

**CITY OF MARCO ISLAND
ORDINANCE NO. 08-17**

AN ORDINANCE AMENDING THE MARCO ISLAND COMPREHENSIVE PLAN, ORIGINALLY ADOPTED BY ORDINANCE 01-02, AS AMENDED, TO INCORPORATE AMENDMENTS NECESSARY TO PROVIDE FOR SCHOOL CONCURRENCY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER REQUIRED REVIEW AGENCIES; PROVIDING FOR INCLUSION IN THE MARCO ISLAND COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Legislation enacted by the 2005 Florida Legislature, amending Sections 163.3180 and 163.3177, Florida Statutes, requires the implementation of public school concurrency; and

WHEREAS, the amendments to the Comprehensive Plan were prepared in accordance with Chapter 163.3177 Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

WHEREAS, the Marco Island Planning Board has reviewed the proposed amendments to the Marco Island Comprehensive Plan at a public hearing and has forwarded the proposed amendments to the City Council with a unanimous recommendation for approval; and

WHEREAS, the City Council of the City of Marco Island, Florida held a public hearing on February 4, 2008, prior to transmitting the Comprehensive Plan to the Department of Community Affairs; and

WHEREAS, said public hearings were advertised in accordance with Chapter 163.3184 (15), Florida Statutes; and

WHEREAS, the City Council of the City of Marco Island, Florida, hereby finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt the amendments to the Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Marco Island, Florida, that:

Section 1. Adoption of the Marco Island Comprehensive Plan Amendments

The amendments to the Comprehensive Plan are hereby adopted, attached hereto and incorporated herein as Exhibit "A", and shall be incorporated into the City's Comprehensive Plan. The adopted Comprehensive Plan Amendments shall consist of Part I (Goals, Objectives, Policies), to include a new Public School Facilities Element, amendments to the Capital Improvements Element, and amendments to the Intergovernmental Coordination Element. Part II (Data and Analysis) shall be recognized and approved as a non-adopted companion and support document of the City's Comprehensive Plan.

Section 2. Conflict and 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 holdings shall not affect the validity of the remaining portion.

Section 3. Effective Date.

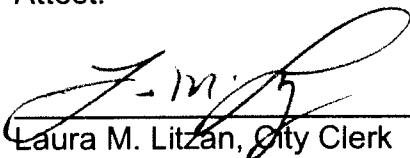
This Ordinance shall take effect immediately upon adoption by the Marco Island City Council at second reading provided, however, the effective date of the Marco Island Comprehensive Plan amendments shall be the date a final order of compliance is issued by the Department of Community affairs or the date on which the Administration Commission finds the Comprehensive Plan amendments in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs first. No development orders, development permits, or land uses dependent on the Comprehensive Plan amendments may be issued or commenced before the amendments become effective. If a final order of noncompliance is issued by the Administration Commission, the Comprehensive Plan amendments may nevertheless be made effective by adoption of a resolution by City Council affirming its effective status, a copy of such resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Approved at First Reading and transmitted to the Florida Department of Community Affairs and other required review agencies this 4th day of February, 2008.

Passed and adopted at second reading and public hearing in open and regular session through roll call vote of the City Council of the City of Marco Island, Florida, this 1st day of December 2008.

Attest:

CITY OF MARCO ISLAND, FLORIDA

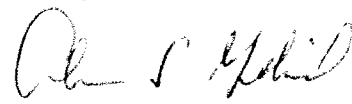


Laura M. Litzan, City Clerk

BY: 

William D. Trotter, Chairman

Approved as to form
and legal sufficiency:



Alan Gabriel Esquire
City Attorney

CITY OF MARCO ISLAND COMPREHENSIVE PLAN



School Concurrency Proposed Amendments To Comprehensive Plan

Exhibit "A"

December 1, 2008

CITY OF MARCO ISLAND

COMPREHENSIVE PLAN

Public Schools Facilities Element

Transmittal Hearing: February 4, 2008
Adoption Hearing: December 1, 2008

**CITY OF MARCO ISLAND
COMPREHENSIVE PLAN
PUBLIC SCHOOL FACILITIES ELEMENT**

GOAL, OBJECTIVE, AND POLICIES

GOAL 1: [9J-5.025(3)(a), F.A.C.]:

TO PROVIDE A PUBLIC 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 WITHIN A FINANCIALLY FEASIBLE SCHOOL DISTRICT'S FIVE-YEAR CAPITAL PLAN.

