

**PUBLIC EDUCATION
FACILITIES**

GOAL

The City of Fort Myers, in conjunction with the Lee County School District, will ensure a public school system that offers a high quality educational environment, provides accessibility for all students, and ensures adequate public education facility capacity to accommodate existing and future enrollment demand.

OBJECTIVE 1

Ensure that adequate public education facilities are provided by the Lee County School District, which shall include addressing deficiencies in existing facility capacity and accommodating future enrollment demand.

Policy 1.1) The City of Fort Myers hereby adopts the following level of service standards for public schools based upon Permanent Florida Inventory of School Houses (FISH) capacity. The level of service standards shall apply district-wide to all schools of the same type.

1. Lee County School District Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the Lee County School Board annually to account for measurable programmatic changes.
2. Lee County School District Middle Schools: 100% of Permanent FISH Capacity as adjusted by the Lee County School Board annually to account for measurable programmatic changes.
3. Lee County School District High Schools: 100% of Permanent FISH Capacity as adjusted by the Lee County School Board annually to account for measurable programmatic changes.
4. Lee County School District Special Purpose Schools: 100% of Permanent FISH Capacity as adjusted by the Lee County School Board 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 level of service 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 educational 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 standards shall be accomplished by amendment to the Interlocal Agreement for School Concurrency between the City of Fort Myers and the Lee County School District, and adoption of amendments to the City of Fort Myers Comprehensive Plan.

Amendments to the adopted level of service standards shall not be made without a demonstration of financial feasibility, supported by adequate data and analysis, which may be achieved and maintained within the period covered by the Lee County School District's Five-Year Capital Facilities Work Plan.

Policy 1.3) The City of Fort Myers hereby adopts into the Comprehensive Plan the Lee County School District Student Assignment Zones map as Map T and the Lee County School District Educational and School District Facilities in Lee County map as Map U. Pursuant to the Interlocal Agreement for School Concurrency between the City and the Lee County School District, and consistent with Section 163.3180(13)(c), Florida Statutes, the Student Assignment Zones are recognized as the Lee County School District's Concurrency Service Areas.

Policy 1.4) Pursuant to the Interlocal Agreement for School Concurrency between the City and the Lee County School District, modifications to the Concurrency Service Areas shall be made by the Lee County School District only after review and comment by the City of Fort Myers, Lee County and the other municipalities therein. Modifications shall be made to maximize available school capacity and make efficient use of existing and future public school facilities in accordance with the adopted level of service standards.

Policy 1.5) The City of Fort Myers shall coordinate with the Lee County School District, Lee County and other units of local government, as required, to coordinate planning and decision making on population projections and public school siting. The relationships and guidelines for the coordination shall be consistent with the Interlocal Agreement for School Concurrency between the City and Lee County School District.

OBJECTIVE 2

SCHOOL CONCURRENCY REVIEW: Ensure that adequate public school facility capacity is provided by the Lee County School District for students within the City of Fort Myers to accommodate projected development to achieve and maintain adopted level of service standards.

Policy 2.1) The City of Fort Myers shall not approve nor issue any permit for non-exempt residential development, application for comprehensive plan amendment, rezoning, conceptual plan, preliminary plat, site plan, or their functional equivalent until the Lee County School District has verified available capacity within public school facilities. The City shall evaluate new residential development to ensure consistency with the Comprehensive Plan, the Land Development Regulations, the Interlocal Agreement for School Concurrency and other governing regulations.

Policy 2.2) The City of Fort Myers shall consider the following residential uses to be exempt from the requirements of school concurrency:

1. Single family lots having received final plat approval prior to April 1, 2008, the effective date of public school concurrency mandated by Section 163.3180, Florida Statutes.

2. Multi-family residential development having received final site plan approval prior to April 1, 2008, the effective date of public school concurrency mandated by Section 163.3180, Florida Statutes.
3. Amendments to residential development approvals issued prior to April 1, 2008, the effective date of public school concurrency mandated by Section 163.3180, Florida Statutes, which do not increase the number of residential units or change the type of residential units proposed.

Policy 2.3) The City of Fort Myers 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:

1. A residential development application is submitted to the City of Fort Myers.
2. The City of Fort Myers determines that the application is sufficient for processing and transmits to the Lee County School District for review.
3. The Lee County School District reviews the application for available capacity:
 - a. If capacity is available within the affected Concurrency Service Area 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.
 - b. If capacity is not available within the affected Concurrency Service Area, contiguous Concurrency Service Areas within the same School Choice Zone will be reviewed for available capacity.
 - c. If capacity is available in the contiguous Concurrency Service Areas 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.
 - d. If capacity is not available in the contiguous Concurrency Service Areas, the Lee County School District shall issue a letter indicating the proposed development is not in compliance with the adopted level of service and will offer the developer a 90-day negotiation period for mitigation.
4. The City of Fort Myers 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:
 - a. 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.

- b. 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 Lee County School District at no cost to the District if the Charter School ceases to operate.
5. The following standards apply to any mitigation accepted by the Lee County School Board:
 - a. Proposed mitigation shall be directed towards a permanent school capacity improvement identified in the Lee County School Board's financially feasible work program, which satisfies the demands created by the proposed development.
6. Relocatable classrooms shall not be accepted as mitigation.
7. If mitigation can be agreed upon, the City of Fort Myers and the Lee County School District shall enter into an enforceable binding agreement with the developer.
8. If mitigation cannot be agreed upon, the City of Fort Myers must deny the development application based upon no available school capacity.

Policy 2.4) The City of Fort Myers shall notify the Lee County School District within 10 working days of receiving payment of school impact fees and vesting school concurrency for any residential development.

OBJECTIVE 3

COORDINATION: Ensure that all future public schools built within the City of Fort Myers are consistent with the Future Land Use Map designation, compatible with surrounding land uses, co-located with other appropriate public facilities (when possible), and have the required level of supporting infrastructure.

Policy 3.1) The City of Fort Myers and the Lee County School District shall jointly determine the need for and timing of on-site and off-site improvements necessary to support public school facilities.

Policy 3.2) The City of Fort Myers shall enter into an agreement with the Lee County School District identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support public school facilities.

Policy 3.3) The City of Fort Myers, in conjunction with the Lee County School District, shall locate public education facilities in areas consistent with the goals, objectives and policies of the Future Land Use Element and Future Land Use Map, and in areas surrounded by compatible land uses.

Policy 3.4) The City of Fort Myers, in conjunction with the Lee County School District, shall seek opportunities to co-locate public and civic facilities with schools, as the need for these facilities is identified. Opportunities for co-location and shared use will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing art centers, and

stadiums. In addition, where applicable, co-location and shared use of public school and government facilities for health care, neighborhood police station, and social services will be considered.

Policy 3.5) The City of Fort Myers shall maintain consistency between the Public Education Facilities Element and the Land Development Regulations as a means of complying with adopted school concurrency provisions.

Policy 3.6) The City of Fort Myers, 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:

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

Policy 3.7) In order to reduce hazardous walking conditions to schools, the City of Fort Myers, in coordination with the Lee County School District, shall implement the following strategies:

1. New developments adjacent to school properties shall be required to provide right of way and direct safe access path for pedestrian travel to existing and planned school sites and shall connect to the neighborhood's existing pedestrian improvements;
2. In order to ensure continuous pedestrian access to public schools, provisions for the construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
3. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school.

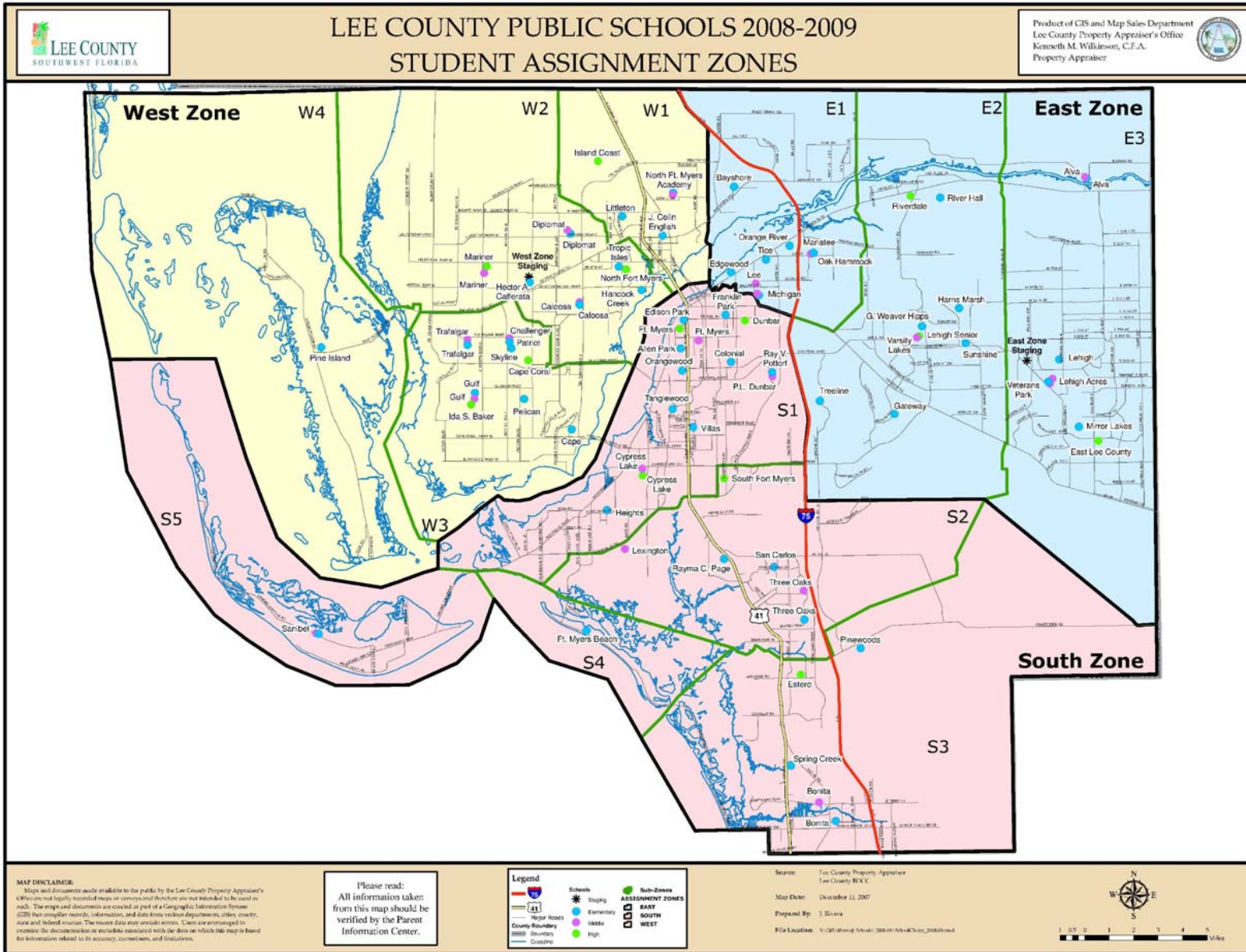
Policy 3.8) In reviewing plan amendments, applications for rezoning and site plans for future public school facilities, the City of Fort Myers shall include a determination as to whether the proposed facilities are compatible with surrounding land uses. In addition, the City of Fort Myers will provide 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

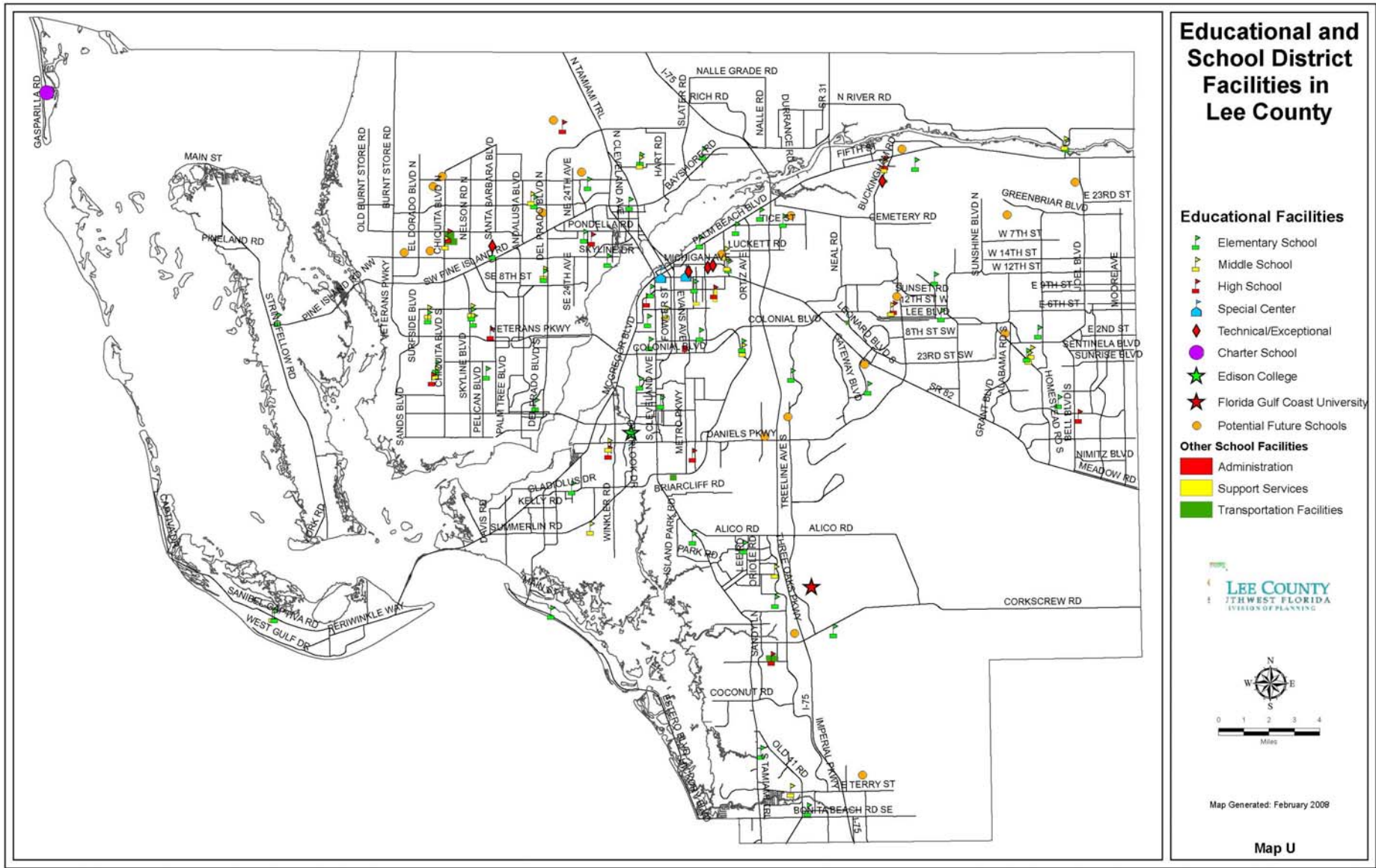
FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS: Include in the five-year schedule of capital improvements those projects necessary to address deficiencies in existing public education

facility capacity and to accommodate future public education facility needs based upon achieving and maintaining the adopted level of service standards.

Policy 4.1) By December 1 of each year, the City of Fort Myers shall submit to the Florida Department of Community Affairs the adopted update to the Capital Improvements Element. The update shall incorporate by reference the Lee County School District's annually adopted Five-Year Capital Facilities Work Plan, documenting the capital improvements included in the District's five-year program, as well as planned and committed sources of funding for those improvements. The annual update to the Capital Improvements Element shall include the addition of a new fifth year, updating the financially feasible public education facilities capital improvements program. The Capital Improvements Element update shall be consistent with and reflect the Lee County School District's Five-Year Capital Facilities Work Plan, demonstrating that the adopted level of service standards shall be achieved and maintained.



Map T



Map U