

PUBLIC SCHOOL FACILITIES ELEMENT
GOALS, OBJECTIVES, AND POLICIES

PUBLIC SCHOOL FACILITIES ELEMENT GOAL:

The City of Cape Coral shall have a public school system; including the City of Cape Coral Charter School System; that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

OBJECTIVE 1: ADEQUATE SCHOOL FACILITIES:

Policy 1.1: The City of Cape Coral hereby adopts the following Level of Service (LOS) standards for non-charter public schools based upon Permanent Florida Inventory of School Houses (FISH) capacity.

- a. Lee County School District Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board of Lee County annually to account for measurable programmatic changes.
- b. Lee County School District Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board of Lee County annually to account for measurable programmatic changes.
- c. Lee County School District High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board of Lee County annually to account for measurable programmatic changes.
- d. Lee County School District Special Purpose Schools: 100% of Permanent FISH Capacity as adjusted by the School Board of Lee County annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts thereof, including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms (also known as 'portable' classrooms) shall be utilized to maintain the LOS for a specific school facility on a temporary Basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the Permanent FISH Capacity for the respective school and shall be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs, as required by law, and to provide temporary classrooms while a portion of an existing school is under renovation.

Policy 1.2: Any modification of level of service (LOS) standards shall be accomplished by amendment to the Interlocal Agreement between the City of Cape Coral and the Lee County School District, adopted in conjunction with the adoption of amendments to the City of Cape Coral Comprehensive Plan. No LOS standard shall be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the City of Cape Coral's Five Year Capital Improvements Program.

Policy 1.3: The City of Cape Coral hereby adopts the Lee County School District's current School Choice Zone boundaries as depicted in Figure 2, as the Lee County School District Concurrency Service Areas (CSAs) for the City of Cape Coral Public School Facilities Element. The CSAs exclude multizone magnet schools and special centers.

Policy 1.4: The City of Cape Coral hereby adopts the established City boundaries of the City of Cape Coral as the Cape Charter School System's Service Area (Cape Coral Service Area, or CCSA) or Area of Influence for City-operated Charter Schools, relative to the City of Cape Coral Public School Facilities Element.

Policy 1.5: The City of Cape Coral and the Lee County School District shall utilize the following procedures for modifying CSAs:

- a. The Lee County School District will transmit a proposed CSA modification, with accompanying data and analysis, to the City of Cape Coral. Any proposed modification to the CSAs shall require a demonstration to the City of Cape Coral by the Lee County School District that the proposed modification complies with the LOS standard and that utilization of school capacity is maximized to the greatest extent possible by the proposed modification.
- b. The City of Cape Coral will review the proposed modification and will submit comments to the Lee County School District within 45 days of receipt of the proposed modification.
- c. The modification of the CSAs shall be effective upon adoption by both the School Board of Lee County and the Cape Coral City Council.

Policy 1.6: The City of Cape Coral shall utilize the following procedures for modifying the boundary of the CCSA:

- a. The Governing Board of the Cape Charter School System shall hold a duly advertised public hearing to consider any modifications to the boundary of the CCSA, including (but not limited to) the creation of one or more additional CCSAs, created through the splitting of the current CCSA.
- b. The Governing Board shall transmit its recommendation concerning the proposed modification to the Cape Coral City Council for inclusion on the Consent Agenda portion of a regular City Council meeting. The Council shall accept public comment upon the proposed modification, if any, as part of its normal Consent Agenda public hearing process.
- c. Upon receiving public input, if any, regarding the proposed CCSA boundary modification, the City Council shall vote on the proposed modification as part of the Consent Agenda. The modification to the CCSA shall be effective upon adoption by the Cape Coral City Council.

OBJECTIVE 2: SCHOOL CONCURRENCY REVIEW:

There will continue to be adequate school facility capacity for the citizens of the City of Cape Coral within the Lee County School District to accommodate projected development at the adopted level of service.

Policy 2.1: The City of Cape Coral shall not issue any non-exempt residential development permit for comprehensive plan amendments, rezonings, conceptual plans, preliminary plats, site plans, or their functional equivalents until the available capacity has been verified.

Policy 2.2: The City of Cape Coral shall consider the following residential uses to be exempt from the requirements of school concurrency:

- a. Single family lots having received final approval prior to the effective date of School Concurrency.
- b. Multi-family and duplex residential development having received final approval prior to the effective date of School Concurrency.
- c. Amendments to residential development approvals issued prior to the effective date of the applicable School Concurrency Ordinance, which do not increase the number of residential units or change the type of residential units proposed.
- d. Non-residential uses.
- e. The School Concurrency Ordinance shall be adopted by December 31, 2009, one year after the deadline for the adoption of this Public School Facilities Element. This Ordinance shall include the means by which the

city will evaluate new residential developments in reference to school concurrency within the Land Use and Development Regulations. Prior to adoption of the School Concurrency Ordinance, the concurrency and coordination provisions contained in this Public School Facilities Element and in the Interlocal Agreement for School Concurrency shall govern City review of any proposed development with regard to the impacts of the development on Public School Concurrency.

Policy 2.3: The City of Cape Coral, through its land development regulations, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 2.2. The minimum process requirements are described below:

- a. A residential development application is submitted to the City of Cape Coral.
- b. The City of Cape Coral determines that the application is sufficient for processing and transmits to the Lee County School District for review.
- c. The Lee County School District reviews the application for available capacity:
 - i. If capacity is available within the affected CSA or sufficient capacity is planned to be under construction within the next three years the Lee County School District shall issue a letter verifying available capacity, within 30 days of receipt of the application for review.
 - ii. If capacity is not available within the affected CSA, contiguous CSAs will be reviewed for available capacity.
 - iii. If capacity is available in the contiguous CSAs or sufficient capacity is planned to be under construction within the next three years the Lee County School District shall issue a letter verifying available capacity.
 - iv. If capacity is not available in the contiguous CSAs, the Lee County School District shall issue a letter indicating the proposed development is not in compliance with the adopted LOS and will offer the developer a 90-day negotiation period for mitigation.
- d. The City of Cape Coral and the Lee County School District shall review mitigation options during the 90-day negotiation period. Mitigation options may include, but are not limited to:

- i. The donation of land or payment of funds for land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development; and ii. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board of Lee County at no cost to the Board if the Charter School ceases to operate.
- e. The following standards apply to any mitigation accepted by the School Board of Lee County:
 - i. Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board of Lee County's financially feasible work program, which satisfies the demands created by the proposed development and relocatable classrooms will not be accepted as mitigation.
- f. If mitigation can be agreed upon, the City of Cape Coral and the Lee County School District shall enter into an enforceable binding agreement with the developer.

Policy 2.4: The Lee County School District shall notify the City of Cape Coral within 10 working days of receiving mitigation and vesting school concurrency for any residential development.

Policy 2.5: Monies provided to the Lee County School District for purpose of mitigating the impacts of a proposed residential development, or a mixed-use development containing a residential component, must be utilized by the District within the first three (3) years of the current Five-Year Schedule of Capital Improvements. Such monies shall be used solely within the CSA impacted by the proposed development for the creation of permanent school capacity and shall not be used to construct, place or equip relocatable classroom facilities.

OBJECTIVE 3: COORDINATION:

All new public schools built within the City of Cape Coral, including Charter Schools, will be consistent with the future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

Policy 3.1: The City of Cape Coral and the Lee County School District shall jointly determine the need for and timing of on-site and off-site improvements necessary to support a new school.

Policy 3.2: The City of Cape Coral shall enter into an agreement with the School Board of Lee County identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support a new school.

Policy 3.3: The City of Cape Coral, in conjunction with the Lee County School District, shall seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified.

Policy 3.4: Upon adoption of this Element, the City of Cape Coral shall begin the adoption process for inclusion of school concurrency provisions into the City's Land Development Regulations (LDR).

Policy 3.5: The City of Cape Coral, in conjunction with the Lee County School District, Lee County and the other municipalities within the County, shall identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

Policy 3.6: The School Board of Lee County and the City of Cape Coral shall coordinate through the school siting process identified in the Interlocal Agreement for School Concurrency as well as city platting and site plan processes to implement strategies, consistent with Florida's Safe Ways to School Program, which reduces hazardous conditions and provides direct, unobstructed and safe access for pedestrian travel (including sidewalks, bicycle paths, signage and signalization) to existing and new school facilities.

Policy 3.7: The City of Cape Coral and the Lee County School District currently have not developed a program that utilizes the City-operated Charter School Systems for purposes of mitigating the concurrency impacts of new development, and calculating capacity. However, the City and the School District have agreed to revisit this issue on a periodic basis, and on an annual basis if necessitated by rapid population growth.

Policy 3.8: In reviewing plan amendments, applications for zoning permits and site plans for new public school facilities, the City of Cape Coral shall include a determination as to whether the proposed facilities are compatible with surrounding land uses. In addition, the City of Cape Coral will provide for location of schools proximate to residential areas and to complement patterns of development, encouraging the location of future school sites so they serve as community focal points.

OBJECTIVE 4: Five-Year Schedule of Capital Improvements:

The five-year schedule of capital improvements will include those projects necessary to address future needs.

Policy 4.1: The City of Cape Coral hereby incorporates into the Public School Facilities Element, as well as the Capital Improvements Element and Five (5) Year Schedule of Capital Improvements, Table 16: Capacity Projects Schedule and Table 17: Total Revenue Summary from the Lee County School District's 5-Year District Facilities Work Program, as adopted by the Lee County School Board on September 22, 2009. Further, the Lee County School District's "Educational Plant Survey," adopted on October 24, 2006, is hereby incorporated by reference.

Policy 4.2: The City of Cape Coral, in conjunction with the Lee County School District, shall annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

PLAN IMPLEMENTATION:

The implementation of the Public School Facilities Element will involve numerous activities. The most extensive of these will be the implementation of the provisions contained in the Interlocal Agreement for School Concurrence. The Public School Facilities Element's implementation is contingent upon the implementation of the other elements of the comprehensive plan.

EVALUATION AND MONITORING PROCEDURES:

To be effective, a plan must not only provide a means for implementation: the plan must also provide a mechanism for assessing its effectiveness. Generally, a plan's effectiveness can be judged by the degree to which its objectives have been met. Because objectives are measurable and have specific time frames, the plan's objectives are the benchmarks used to evaluate the plan.

The Planning & Growth Management Division will be responsible for monitoring and evaluating the Public School Facilities Element on a regular basis, through collection of data and compilation of information regarding school capacity and new residential development. Formal evaluation of the Public School Facilities Element will occur every seven years in conjunction with the formal evaluation and appraisal of the entire comprehensive plan. In addition to assessing progress, the evaluation and appraisal process will also be used to determine whether the Public School Facilities objectives should be modified or expanded. In this way, the monitoring and evaluation of the Public School Facilities Element will not only provide a means of determining the degree of success of the plan's implementation; it will also provide a mechanism for evaluating needed changes to the plan element.