**OBJECTIVE 1.1: SCHOOL CONCURRENCY MANAGEMENT SYSTEM
[9J-.025(3)(b)(1)F.A.C.]**

Maintain public school facilities in Collier County by adopting a school concurrency management system to provide school capacity at an adopted level of service standard, measured within School Concurrency Service Area's (CSAs) for each school type (elementary, middle, high) for the long term and short term planning periods.

Policy 1.1.1: [9J-5.025(3)(c)(7))F.A.C.]

The City hereby adopts the following Level of Service (LOS) standards for CSAs, based upon permanent FISH capacity: the LOS standard shall be 100% of Permanent FISH capacity for high school CSAs; LOS standard of 95% of the permanent FISH capacity for elementary school CSAs; and 95% of Permanent FISH capacity for middle school CSAs.

Policy 1.1.2: [9J-5.025(3)(c)(1) F.A.C.]

The City hereby adopts less than district-wide CSA's through the merger of Traffic Analysis Zones (TAZs) to establish separate elementary school, middle school and high schools CSAs in which to measure the level of service standard.

Policy 1.1.3: [9J-5.025(3)(c)(1) F.A.C.]

Prior to adopting any change to the CSA boundaries, the City shall require that the School District verify that as a result of the change:

- A. The adopted LOS standards will be achieved and maintained by the end of the five-year ~~for each year of the five-year~~ planning period; and
- B. The utilization of school capacity will be maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans and other relevant factors.

**Policy 1.1.4: [9J-5.025(3)(c)(1)
F.A.C.]**

The City, in conjunction with the School District and Collier County, shall observe the following process for modifying CSA boundary maps:

- A. The School District, in coordination with Local Governments shall review the proposed CSA boundaries and the data and analysis used to support the changes, and determine whether or not a change is appropriate considering the above standards.
- B. If the proposed changes to the CSA boundaries are acceptable, the School District shall transmit the changes with the supporting data and analysis to the City for review and comment. Comments from the City must be provided within forty-five (45) days of receipt.
- C. The change to a CSA boundary shall become effective upon final approval of the new CSA boundary map by the School Board. New maps of the CSA boundaries shall also be included as data and analysis in support of the City's Capital Improvements Element and Public Schools Facilities Element.

**Policy 1.1.5: [9J-5.025(3)(c)(1)
F.A.C.]**

The City, in conjunction with the School District and Collier County shall observe the following process for changes in the use of schools:

- A. At such time as the School District determines that a change in the school facility type is appropriate, considering the current use of the school and utilization requirements, the School District shall transmit the proposed school change in use with the supporting data and analysis for the changes to the City.
- B. If the proposed change to the school use is acceptable, the School District shall transmit the change with the supporting data and analysis to the City for review and comment. Comments from the City must be provided within forty-five (45) days of receipt.
- C. The change to a school use shall become effective upon final approval of the new use of the school by the School Board.

**OBJECTIVE 1.2: RESIDENTIAL DEVELOPMENT REVIEW [9J-
5.025(3)(b)(2) F.A.C.]**

The City shall ensure a school concurrency evaluation is performed by the Collier County School District to review projected residential development to verify new students can be accommodated within the adopted level of service standard established for each school type as measured within a CSA.

**Policy 1.2.1: [9J-5.025(3)(c)(1)
F.A.C.]**

The City shall not approve any non-exempt residential development application for a new residential preliminary plat, site plan or functional equivalent until the School District School has issued a School Capacity Availability Determination Letter (SCADL) verifying available capacity to serve the development.

