policy 3.2.3.3.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.
Policy —3.2.3.2:	Development orders may be issued for residential development where: 1. Adequate school capacity, as determined by the School Board, exists or will be under construction for each level of school in the affected concurrency service area within three years after the issuance of the development order allowing the residential development. 2. Adequate school facilities, as determined by the School Board, are available within an adjacent concurrency service area subject to the limitations of Policy 3.2.3.76. Where capacity from an adjacent concurrency service area or areas is utilized, the impacts of development shall be shifted to that area. If capacity exists in more than one concurrency service area or school within a concurrency service area, the School District shall determine where the impacts of development shall be allocated based on the School District policies for student assignment. 3. The developer executes a legally binding commitment with the School Board and County of Volusia to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property as provided by Objective 3.2.4 and its supporting policies.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Referenced policy 3.2.3.7 has been changed to 3.2.3.6.

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
Policy-3.2.3.3:	<p>The following residential development shall be considered exempt from the school concurrency requirements:</p> <ol style="list-style-type: none"> 1. Single family lots of record existing as such at the time School Concurrency implementing ordinance is adopted which otherwise would be entitled to build, shall be exempt from School Concurrency requirements. 2. Any residential development or any other development with a residential component that received approval of a Final Development Order or functional equivalent or is otherwise vested prior to the implementation date of school concurrency is considered vested for that component which was previously approved for construction and shall not be considered as proposed new residential development for purposes of school concurrency. 3. Amendments to residential development approvals which do not increase the number of students generated by the development based on the student generation rates for each school type as determined by the School District. 4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy by a resident under the age of fifty-five. Such deed restrictions must be recorded and be irrevocable for a period of at least thirty years. 							X	Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Added an exception for residential subdivisions less than ten units per the 2007 interlocal agreement.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	<p>5. Group quarters that do not generate students including residential facilities such as jails, prisons, hospitals, bed and breakfast, hotels and motels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.</p> <p>6. <u>The creation of subdivisions and/or single-family lots equal to or less than ten (10) residential units.</u></p>									
Policy 3.2.3.4:	The creation of subdivisions and/or single family lots equal to or less than ten units shall be subject to school concurrency as part of an annual concurrency management review. The County of Volusia shall report such projects to the School Board as part of the annual planning coordination process established by the interlocal agreement and these units shall be included by the School Board in planning student allocations by school.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy 3.2.3.5:	By February 1, 2008 the County of Volusia shall adopt a school concurrency ordinance which establishes the application procedures and process for evaluating school capacity and making concurrency determinations consistent with the provisions of the interlocal agreement.			X					Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Policy 3.2.3.5 was deleted. The ordinance has been adopted.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
<u>Policy-3.2.3.6.5:</u>	The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate capacity to accommodate proposed development for each type of school within the affected concurrency service area consistent with the adopted level of service. The School Board may issue a certificate of school concurrency if sufficient capacity exists for the proposed development or the School Board may set forth conditions required to satisfy the requirements of school concurrency including proportionate share mitigation.		X							Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Renumbered
<u>Policy-3.2.3.7.6:</u>	<p>If the adopted level of service standard cannot be met within a particular concurrency service area as applied to an application for development order and if the needed capacity is available in one or more contiguous service areas, then this capacity shall be applied to the concurrency evaluation of the application for development approval subject to the following limitations:</p> <ol style="list-style-type: none"> 1. Areas established for diversity at schools shall not be considered contiguous. 2. Concurrency service areas generating excessive transportation costs shall not be considered contiguous. Excessive transportation costs are defined as transporting students beyond the a transport time of fifty minutes one way as determined by School District transportation routing staff. 3. Concurrency service areas shall not be considered contiguous when the concurrency service areas are separated by a natural or man-made barrier such as a river, water body, or 		X							Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Renumbered. Notes were deleted. Maps have been updated.

