EVALUATION AND APPRAISAL REPORT
OF THE
CITY OF FELLSMERE COMPREHENSIVE PLAN
APPENDIX D – PUBLIC SCHOOLS FACILITY ELEMENT

OBJECTIVE PSFE 1: ADEQUATE SCHOOL FACILITIES
The City of Fellsmere will work with the IRC School District toward eliminating existing deficiencies and meeting future needs within the Indian River County Public School System.

Policies	Current 2009 Conditions	Comments
Policy PSFE 1.1: The level of service Standard for each year of the five year planning period and through the long term planning period for each School Service Area will be 100% of the FISH Capacity.	Fellsmere Elementary School is currently operating at 108% capacity. The City is coordinating with the school district to develop a capital project to resolve this deficiency.	None.
Policy PSFE 1.2: The City and School District shall work cooperatively on school attendance boundaries, known as the School Service Areas (SSA), and use them as the public school concurrency service areas.	The City follows the process in the ILA to participate and provide input on the SSA.	None.
Policy PSFE 1.3. The City shall follow the County and IRC School District procedures for modifying the SSA's and show that any proposed change to the SABs shall require a demonstration by the School District that the change complies with the public school LOS standard, transportation costs, court approved desegregation plans, and other factors have been taken into account to ensure the maximum utilization of school capacity to the greatest extent possible.	The City does not have regulatory authority to modify the SSA or SABs.	None.
Policy PSFE 1.4 The City shall use the accepted school population generation rates as used for the adopted ILA.	The City uses the ILA generation rates in all school-related planning tasks.	None.

OBJECTIVE PSFE 2: SCHOOL CONCURRENCY REVIEW
The City, County and School District shall work cooperatively on assuring that adequate capacity exists within the school system to accommodate projected development at the adopted level of service within each 5 year planning period.

Policies	Current 2009 Conditions	Comments
Policy PSFE 2.1: The City shall not approve any non-exempt residential development application for comprehensive plan amendments, rezoning, conceptual plans, preliminary plats, site plans or their functional equivalents until the school district has issued a School Capacity Availability Determination Letter (SCADL) verifying available capacity.	The City has maintained consistency with this policy as part of their local approval processes.	None.

<table>
<tr><th>Policies</th><th>Current 2009 Conditions</th><th>Comments</th></tr>
<tr><td>Policy PSFE 2.2: The City shall exempt those residential uses as follows:
The City shall consider the following residential uses exempt from the requirements of school concurrency:
a. Lots and parcels of record, legally created prior to July 1, 2008.
b. Any new multi-family residential development that has received site plan approval or the its functional equivalent prior to July 1, 2008, where that approval is valid and has not expired.
c. Any amendment to any previously approved residential development that does not increase the number of dwelling units or change the type of dwelling units (single-family to multi-family, etc.) or otherwise does not increase the estimated number of students generated by the development.
d. Age restricted communities with no permanent residents under the age of 18. Exemption of an age restricted community will be subject to a restrictive covenant limiting the age of permanent residents to 18 years and older.</td><td>City approvals since July 1, 2008 have been consistent with this policy.</td><td>None.</td></tr>
<tr><td>Policy PSFE 2.3. Except for the exclusions allowed under Policy 2.2, no development order shall be approved unless the appropriate SCADL verifying adequate capacity has been issued. The following table identifies the type of concurrency certificate required for each development order type.
• A Conditional SCADL is a determination that adequate school capacity is available at the time of evaluation but does not vest school capacity. If applicable, a Conditional SCADL may list feasible mitigation options that would be required of the developer to provide sufficient school capacity to vest the project.
• A Final SCADL vests school capacity. A Final SCADL shall not be required in conjunction with a building permit if the residential unit is already vested through a previously issued Final SCADL.
<table>
<tr><th></th><th>Development Order</th><th>SCADL Required</th><th>Vesting Allowed</th><th>Vesting Required</th></tr>
<tr><td>1</td><td>Comprehensive Plan Land Use Amendments and Rezonings</td><td>Conditional</td><td>No</td><td>No</td></tr>
<tr><td>2</td><td>Conceptual Development Plans</td><td>Conditional</td><td>No[1]</td><td>No</td></tr>
<tr><td>3</td><td>Preliminary Plats</td><td>Conditional</td><td>No[1]</td><td>No</td></tr>
<tr><td>4</td><td>Final Site Plans and Land Development Permits for Roads, Drainage and Utilities</td><td>Conditional or Final</td><td>Yes</td><td>No</td></tr>
<tr><td>5</td><td>Building Permits</td><td>Final</td><td>Yes</td><td>Yes</td></tr>
</table>
[1] Vesting is allowed for projects with a proportionate share agreement or an approved developer's agreement for a major roadway improvement.</td><td>The City has maintained consistency with this policy as part of their local approval processes.</td><td>None.</td></tr>
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Policies	Current 2009 Conditions	Comments
Policy PSFE 2.4: The City, through its land development codes, shall establish a school concurrency review process for all non-exempt residential projects. The minimum process requirements are described below: a. A School Impact Analysis is submitted to the City in conjunction with any residential development application. (such as a land use map amendment, rezoning, site plan or preliminary plat). The School Impact Analysis indicates the location of the development, number of final dwelling units and unit types (single-family, multi-family, apartments, etc.), and age restrictions for occupancy, if any. b. The City determines if the application is sufficient for processing and, when sufficient, transmits the application to the School District for review. c. The School District reviews the application for available capacity and issues either a conditional SCADL or a Final SCADL as allowed in Policy 2.3: 1. If capacity is available within the affected SSA, the School District issues a SCADL verifying available capacity. Issuance of a Conditional SCADL identifying that adequate capacity exists at the time of capacity evaluation does not guarantee that school facilities will be available at the time of any subsequent concurrency review. 2. If capacity is not available within the affected SSA, contiguous SSAs are reviewed for available capacity. 3. If capacity is available in the contiguous SSABs, the School District issues a SCADL verifying available capacity, noting the SSA with capacity. 4. If capacity is not available in the contiguous SSAs, then the School District issues a SCADL indicating that the development is not in compliance with the adopted LOS and offers the developer a 90-day negotiation period for identification of mitigation options acceptable to the School District.	The City has informally implemented the school concurrency review process in obtaining a SCADL to ensure school concurrency.	LDC amendments may be appropriate to formalize the process.

