

FILED FOR RECORD
R. B. SHORE

ORDINANCE 08-01

2008 APR 22 PM 12:45

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A TEXT AMENDMENT TO INCLUDE A NEW PUBLIC SCHOOL FACILITIES ELEMENT, AND ASSOCIATED AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS TO IMPLEMENT SCHOOL CONCURRENCY, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED
2008 APR 16 AM 8:37
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, titled "The Local Government Comprehensive Planning and Land Development Regulation Act," empowers and requires the Board of County Commissioners of the County of Manatee (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, Manatee County Ordinance 89-01 was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-08-01 initiated by Manatee County is a request for a text amendment to include a new Public School Facilities Element, and associated amendments to the Intergovernmental Coordination and Capital Improvements Elements to implement school concurrency; and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency, as established by Ordinance 90-01, considered an amendment to the Manatee County Comprehensive Plan, to include a new Public School Facilities Element and associated amendments of the comprehensive plan, as provided, in the Title of this ordinance, in order to more adequately address Manatee County's future development and growth; and

WHEREAS, the minimum statutory and plan administration requirements for public participation for the adoption of this Ordinance and the amendment of the County's Comprehensive Plan provided herein, have been met or exceeded; and

WHEREAS, on October 11, 2007, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to the Board of County Commissioners as required by law; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on October 23, 2007 to consider the amendment and the transmittal of the proposed amendment to the Florida Department of Community Affairs as the State Land Planning Agency in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the State Land Planning Agency by letter dated December 28, 2007 transmitted their statement of no objection with attached recommendations and comments on said amendment to the Comprehensive Plan; and

WHEREAS, said amendment to the Comprehensive Plan was revised as appropriate in view of comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on April 3, 2008, the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided on said amended version of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the Technical Support Document as needed, the recommendations of the Planning Commission, and objections, recommendations and comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because an inconsistency, in the adopted plan has been demonstrated by the applicant;

WHEREAS, in exercise of said authority, the Board of County Commissioners of the County of Manatee has determined it necessary and desirable to adopt said amendment of the comprehensive plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest, overcome present deficiencies and deal effectively with future problems that

may result from the use and development of land within Manatee County; and

WHEREAS, the Technical Support Document for the Manatee County Comprehensive Plan includes background material and justification for the amendment to the Comprehensive Plan; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Florida Statutes, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

Section 1. Purpose and Intent: This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out, in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, shall be amended as follows:

The supporting Data and Analysis report with associated exhibits are hereby adopted by reference as part of the Technical Support Document (TSD).

ADD NEW PUBLIC SCHOOL FACILITIES ELEMENT

GOAL 12.1 SCHOOL SITE SELECTION CONSISTENT WITH GROWTH AND DEVELOPMENT PATTERNS.

Objective 12.1.1 Coordinate school site selection with available, planned and needed infrastructure.

Policy 12.1.1.1 Except in cases of overriding public interest, as determined by Manatee County government, new and proposed schools shall locate in areas where adequate public facilities, e.g. roads, potable water and sanitary sewer, exist or where adequate facilities are budgeted for in the appropriate Capital Improvements Program/Element, or where necessary infrastructure will be in place prior to school opening.

Policy 12.1.1.2 The School Board of Manatee County and Manatee County government shall review proposed school sites for available,

proposed, and needed infrastructure prior to a preliminary finding of consistency.

Policy 12.1.1.3 The School Board of Manatee County shall evaluate and may request assistance from Manatee County government to determine available infrastructure for proposed schools.

Objective 12.1.2 Coordinate to ensure future school sites are consistent with the Comprehensive Plan and growth and development patterns.

Policy 12.1.2.1 Manatee County shall coordinate with the School Board to pursue the development of mutually acceptable guidelines for the selection of future school sites including but not limited to:

- Acquisition of school sites which allow for future expansions to accommodate future enrollment and other facility needs deemed beneficial for joint-uses
- Coordination of the location, phasing, and development of future school sites to ensure that site development occurs in conjunction with the provision of infrastructure to serve the school facility.
- Identification of appropriate and inappropriate land use categories

Policy 12.1.2.2 The School Board and Manatee County shall coordinate to ensure that proposed public school facility sites are consistent with the applicable land use designations of the Comprehensive Plan, as well as the appropriate Land Development regulations.

Policy 12.1.2.3 School sites shall be permissible in all future land use categories except conservation, preservation, or heavy industrial.

Objective 12.1.3 Coordinate school site selection to ensure the compatibility of future school sites with proposed and existing development.

Policy 12.1.3.1 Pursuant to Section 1013.33(13), FS, Manatee County review proposed school sites relative to environmental concerns, health, safety, welfare, and compatibility with existing and future uses of adjacent property.