Goals, Objectives, Policies		Florida Statute Citation	Recommended Action					
			Keep	Delete	New	Replace	Move	Modify
	<p>interstate highway that requires indirect transport of students through a third concurrency service area. (Refer to graphic examples.)</p> <p>4. When capacity in an adjacent concurrency service area is allocated to a development application, assignment of the students to the school with available capacity may be accomplished by applying any of the techniques used to establish school attendance zones including modification of existing attendance zone boundaries or creation of island zones.</p> <p>5. Student transportation not in conformance with the conditions established in items 1 through 4 above shall be permitted to allow student assignments based on specific educational programming options; to comply with State and Federal mandatory transfer opportunities; or for other transfer opportunities that School Board shall deem appropriate for the specific circumstances of an individual student.</p> <p><i>{Note: Maps 10A, 10B & 10C are adopted as a graphic illustration of Policy 3.2.3.7.}}</i></p>							
Policy 3.2.3.8 I:	<p>If the adopted level of service cannot be met within a particular concurrency service area the School Board may apply one or more of the following techniques to maximize use of available capacity and provide for adequate numbers of student stations to meet current and future demand:</p> <p>1. Construct new school facilities;</p>		X					Revised to policy titles to be consistent with other Elements of the Comprehensive Plan. Renumbered

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	<p>2. Construct additions to current facilities;</p> <p>3. Adjust program assignments to schools with available capacity;</p> <p>4. Modify attendance boundaries to assign students to schools with available capacity; and</p> <p>5. Eliminate variances to overcrowded facilities that are not otherwise restricted by State or Federal requirements.</p>									
OBJECTIVE 3.2.4: PROPORTIONATE SHARE MITIGATION	The County of Volusia shall provide for mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible work program.		X						Removed title per legal.	
Policy-3.2.4.1:	In the event that sufficient school capacity is not available in the affected concurrency service area, the developer shall have the option to propose proportionate share mitigation to address the impacts of the proposed development.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.2.4.2:	Mitigation shall be directed toward a permanent capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development consistent with the adopted level of service standards.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.2.4.3:	Mitigation shall be directed to projects on the School Board's financially feasible work program that the School Board agrees will satisfy the demand created by the proposed development approval and shall be		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	assured by a legally binding development agreement between the School Board, the County of Volusia, and the applicant which shall be executed prior to the County of Volusia issuance of the subdivision or site plan approval. If the School Board agrees to the mitigation, the School Board shall commit in the agreement to placing the improvement required for mitigation in its work plan.									
Policy-3.2.4.4:	The applicant's total proportionate share obligation shall be based on multiplying the number of needed student stations generated from the proposed project times the School Board's current cost per student station plus land cost for each type of school. The applicant's proportionate share mitigation obligation shall be credited toward any impact fee or exaction fee imposed by local ordinance for the same need on a dollar for dollar basis. (For example, if the proportionate share mitigation provides only for land, the credit is applied only against that portion of the impact fee or other exaction devoted to land costs.)		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.2.4.5:	The student generation rates used to determine the impact of a particular development shall be the student generation rates adopted in the most recent school impact fee study.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.2.4.6:	The cost per student station shall be the most recent actual costs per student station, and capitalization costs if applicable, paid by the School Board for the equivalent school facility.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	

