

ORDINANCE NO. 13- 17

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2013 JAN 17 PM 3:01
FILED

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 January 8, 2013; and

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

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

SECTION ONE: ADOPTION OF AMENDMENTS TO THE PUBLIC SCHOOLS FACILITIES ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the amendments to the Public Schools Facilities Element attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

The effective date of these plan amendments, if the amendments are not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, these amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

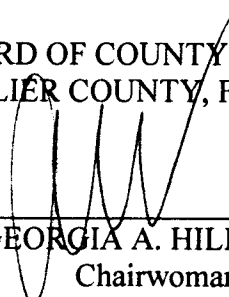
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County this 9th day of January, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

By: 
Deputy Clerk

**Attest as to Chairman's
signature only.**

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: 
GEORGIA A. HILLER, ESQ.
Chairwoman

Approved as to form and legal sufficiency:

Heidi A Cicko ^{HAC}
Heidi Ashton-Cicko _{12/14/12}
Managing Assistant County Attorney

Attachment: Exhibit "A"

2011 EAR-BASED ADOPTION - PUBLIC SCHOOLS FACILITIES ELEMENT
Rev. 12/13/12

CP\12-CMP-00848\99

This ordinance filed with the
Secretary of State's Office the
17th day of JANUARY 2013
and acknowledgement of that
filing received this 25th day
of JANUARY 2013
By: [Signature]
Deputy Clerk

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 Concurrencey 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 Concurrencey Growth Management Plan amendments, the County shall adopt school concurrencey provisions into its Land Development Regulations (LDRs) to implement school concurrencey.~~

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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 concurrencey ~~in Collier County.~~

G:\CDES Planning Services\Comprehensive\2011 EAR-BASED GMP AMENDMENTS\BCC Adoption - EAR-based GMPAs\elements\PSFE_BCC adoptn - MM11-1 PSFE Exhibit A EAR to BCC for Adoption.docx

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

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2013-17

which was adopted by the Board of County Commissioners on the 9th day of January, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 14th day of January, 2013.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Ann Jennejohn,
Deputy Clerk