Policy 12.1.3.2 New and proposed school sites shall be compatible with existing or anticipated uses on adjacent properties based on the type of school and the type of facilities proposed for the site.

Objective 12.1.4 Coordinate land use and development review to ensure the

compatibility of proposed development with proposed and existing school sites.

Policy 12.1.4.1 Proposed development within the area adjacent to any school site shall be compatible with existing or proposed schools.

Policy 12.1.4.2 Prohibit the designation of new heavy industrial land adjacent to any existing or proposed school site unless such adjacency is interrupted by significant natural or manmade buffers such as waterbodies, wetland systems, or major arterial roadways.

GOAL 12.2 SCHOOL SITE DEVELOPMENT AND PERMITTING CONSISTENT WITH GROWTH AND DEVELOPMENT PATTERNS

Objective 12.2.1 Coordinate the development and permitting of schools with the timing and need for availability of infrastructure.

Policy 12.2.1.1 Manatee County review of the School Board Five Year Plan shall include evaluation of infrastructure availability pursuant to the provisions of the Interlocal Agreement.

Policy 12.2.1.2 The School Board of Manatee County shall be afforded the opportunity to participate in the review of the Manatee County Capital Improvements Program and Element to assist in coordination of the timing of infrastructure.

Policy 12.2.1.3 The School Board of Manatee County and Manatee County are subject to Section 1013.51, Florida Statutes in regards to any infrastructure improvements.

Policy 12.2.1.4 The School Board of Manatee County and Manatee County shall identify necessary infrastructure for proposed schools and school expansions.

Objective 12.2.2 Ensure that the planning and construction of schools is coordinated so that the timing is appropriate and the selected location is compatible with the surrounding area and consistent with the Comprehensive Plan.

Policy 12.2.2.1 Coordination by the School Board and Manatee County to ensure that school planning is consistent with the Comprehensive Plan, as well as the appropriate land development regulations to the extent that they are allowed by law.

Policy 12.2.2.2 Allow school construction in the Agricultural/Rural Future land use

category only where residential development has created demand or is projected to create demand within a reasonable planning timeframe.

Policy 12.2.2.3 Road capacity and traffic concerns shall be evaluated during the school planning, development and permitting processes.

Policy 12.2.2.4 Pedestrian and bicycle plans shall be evaluated during the school planning, development and permitting processes.

GOAL 12.3 SCHOOLS LOCATED AND DESIGNED TO SERVE AS COMMUNITY FOCAL POINTS WITH SHARED AND JOINT USE

Objective 12.3.1 Encourage the siting of school facilities so they serve as community focal points.

Policy 12.3.1.1 Manatee County shall recognize the importance of school facilities as community focal points in planning for future land uses, infrastructure and amenities.

Policy 12.3.1.2 New and proposed school sites shall be selected in recognition of the nature of the school facility. Generally, elementary schools and middle schools shall be located to serve a number of neighborhoods; and high schools shall be located to serve a region of the County.

Objective 12.3.2 Coordination of off-site pedestrian, bicycle, and vehicular access to schools.

Policy 12.3.2.1 Manatee County shall incorporate bicycle and pedestrian access to public schools into their bicycle and pedestrian plans.

Policy 12.3.2.2 The School Board of Manatee County may request Manatee County construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility pursuant to Section 1013.36, Florida Statutes.

Policy 12.3.2.3 Manatee County and the School Board will work to find opportunities to collaborate on transit and bus routes to better serve citizens and students.

Objective 12.3.3 Develop and operate school facilities to serve the greater community by encouraging the potential for joint/shared use.

Policy 12.3.3.1 Establish mechanisms to ensure the consideration of joint/shared use of facilities to the greatest extent possible.

- Policy 12.3.3.2 Manatee County shall consider the feasibility of joint/shared use facilities in conjunction with the preliminary finding of consistency pursuant Section 1013.33, Florida Statutes.
- Policy 12.3.3.3 Where feasible, parks shall be co-located with all elementary, middle and high schools, considering any adopted design template.
- Policy 12.3.3.4 Development proposals incorporating school facilities shall be evaluated to determine the feasibility of co-location of stormwater and other infrastructure facilities.
- Policy 12.3.3.5 When considering the acquisition and establishment of public facilities such as parks, libraries and community centers, Manatee County shall, to the greatest extent possible, select a location and/or design the facility in such a way that collocation of the facility with a public school is either achieved with an existing public school, or that the facility can be retrofitted for collocation with a future public school.
- Policy 12.3.3.6 Coordinate with the School Board to continue and expand shared use and co-location of school sites and Manatee County facilities with similar needs, where appropriate, in accordance with the Interlocal Agreement.