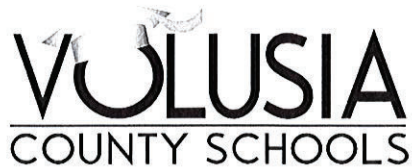
Goals, Objectives, Policies		Florida Statute Citation	Recommended Action						
			Keep	Delete	New	Replace	Move	Modify	
Policy 3.2.4.7:	Mitigation options must consider the School Board's educational delivery methods and requirements and the State Requirements for Educational Facilities and may include, but not be limited to, the following: 1. Donation of buildings for use as a primary or alternative learning facility 2. Renovation of existing buildings for use as learning facilities 3. Funding dedicated to, or construction of permanent student stations or core capacity 4. For schools contained in the School Board's adopted five-year capital facilities work program, upon agreement with the School Board, the applicant may build the school in advance of the time set forth in the five-year work program 5. Dedication of a school site as approved by the School Board 6. Up front lump sum payment of school impact fees 7. Up front payment of interest and other costs of borrowing 8. Payment of off-site infrastructure expenses including but not limited to roads, water, and/or sewer improvements 9. Payment of transportation costs associated with the movement of students as a result of overcapacity school								Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	<p>10. Funding assistance with acquisition of school site</p> <p>11. Phasing of construction or delay of construction in order to timely plan for the availability of school capacity,</p> <p>12. Establishment of an educational facilities benefit district</p> <p>13. Establishment of educational facilities mitigation banks</p>									
OBJECTIVE 3.2.5: CAPITAL FACILITIES PLANNING	The County of Volusia shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for schools.		X						Removed title per legal.	
Policy- 3.2.5.1:÷	In accordance with the adopted interlocal agreement the County of Volusia shall collaborate with the School Board in locating required school sites as identified in the School Board's five, ten and twenty year capital facilities plan.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy- 3.2.5.2:÷	The County of Volusia shall ensure that future development pays a proportionate share of the costs of capital facilities capacity needed to accommodate new development and to assist in maintaining the adopted level of service standards via impact fees and other legally available and appropriate methods.		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	
Policy-3.2.5.3:÷	By December 1 of each year, the County of Volusia shall adopt as part of its Capital Improvement Element the Volusia County School District five year work program approved in September of each year as part of the		X						Revised to policy titles to be consistent with other Elements of the Comprehensive Plan.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify	Explanation/Modification	
	School District budget including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.									
<u>GOAL:</u>										
<u>3.3</u>	<u>Establish and maintain a cooperative relationship between the County of Volusia and School District to provide an effective joint planning process including procedures to coordinate land use planning with the development of school facilities including public school siting, calculate population projections, and provide for the development of public education facilities concurrently with residential development and other public facilities and services.</u>				X				Moved from 14.2	
<u>OBJECTIVE:</u>										
<u>3.3.1</u>	<u>The County of Volusia shall establish coordination mechanisms with the School Board to achieve a collaborative effort to identify school needs provide for schools facilities and implement school concurrency using consistent supporting data and analysis.</u>				X				Moved from 14.2.1	
<u>POLICY:</u>										
<u>3.3.1.1</u>	<u>In cooperation with the School Board, the County of Volusia shall adopt and implement the interlocal agreement as required by Section 1013.33 F.S., which includes procedures for:</u> a. <u>Coordinating and sharing information;</u> b. <u>Educational and ancillary siting procedures;</u> c. <u>Comprehensive plans and plan amendment review.</u>				X				Moved from 14.2.1.1	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
	<p>d. <u>Site design and development plan review;</u></p> <p>e. <u>Joint development of schools, parks and other uses;</u></p> <p>f. <u>School concurrency implementation;</u></p> <p>g. <u>Implementation and amendments; and</u></p> <p>h. <u>Resolution of disputes.</u></p>									
<u>3.3.1.2</u>	<p><u>In accordance with the schedule established in the interlocal agreement, the County of Volusia shall appoint a representative to meet with School Board and other local government representatives to review data and annually approve a projection of the amount, type, and distribution of population growth and student enrollment. Data shall include but not be limited to:</u></p> <p>a. <u>Capital budgets for each jurisdiction;</u></p> <p>b. <u>School Board five-year facilities work program;</u></p> <p>c. <u>School Board educational plant survey (every fifth year);</u></p> <p>d. <u>Volusia County five-year road improvement program;</u></p> <p>e. <u>Anticipated new development, infill development and redevelopment; and</u></p> <p>f. <u>Student enrollment and school utilization including portable classroom assignments.</u></p>			X					Moved from 14.2.1.2	
<u>3.3.1.3</u>	<p><u>The County of Volusia and the School Board shall coordinate the acquisition and development of sites for future educational and ancillary facilities in accordance with the process established in the interlocal agreement.</u></p>			X					Moved from 14.2.1.4	
<u>OBJECTIVE:</u> <u>Monitoring and Evaluation</u>				X					Removed title per legal.	

Goals, Objectives, Policies		Florida Statute Citation							Recommended Action	
			Keep	Delete	New	Replace	Move	Modify		
<u>3.3.2</u>	<u>The County of Volusia shall regularly monitor and evaluate the implementation of the Public School Facilities Element to assure compliance with the provisions of the comprehensive plan and the interlocal agreement, to assure the use of best practices in the joint planning of school facilities, and to provide for the continuing coordination of school planning.</u>				X				Moved from 14.2.2	
<u>POLICY:</u>										
<u>3.3.2.1</u>	<u>For each comprehensive plan amendment reviewed by the Volusia Growth Management Commission (VGMC), the County of Volusia shall identify in the VGMC application support materials how anticipated impacts of the proposed amendment to school facilities are addressed.</u>				X				Moved from 14.2.2.2	
<u>3.3.2.2</u>	<u>The County of Volusia shall appoint a citizen to serve as a member of the oversight committee created by the adopted Interlocal Agreement and shall appoint a staff member to serve on the technical committee created by the adopted Interlocal Agreement.</u>				X				Moved from 14.2.2.3	
MAPS & FIGURES						X			Maps numbered 1-9, 10A and 10B have been updated. Map 10C has been removed at the advisement of the School Board. Updated TOC in maps change numbering to reflect Figure 3-1to 3-10B .	



Dr. Scott Fritz
Superintendent of Schools

School Board of Volusia County
Mrs. Linda Cuthbert, Chairman
Mrs. Jamie M. Haynes, Vice Chairman
Mr. Ruben Colón
Mr. Carl Persis
Mrs. Anita Burnette

February 17, 2021

Darren Ebersole
Planner II
Planning & Development Services
County of Volusia
123 West Indiana Avenue
DeLand, FL 32720

Re: Volusia County Comprehensive Plan Amendment

Dear Mr. Ebersole,

Volusia County Schools District staff has reviewed changes made to the Volusia County Comprehensive Plan, Chapter 3, Public Schools Facilities Element. Based on this review and minor changes made February 17, 2021, staff has no objection to the proposed changes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie Doster", with a stylized flourish at the end.

Stephanie Doster
Coordinator, Planning

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DELAND, FL 32720
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[Title XI p](#)[Chapter 163 p](#)[View Entire p](#)

COUNTY ORGANIZATION AND INTERGOVERNMENTAL p
RELATIONS p

INTERGOVERNMENTAL p
PROGRAMS p

[Chapter p](#)

163.3180 Concurrency.— p

(1) Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject p to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made p subject to concurrency on a statewide basis without approval by the Legislature; however, any local government p may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction. p

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide p the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In p order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is p required. An amendment rescinding optional concurrency issues shall be processed under the expedited state p review process in s. [163.3184\(3\)](#), but the amendment is not subject to state review and is not required to be p transmitted to the reviewing agencies for comments, except that the local government shall transmit the p amendment to any local government or government agency that has filed a request with the governing body and, p for municipal amendments, the amendment shall be transmitted to the county in which the municipality is p located. For informational purposes only, a copy of the adopted amendment shall be provided to the state land p planning agency. A copy of the adopted amendment shall also be provided to the Department of Transportation if p the amendment rescinds transportation concurrency and to the Department of Education if the amendment p rescinds school concurrency. p

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency p requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that p adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement p schedule must be identified pursuant to the requirements of s. [163.3177\(3\)](#). The comprehensive plan must include p principles, guidelines, standards, and strategies for the establishment of a concurrency management system. p

¹(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by p the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building p permit or its functional equivalent, the local government shall consult with the applicable water supplier to p determine whether adequate water supplies to serve the new development will be available no later than the p anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A p local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage p treatment and disposal systems approved by the Department of Health to serve new development. p

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public p facilities needed to serve development may not establish binding level-of-service standards on governmental p entities that do bear those responsibilities. p

(4) The concurrency requirement as implemented in local comprehensive plans applies to state and other p public facilities and development to the same extent that it applies to all other facilities and development, as p provided by law. p

(5)(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.

(b) Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.
2. With special part-time demands on the transportation system.
3. With de minimis impacts.
4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.
2. Adoption of an areawide level of service not dependent on any single road segment function.
3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.
4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.
5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.
6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h)1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must:

a. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

b. Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph, the terms “terminals” and “transit facilities” do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

c. Allow an applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local

comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if: p

(I) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate p share of required improvements in a manner consistent with this subsection. p

(II) The proportionate-share contribution or construction is sufficient to accomplish one or more mobility p improvements that will benefit a regionally significant transportation facility. A local government may accept p contributions from multiple applicants for a planned improvement if it maintains contributions in a separate p account designated for that purpose. p

d. Provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing p the transportation impacts resulting from a proposed development. p

2. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies. p When an applicant contributes or constructs its proportionate share pursuant to this paragraph, a local government p may not require payment or construction of transportation facilities whose costs would be greater than a p development's proportionate share of the improvements necessary to mitigate the development's impacts. p

a. The proportionate-share contribution shall be calculated based upon the number of trips from the proposed p development expected to reach roadways during the peak hour from the stage or phase being approved, divided by p the change in the peak hour maximum service volume of roadways resulting from construction of an improvement p necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of p development payment, of the improvement necessary to maintain or achieve the adopted level of service. p

b. In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, p shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation p deficiency as defined in subparagraph 4. The proportionate-share formula provided in this subparagraph shall be p applied only to those facilities that are determined to be significantly impacted by the project traffic under p review. If any road is determined to be transportation deficient without the project traffic under review, the costs p of correcting that deficiency shall be removed from the project's proportionate-share calculation and the p necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of p the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the p funding responsibility of the entity that has maintenance responsibility for the facility. The development's p proportionate share shall be calculated only for the needed transportation improvements that are greater than the p identified deficiency. p

c. When the provisions of subparagraph 1. and this subparagraph have been satisfied for a particular stage or p phase of development, all transportation impacts from that stage or phase for which mitigation was required and p provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of p development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required p or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an p impact requires mitigation for the subsequent stage or phase. p

d. In projecting the number of trips to be generated by the development under review, any trips assigned to a p toll-financed facility shall be eliminated from the analysis. p

e. The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other p transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall p be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of p the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit. p

3. This subsection does not require a local government to approve a development that, for reasons other than p transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land p development regulations. p

4. As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the p adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional p projected background trips from any source other than the development project under review, and trips that are p forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's p

Bureau of Economic and Business Research medium population projections. Additional projected background trips p are to be coincident with the particular stage or phase of development under review. p

(i) If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative p mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any p alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan p approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals p provided that the developer agrees to pay for the development's identified transportation impacts via the funding p mechanism implemented by the local government. The revenue from the funding mechanism used in the p alternative system must be used to implement the needs of the local government's plan which serves as the basis p for the fee imposed. A mobility fee-based funding system must comply with s. 163.31801 governing impact fees. An p alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new p development any responsibility for funding an existing transportation deficiency as defined in paragraph (h). p

(6)(a) Local governments that apply concurrency to public education facilities shall include principles, p guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and p interlocal agreements. The choice of one or more municipalities to not adopt school concurrency and enter into p the interlocal agreement does not preclude implementation of school concurrency within other jurisdictions of the p school district if the county and one or more municipalities have adopted school concurrency into their p comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide p population. All local government provisions included in comprehensive plans regarding school concurrency within a p county must be consistent with each other and the requirements of this part. p

(b) Local governments and school boards imposing school concurrency shall exercise authority in conjunction p with each other to establish jointly adequate level-of-service standards necessary to implement the adopted local p government comprehensive plan, based on data and analysis. p

(c) Public school level-of-service standards shall be included and adopted into the capital improvements p element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of p schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet p schools. p

(d) Local governments and school boards may utilize tiered level-of-service standards to allow time to achieve p an adequate and desirable level of service as circumstances warrant. p

(e) A school district that includes relocatable facilities in its inventory of student stations shall include the p capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., provided the relocatable facilities were p purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20. p

(f)1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid p disruption of existing educational and growth management processes, local governments are encouraged, if they p elect to adopt school concurrency, to apply school concurrency to development on a districtwide basis so that a p concurrency determination for a specific development will be based upon the availability of school capacity p districtwide. p

2. If a local government elects to apply school concurrency on a less than districtwide basis, by using school p attendance zones or concurrency service areas: p

a. Local governments and school boards shall have the burden to demonstrate that the utilization of school p capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into p account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order p to achieve concurrency within the service area boundaries selected by local governments and school boards, the p service area boundaries, together with the standards for establishing those boundaries, shall be identified and p included as supporting data and analysis for the comprehensive plan. p

b. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than p districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met p in a particular service area as applied to an application for a development permit and if the needed capacity for p the particular service area is available in one or more contiguous service areas, as adopted by the local p

government, then the local government may not deny an application for site plan or final subdivision approval or p the functional equivalent for a development or phase of a development on the basis of school concurrency, and if p issued, development impacts shall be subtracted from the contiguous service area's capacity totals. Students from p the development may not be required to go to the adjacent service area unless the school board rezones the area p in which the development occurs. p