**Policy 1.2.2: [9J-5.025(3)(c)(1)
F.A.C.]**

The City shall consider the following residential uses exempt from the requirements of school concurrency:

- A. Single family lots of record, existing ~~at the time the school concurrency implementing ordinance becomes~~ as of the effective date of the school concurrency program in the Comprehensive Plan.
- B. Any new residential development that has a preliminary plat or site plan approval or the functional equivalent for a site specific development order ~~prior to the commencement~~ as of the effective date of the School Concurrency Program in the Comprehensive Plan.
- 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.).
- 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.
- E. All new residential plats and site plans (or functional equivalent), or amendments to previously approved residential development, which are calculated to generate less than one student. Such development shall be subject to payment of school impact fees.
- F. Development that has been authorized as a Development of Regional Impact pursuant to Chapter 380, F.S., as of July 1, 2005.

Upon request by an Applicant submitting any land development application with a residential component, the School District shall issue a determination as to whether or not a development, lot or unit is exempt from the requirements of school concurrency.

Policy 1.2.3: [9J-5.025(3)(c)(8) F.A.C.]

The City, 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 1.2.2. The minimum process requirements are described below:

- A. A residential development application including a School Impact Analysis (SIA) is submitted to the City for review.
- B. The City determines application is complete for processing and transmits the SIA to the School District for review.
- C. The School District reviews application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the City:
 - 1. If capacity is available within the affected CSA, the School District shall issue a SCADL verifying available capacity.
 - 2. If capacity is not available within the affected CSA, ~~contiguous~~ adjacent CSAs are reviewed for available capacity. If the affected CSA does not contain a particular school type (elementary, middle, high), the adjacent CSA's shall be evaluated for available capacity.
 - 3. If capacity is available in the contiguous CSAs, the School District shall issue a SCADL verifying available capacity in the adjacent CSAs.
 - 4. If capacity is not available in the contiguous CSAs, the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and offers the Applicant a negotiation period to allow 90 days for the proportionate share mitigation process.

**Policy 1.2.4: [9J-5.025(3)(c)(9)
F.A.C.]**

The City in conjunction with the School District shall review an Applicant's proposal for proportionate share mitigation projects to add the school capacity necessary to satisfy the impacts of a proposed residential development.

- A. Mitigation options may include, but are not limited to:
 - 1. Contribution of land or payment for land acquisition in conjunction with the provision of additional school capacity; or
 - 2. Mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits; or
 - 3. Donation of buildings for use as a primary or alternative learning facility; or
 - 4. Renovation of existing buildings for use as learning facilities; or

- 5. Construction or expansion of permanent student stations or core capacity; or
 - 6. Construction of a public school facility in advance of the time set forth in the School District's Five-Year Capital Facilities Plan.
- B. If mitigation is approved, the City and the School District enter into an enforceable binding agreement with the Applicant. The improvement(s) must be directed by the School District toward a school capacity improvement(s) identified in the School District's Five Year Capital Plan, and the improvement(s) must be reflected in the next update to the City's Capital Improvements Element. Following execution of the enforceable binding agreement, the School District shall issue a SCADL verifying available capacity to support the development.
- C. If mitigation is denied, the City must deny application based upon no available school capacity.

**Policy 1.2.5: [9J-5.025(3)(c)(9)
F.A.C.]**

The City shall be responsible for notifying the School District representative when a residential development has received Certificate of Public Facility Adequacy (COA) when the development order for the residential development expires or is revoked, and when its school impact fees have been paid.

- A. The City shall not issue a COA for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.
- B. Upon the City issuing the COA, school concurrency for the residential development shall be valid for the life of the COA. Expiration, extension or modification of a COA for a residential development shall require a new review for adequate school capacity to be performed by the School District.
- C. The City shall notify the School District within ten (10) working days of any official change in the validity (status) of a COA for a residential development.
- D. The City shall not issue a building permit or its functional equivalent for a non-exempt residential development without confirming that the development received a COA at plat, site plan or functional equivalent, and the COA is still valid.

**Policy 1.2.6: [9J-5.025(3)(c)(4)
F.A.C.]**

Within one year of the effective date of the Public Schools Facilities Element, No later than July 1, 2008, (per ILA: 120 days after adoption of School Concurrency) the City shall adopt school concurrency provisions into its Land Development Regulations (LDR) to implement school concurrency.

OBJECTIVE 1.3: [9J-5.025(3)(b)(4)(5), and (6) F.A.C.]