GOAL 12.4 MANATEE COUNTY SHALL HAVE AN EFFECTIVE EMERGENCY MANAGEMENT SYSTEM

- Objective 12.4.1 Participation by all local governments and the School Board of Manatee County in the County emergency preparedness system.
- Policy 12.4.1.1 All local governments and the School Board of Manatee County shall be part of the formal ESF (Emergency Support Function)/ICS (Incident Command System) system for emergency response.
- Policy 12.4.1.2 Manatee County shall include all local governments and the School Board at all disaster preparedness activities.
- Policy 12.4.1.3 All local governments and the School Board shall continue collaborative efforts in the management of special needs shelters, and transport and tracking of citizens during evacuations.
- Policy 12.4.1.4 Manatee County and the School Board shall work collaboratively in shuttering and retrofitting schools and public buildings for sheltering, greater sustainability, and continuity of operations.

Policy 12.4.1.5 Manatee County shall continue coordination of shelter management throughout Manatee County, recognizing the importance of schools to the shelter system.

Policy 12.4.1.6 All local governments and the School Board shall partner in disaster drills as necessary to ensure community readiness.

Policy 12.4.1.7 All local governments and the School Board shall promote coordination in disaster planning efforts to ensure collaborative processes rather than competing plans.

GOAL 12.5 PROVISION OF PUBLIC SCHOOL FACILITIES CONSISTENT WITH THE ADOPTED LEVEL OF SERVICE STANDARD

Objective 12.5.1 Recognizing public school facilities as community infrastructure, establish uniform district-wide level-of-service standards for public schools of the same type.

Policy 12.5.1.1 The level-of-service standards for public schools shall apply district wide to all schools of the same type, as follows:

Elementary: 110% of Permanent FISH Capacity by School Service Area (SSA)

Middle: 105% of Permanent FISH Capacity by School Service Area (SSA)

High: 100% of Permanent FISH Capacity District-wide

Capacity Utilization is Capacity Demand divided by Capacity Availability.

Objective 12.5.2 Establish coordinated concurrency service areas which provide for effective analysis and planning.

Policy 12.5.2.1 Manatee County shall adopt School Service Areas a part of their land development regulations.

Policy 12.5.2.2 The School Board and Manatee County shall consider the following criteria and standards when establishing and modifying School Service Areas:

- Achievement and Maintenance of Level of Service Standards adopted in Policy 12.5.1.1 above;
- Maximizing utilization of school capacity;
- Transportation costs;

- Court-approved desegregation plans;
- Relationship to School Attendance zones;
- Anticipated demand and student generation based upon proposed or approved Residential Development;
- Patterns of Development pursuant to Adopted Comprehensive Plans;
- Capital Projects included in the School Capacity Program
- Neighborhoods;
- Natural and manmade boundaries, including water ways, arterial roadways and political boundaries; and
- Such other relevant matters as are mutually agreed to by the parties of the Interlocal Agreement.

Objective 12.5.3 Establish a concurrency management system which evaluates residential development applications for school concurrency requirements and maintains adopted levels of service.

Policy 12.5.3.1 Manatee County shall ensure that the above service levels are maintained through the review of proposed residential development for consistency with the adopted standards .

Policy 12.5.3.2 Concurrency determinations shall be made at the point in the development review process which constitutes the final concurrency determination for each local government.

Policy 12.5.3.3 Capacity Demand shall be determined by adding the following for each School Type within the Service Area:

- Existing students residing within the service area as determined annually by the School Board;
- Spaces reserved for future development by vesting;
- Spaces reserved for future development with previously issued Certificates of Level of Service for school capacity;
- Spaces reserved, subject to final approval by Manatee County, of the potential number of students from the proposed development based on the most recently adopted methodology of the School Board of Manatee County

Policy 12.5.3.4 Capacity Availability shall be determined by adding the following for each school type within the Service Area:

- Existing FISH permanent capacity

- Improvements which will be in place or under construction within 3 years of the issuance of the final subdivision or site plan approval, or functional equivalent

Policy 12.5.3.5 The School Board of Manatee County shall provide an analysis of capacity demand versus capacity availability.

Policy 12.5.3.6 A proposed residential development shall receive a Certificate of Level of Service for public schools when it is determined there is sufficient Capacity Availability, as determined by Policy 12.5.3.4 for the proposed impacts to schools based on Capacity Demand, as determined by Policy 12.5.3.3.

Policy 12.5.3.7 If sufficient capacity is not available within the School Service Area in which the proposed project is located, available capacity from contiguous service areas may be used.

Policy 12.5.3.8 The School Board may utilize available capacity as needed from a contiguous School Service Area to meet the adopted level-of-service standards to determine financial feasibility within a School Service Area.