Policies	Current 2009 Conditions	Comments
Policy PSFE 2.4: - continued d. The City and the School District shall review mitigation options during the 90-day negotiation period. 1. Mitigation options may include, but are not limited to: i. Contribution of land in conjunction with the provision of additional school capacity; or ii. Provision of additional Permanent Student Stations through the donation of buildings for use as a primary or alternative learning facility; or iii. Provision of additional Permanent Student Stations through the renovation of existing buildings for use as learning facilities; or iv. Construction of Permanent Student Stations or Core Capacity; or v. Construction of a school in advance of the time set forth in the School District Five-Year Facilities Work Program: or vi. Construction of a charter school designed in accordance with School District standards, providing permanent School Capacity to the District's inventory of student stations. Use of a charter school for mitigation must include provisions for its continued existence, including but not limited to the transfer of ownership of the charter school property and/or operation of the school to the School Board if requested and approved by the School Board. 2. For a Conditional SCADL, the School District shall identify the mitigation options that may be acceptable to it. The School District shall not enter into an enforceable and binding agreement with a developer as part of a Conditional SCADL. Such an agreement may be entered into only in conjunction with a Final SCADL. 3. If all mitigation options are denied at the Conditional SCADL stage or if mitigation is denied at the Final SCADL stage, the County must deny the development application based upon no available school capacity. e. The City shall not issue a building permit for a non-exempt residential unit unless the unit is vested for school concurrency purposes, and the City shall not vest approval of any Proposed Residential Development for such purposes until (i) confirmation is received from the School District that there is sufficient Available School Capacity to accommodate the development and (ii) impact fees have been paid. f.	The City has informally implemented the school concurrency review process in obtaining a SCADL to ensure school concurrency.	LDC amendments may be appropriate to formalize the process.