Beginning with an effective date of the Public School Facilities Element, 2008, all new public schools built within the City will be coordinated with the School District to verify consistency with the City's Future Land Use Map designation, are proximate and consistent with existing and proposed residential areas, serve as community focal points, co-located with other appropriate public facilities when possible, and will have the on-site and off-site infrastructure necessary to support the new school.

Policy 1.3.1: [9J-5.025(3)(c)(5) and 9J-5.025(3)(c)(10) F.A.C.]

The City, in conjunction with the School District, shall jointly determine the need for, and timing of, on-site and off-site improvements necessary to support new schools, proposed expansions or the redevelopment of an existing school resulting in an increase in student capacity.

Policy 1.3.2: [9J-5.025(3)(c)(5) F.A.C.]

The City shall enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for the planning, constructing, operating, and maintaining infrastructure improvements necessary to support a new school or school improvement, and ensure that the necessary infrastructure is in place prior to or concurrent with construction.

Policy 1.3.3: [9J-5.025(3)(c)(10) F.A.C.]

The City shall encourage the location of schools near residential areas by:

- A. Assisting the School District in the identification of funding and/or construction opportunities (including Applicant participation or City capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements.
- B. Reviewing and providing comments on all new school sites including the compatibility and integration of the new school with surrounding land uses.

Policy 1.3.4: [9J-5.025(3)(c)(4) F.A.C.]

The City, in conjunction with the School District, shall seek opportunities to co-locate schools with public facilities, such as parks, libraries, and community centers, as the need for these facilities is identified. A separate agreement between the School District and the City or other appropriate entity, will be developed for each instance of co-location and shared use which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision.

**Policy 1.3.5: [9J-
5.025(3)(c)(3) F.A.C.]**

The City, in conjunction with the School District, hereby designates the Citizen Advisory Group (CAG) as the monitoring group for coordinated planning and school concurrency in the City of Marco Island.

Policy 1.3.6: [9J-5.025(3)(c)(11) F.A.C.]

The City, in conjunction with the School District and Collier 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.

OBJECTIVE 1.4: [9J-5.025(3)(b)(1) and (3)F.A.C.]

~~Beginning with an effective 2008 and no later than December 1st of each year, t~~The City will include shall adopt by reference into its Capital Improvements Element (CIE), the School District's annually updated financially feasible Five-year schedule of Capital Improvements Plan as adopted by the School Board, which identified in Policy 1.1.6 in the Capital Improvements Element of its Comprehensive Plan. The Five-year Capital Improvement Plan identifies financially feasible school facility capacity projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standard for schools.

Policy 1.4.1: [9J-5.025(3)(c)(2) F.A.C.]

~~The City shall annually update the CIE to incorporate the School District's annually adopted financially feasible update to the Five-Year Capital Plan for public schools in the form of the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" Tables identifying the school facility capacity projects necessary to address existing deficiencies and meet future needs and maintain the adopted LOS standards will continue to be achieved and maintained for schools within each CSA for the five-year planning period.~~

No later than December 1st of each year the City shall adopt, by reference, into its Capital Improvements Element the School District's financially feasible Five-Year Capital Improvement Plan, beginning with *District School Board of Collier County Capital Improvement Plan FY09-28*, as approved by the School Board on April 15, 2008, and as annually updated and adopted. The School District's Five-Year Capital Improvement Plan identifies the financially feasible school facility capacity projects necessary to address existing deficiencies and future needs based upon achieving and maintaining the adopted LOS standard for schools.

Policy 1.4.2: [9J-5.025(3)(c)(9) F.A.C.]

The City, in conjunction with the School District, shall annually review the Public School Facilities Element and maintain a public school facilities map series which are coordinated with the City's Future Land Use Map or Map Series, including the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period. This map series is adopted as a part of this element. This adopted Map Series (attached) shall include:

- A. A map or maps which identify the location of existing public school facilities by type, and the location of ancillary plants (Map 1).
- B. A map or maps which identify the general location and type of public school facilities and ancillary plants anticipated over the five-year planning period and for the long-range planning period (Map 2).

Policy 1.4.3: [9J-5.025(3)(c)(6) F.A.C.]

The City, in conjunction with the School District, shall coordinate the long range public school facilities map with its comprehensive plan and future land use map.

Comment [s1]: