

ORDINANCE NO. 12-____

AN ORDINANCE AMENDING ORDINANCE NUMBER 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE PUBLIC SCHOOLS FACILITIES ELEMENT TO PROVIDE FOR 2011 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE GROWTH MANAGEMENT PLAN; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, Collier County has held public hearings to provide for and encourage public participation throughout the 2011-12 plan amendment process; and

WHEREAS, Collier County did submit the 2011-12 Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on May 03, 2012; and

WHEREAS, the Department of Economic Opportunity did review and did not make written objections to the amendments to the Growth Management Plan and transmitted the same in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 60 days from receipt of the Objections, Recommendations and Comments Report from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendments to the Growth Management Plan; and

WHEREAS, the Collier County Planning Commission held a public hearing on the adoption of the amendments to the Growth Management Plan on October 30, 2012; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and did hold public hearings concerning the adoption of the amendments to the Growth Management Plan on December 11, 2012; and

WHEREAS, all applicable substantive and procedural requirements of law have been met; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Words underlined are added; words struck through are additions; words with
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Approved as to form and
legal sufficiency:

*HAC
11/9/12*

Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit "A"

2011 EAR-BASED ADOPTION - PUBLIC SCHOOLS FACILITIES ELEMENT
Rev. 9/24/12

CP\12-CMP-00848\38

Exhibit "A"

As approved by CCPC on 10-30-12
Public School Facilities Element – to BCC for Adoption

EAR-based GMP Amendments

12-11-12

GOAL: [Goal provided for contextual purposes only; no change proposed, page 3]
TO PROVIDE FOR COORDINATED PLANNING BETWEEN THE COUNTY AND THE SCHOOL DISTRICT AND TO ESTABLISH A SCHOOL CONCURRENCY MANAGEMENT SYSTEM TO ENSURE ADEQUATE SCHOOL CAPACITY IS AVAILABLE TO ACCOMMODATE ENROLLMENT DEMAND AS IDENTIFIED IN THE SCHOOL DISTRICT'S FINANCIALLY FEASIBLE FIVE-YEAR CAPITAL IMPROVEMENT PLAN

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OBJECTIVE 2: RESIDENTIAL DEVELOPMENT REVIEW

[Objective provided for contextual purposes only; no change proposed, page 3]
The County, in cooperation with the School District, shall ensure a school concurrency evaluation is performed on all non-exempt residential development to verify that new students can be accommodated within the adopted level of service standard established for each school type as measured within a CSA.

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Policy 2.3:

[Deleted text, pages 5 & 6]

The County, through its land development regulations, and in conjunction with the School District, shall establish a school concurrency review process for all residential development projects that are not exempt under Policy 2.2 of this Element. The following are the minimum review process requirements for all non-exempt residential development:

- A. Submittal of a residential development application including a School Impact Analysis (SIA) to the County for sufficiency review.
- B. Determination of completeness by the County. If deemed complete, the County shall transmit the application, including the SIA, to the School District for review.
- C. Review of the application, by the School District, for available capacity, and issuance of a School Capacity Availability Determination Letter (SCADL) within 20 days after receipt of a complete application from the County.

The School District shall identify the following in the SCADL:

- 1. Available capacity within the affected CSA.
- 2. If capacity is not available within the affected CSA, the available capacity within one or more of the adjacent CSAs. (If the affected CSA does not contain a particular school type (elementary, middle, high), the adjacent CSAs shall be evaluated for available capacity.)
- 3. If capacity is not available in the adjacent CSAs, the School District shall indicate that the development is not in compliance with the adopted LOSS and offer the applicant the opportunity to negotiate a mitigation plan within a 90 day period.

Words underlined are added; words ~~struck through~~ are deleted.

Exhibit "A"

As approved by CCPC on 10-30-12

EAR-based GMP Amendments

Public School Facilities Element – to BCC for Adoption

12-11-12

~~The Interlocal Agreement for Public School Facility Planning and School Concurency and this Public School Facilities Element shall provide the process necessary to determine available school capacity for all residential projects that are not exempt under Policy 2.2 of this Element, until such time as land development regulations (LDRs) are adopted. In the event that one of the documents listed above is not in effect prior to LDR adoption, the other document shall provide the process necessary to determine available school capacity for all non exempt residential projects.~~

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Policy 2.5:

[Deleted text, page 6]

~~Within one (1) year from the effective date of the School Concurency Growth Management Plan amendments, the County shall adopt school concurency provisions into its Land Development Regulations (LDRs) to implement school concurency.~~

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OBJECTIVE 3:

[Objective provided for contextual purposes only; no change proposed, page 7]

The County and the School District will: coordinate the location of public schools with the Future Land Use Map and map series to ensure that existing and proposed school facilities are located consistent with existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses, and serve as community focal points; coordinate the location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers to the extent possible; coordinate existing and planned public school facilities with the plans for supporting infrastructure; establish a monitoring group; and address coordination on emergency preparedness issues.

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Policy 3.6:

[Revised text, page 8]

The County, ~~in conjunction with~~ and the School District, shall collaborate with their jointly appointed Citizen Advisory Group ~~establish a Citizen Advisory Group (CAG)~~ to monitor planning and school concurency ~~in Collier County.~~

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Words underlined are added; words ~~struck through~~ are deleted.