Policies	Current 2009 Conditions	Comments
Policy PSFE 2.4: - continued g. The City shall be responsible for notifying the School District when a Proposed Residential Development has paid its impact fees and when the Development Order for the Proposed Residential Development expires. h. The School District shall update its School Concurrency Database to reflect the number of students that will be generated from the newly vested residential unit, decreasing the number of available student stations for each school type within the designated school service areas.	The City has informally implemented the school concurrency review process in obtaining a SCADL to ensure school concurrency.	LDC amendments may be appropriate to formalize the process.
Policy PSFE 2.5. The Three Year Rule: If new School Capacity within a School Service Area will be in place or under actual construction in the first three years of the School District's Five-Year Facilities Work Program, the new School Capacity will be added to the Student Capacity shown for the School Service Area, and the Utilization rate will be adjusted accordingly.	This option will be included in the LDC required by Policy PSFE 2.4.	None.
Policy PSFE 2.6 If and to the extent required by Florida Law, a Development Permit shall not be denied because of inadequate Available School Capacity, if such capacity is available or may be achieved pursuant to the provisions of Florida law or if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created pursuant to the provisions of Florida law. Where a Development Order requested is identified as requiring a conditional SCADL as set forth in the table shown above, the conditions in Policy 2.4 shall apply.	The City has not had a need to implement this policy to date.	None.
Policy PSFE 2.7: The City shall work with the school district on proportionate share mitigation projects to add school capacity necessary to satisfy the impacts of a proposed residential development.	The City has not had a need to implement this policy to date.	None.
Policy PSFE 2.8: The City shall, upon acceptance of a mitigation option as identified in Policy 2.4, enter into an enforceable binding agreement with the School District and the developer or project land owner.	The City has not had a need to implement this policy to date.	None.
Policy PSFE 2.9: The City shall notify the school district when payment is received for school impact fees and vesting school concurrency for any residential development.	This policy is implemented by the City through the County (the administrator of the impact fee program)	Revise policy to accurately reflect the method in which impact fees are collected.
Policy PSFE 2.10: The City shall notify the School District within 10 working days upon issuing a building permit or certificate of occupancy.	This policy is being implemented on a monthly basis instead	Revise policy to require monthly reporting.

OBJECTIVE PSFE 3: COORDINATION
After 2008 all new public schools built within the City will be consistent with the future land use map, will be co-located with other appropriate public facilities, and will have needed supporting infrastructure, and when possible will serve as community focal point

Policies	Current 2009 Conditions	Comments
Policy PSFE 3.1: The City shall allow schools within all residential land use categories in order to assure location near neighborhoods.	This policy has been implemented through the LDC.	None.
Policy PSFE 3.2: The City, County and school district shall seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as schools can be a community focal point.	This policy has not been implemented by the City; however, no new schools are programmed at this time.	None.
Policy PSFE 3.3: The City shall adopt the ILA and incorporate school concurrency provisions into its Land Development Codes as proscribed by law.	This policy has been completed.	Revise to require the maintenance of the ILA and school concurrency provisions in the Comp Plan and LDC.
Policy PSFE 3.4. The City, County, School District and other municipalities, shall identify issues relating to public school emergency preparedness, such as: a. Determination of evacuation zones, evacuation routes and shelter locations b. Design and use of public schools as emergency shelters c. Designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.	This policy is implemented on an ongoing, as needed basis by the City, County, and School District.	None.
Policy PSFE 3.5: The City and School District shall advise each other within 10 days of making changes to long range planning maps and future land use maps or through the School Working Group meetings.	This policy has been implemented as changes are proposed and ultimately made by the governing bodies.	None.
Policy PSFE 3.6: The City, in conjunction with the School District, shall jointly determine the need, timing and parties responsible for on-site or off-site improvements necessary to support a new school, including sidewalks and bus stops.	Through the intergovernmental requirements of the Comprehensive Plan and ILA, this policy can be adequately implemented as needed.	None.
Policy 3.7: The City shall advise the School District whether or not proposed changes to the School District's Long Range Public School Facilities Map are consistent with the City's Comprehensive Plan and Future Land Use Map. Any changes to the School District's Long Range Public School Facilities Map will be consistent with the City's Comprehensive Plan.	There are currently no inconsistencies between the School District's Long Range Public School Facilities Map and the City's Comprehensive Plan and Future Land Use Map.	Revise policy as the City has no regulatory authority over the School District's Long Range Public School Facilities Map.

OBJECTIVE PSFE 4: Five-Year Schedule of Capital Improvements
The 5 year schedule of capital improvements will include those projects necessary to address existing deficiencies and future needs.

Policies	Current 2009 Conditions	Comments
Policy PSFE 4.1: The City shall, no later than December 1 of each year, incorporate into the Capital Improvement element the summary of capital improvements program and the summary of estimated revenue tables from the School District and shall annually review and update, based upon school enrollment projections, the Public School Facilities Element.	This policy has been implemented for 2009.	None.