(g) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain p the adopted level-of-service standard. A comprehensive plan that imposes school concurrency shall contain p appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the p requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet p adopted levels of service during a 5-year period consistent with the school board's educational facilities plan. p

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed p with development of a specific parcel of land notwithstanding a failure of the development to satisfy school p concurrency, if all the following factors are shown to exist: p

a. The proposed development would be consistent with the future land use designation for the specific p property and with pertinent portions of the adopted local plan, as determined by the local government. p

b. The local government's capital improvements element and the school board's educational facilities plan p provide for school facilities adequate to serve the proposed development, and the local government or school p board has not implemented that element or the project includes a plan that demonstrates that the capital p facilities needed as a result of the project can be reasonably provided. p

c. The local government and school board have provided a means by which the landowner will be assessed a p proportionate share of the cost of providing the school facilities necessary to serve the proposed development. p

2. If a local government applies school concurrency, it may not deny an application for site plan, final p subdivision approval, or the functional equivalent for a development or phase of a development authorizing p residential development for failure to achieve and maintain the level-of-service standard for public school capacity p in a local school concurrency management system where adequate school facilities will be in place or under actual p construction within 3 years after the issuance of final subdivision or site plan approval, or the functional p equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide p mitigation proportionate to the demand for public school facilities to be created by actual development of the p property, including, but not limited to, the options described in sub-subparagraph a. Options for proportionate- p share mitigation of impacts on public school facilities must be established in the comprehensive plan and the p interlocal agreement pursuant to s. 163.3177. p

a. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for p land acquisition or construction of a public school facility; the construction of a charter school that complies with p the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public p school facility in exchange for the right to sell capacity credits. Such options must include execution by the p applicant and the local government of a development agreement that constitutes a legally binding commitment to p pay proportionate-share mitigation for the additional residential units approved by the local government in a p development order and actually developed on the property, taking into account residential density allowed on the p property prior to the plan amendment that increased the overall residential density. The district school board must p be a party to such an agreement. As a condition of its entry into such a development agreement, the local p government may require the landowner to agree to continuing renewal of the agreement upon its expiration. p

b. If the interlocal agreement and the local government comprehensive plan authorize a contribution of land; p the construction, expansion, or payment for land acquisition; the construction or expansion of a public school p facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. p 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, p construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for p public educational facilities, on a dollar-for-dollar basis at fair market value. The credit must be based on the total p impact fee assessed and not on the impact fee for any particular type of school. p

c. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in the 5-year school board educational facilities plan that satisfies the demands created by the development in accordance with a binding developer's agreement. p

3. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part. p

(i) When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall meet the following requirements: p

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's school concurrency related provisions of the comprehensive plan with each other and the plans of the school board to ensure a uniform districtwide school concurrency system. p

2. Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards. p

3. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. p

4. Establish a uniform districtwide procedure for implementing school concurrency which provides for: p

a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity; p

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and p

c. The monitoring and evaluation of the school concurrency system.

5. A process and uniform methodology for determining proportionate-share mitigation pursuant to paragraph (h). p

(j) This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency. p

History.—s. 8, ch. 93-206; s. 12, ch. 95-341; s. 3, ch. 96-416; s. 1, ch. 97-253; s. 5, ch. 98-176; s. 4, ch. 99-378; s. 2, ch. 2002-13; s. 6, ch. 2002-296; s. 5, ch. 2005-290; s. 11, ch. 2005-291; s. 18, ch. 2006-1; s. 3, ch. 2006-220; s. 3, ch. 2006-252; s. 11, ch. 2007-196; s. 2, ch. 2007-198; s. 3, ch. 2007-204; s. 5, ch. 2009-85; s. 4, ch. 2009-96; s. 17, ch. 2010-5; s. 1, ch. 2010-33; s. 4, ch. 2011-14; s. 15, ch. 2011-139; s. 7, ch. 2012-99; s. 1, ch. 2013-78; s. 4, ch. 2019-165; s. 28, ch. 2020-150. p

Note.—Section 28, ch. 2020-150, amended subsection (2), effective July 1, 2021, to read: p

(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Environmental Protection to serve new development. p