Policy 12.5.3.9 The contiguous school service areas referenced in policies 12.5.3.7 and 12.5.3.8, are as follows:

SSA 1: SSA 2
SSA 2: SSA 1, SSA 3
SSA 3: SSA 2, SSA 4

SSA 4: SSA 3

Objective 12.5.4 Coordinate data to evaluate development impacts and school planning.

Policy 12.5.4.1 The School Board of Manatee County and participating local governments shall work cooperatively to track approved and proposed development projects which have either received or requested concurrency determinations.

Policy 12.5.4.2 Manatee County shall provide the School Board with at least annual updates of concurrency reservations for schools to reflect residential units which have been completed and whose impacts are accounted for in the demand generated by existing students.

Policy 12.5.4.3 Manatee County shall provide the School Board of Manatee County population projections by School Service Area and update on an

annual basis.

Objective 12.5.5 Establish provision of mitigation and proportionate share opportunities consistent with Florida Statutes.

Policy 12.5.5.1 In circumstances where there is not sufficient capacity for one or more school type, a development shall be required to mitigate its impacts before receiving approval of the Certificate of Level of Service for school concurrency.

Policy 12.5.5.2 An applicant may propose any form of mitigation authorized pursuant to Section 163.3180(13)(e)(1) Florida Statutes, subject to approval by the School Board of Manatee County and Manatee County, including, but not limited to,

- the contribution of land
- the construction, expansion, or payment for land acquisition or construction of a public school facility
- the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits

which is subject to approval by the School Board of Manatee county and Manatee County.

Policy 12.5.5.3 When proportionate share mitigation is used to satisfy the requirements of school concurrency, the Applicant, School Board and Manatee County shall enter into a legally binding Development Agreement which records and incorporates the mitigation to be contributed by the Applicant and accepted by the School Board and ensuring such mitigation funds are utilized appropriately for an improvement that satisfies the demand.

Policy 12.5.5.4 Proportionate share mitigation shall be eligible for impact fee credits pursuant to the terms of Section 163.3180(13)(e)(2), Florida Statutes.

GOAL 12.6 ONGOING COORDINATION AND COOPERATION BETWEEN THE SCHOOL BOARD OF MANATEE COUNTY AND PARTICIPATING LOCAL GOVERNMENTS

Objective 12.6.1 Continue coordination and cooperation in School and Community Planning.

Policy 12.6.1.1 Local governments shall abide by the "Amended and Restated

- Interlocal Agreement for Public School Facility Planning” which was fully executed by all the parties as such Agreement may be amended from time to time.
- Policy 12.6.1.2 Manatee County shall provide the School District with annual information needed to maintain concurrency.
- Policy 12.6.1.3 Manatee County shall provide the School District with its Comprehensive Plan, along with the five year Land Use and population projections by School Service Area to facilitate development of school enrollment projections and shall annually update this information.
- Policy 12.6.1.4 Manatee County shall coordinate their Comprehensive Plans and Future Land Use Maps with the School Districts long range facility maps to ensure consistency and compatibility with the provisions of this element.
- Policy 12.6.1.5 Manatee County shall advise the School District of a proposed public school site’s consistency with its Comprehensive Plan and land development regulations prior to site acquisition, including the availability of necessary public infrastructure to support the development of the site.
- Policy 12.6.1.6 Manatee County shall provide the opportunity for the School District to comment on Comprehensive Plan Amendments, rezonings and other land-use decisions which may be projected to impact on public schools.
- Policy 12.6.1.7 The School Board of Manatee County shall be afforded the opportunity to participate in the review of Manatee County Capital Improvement Program and Element to assist in the coordination of infrastructure timing for school sites.
- Policy 12.6.1.8 A Staff Working Group shall be established to meet periodically and carry out the responsibilities assigned pursuant to the Interlocal Agreement.
- Policy 12.6.1.9 There shall be regular meetings of the Manatee Council of Governments to ensure that there is open communication on school and community planning issues.
- Objective 12.6.2 The School Capacity Program shall include projects necessary to address existing deficiencies and to meet future projected capacity needs based upon achieving and maintaining the adopted level of

service standards by the end of the five year planning period.

Policy 12.6.2.1 The five year schedule shall be reviewed and amended, at least annually, to include new capacity projects, proportionate share mitigation projects and any projects necessary to maintain level of service standards.

Policy 12.6.2.2 Each year, Manatee County will adopt plan amendments:

1) adding a new fifth year;

2) updating the financially feasible public schools capital facilities program – The School Capacity Program.

3) coordinating the program with the Five Year District Facilities Work Program and the plans of other local governments; and

4) as necessary, updating the concurrency service area maps.

The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained.

Policy 12.6.2.3 If capacity projects are removed from the School Capacity Program by the School Board or moved to a later year, local governments shall similarly modify the five year schedule in the Comprehensive Plan to ensure consistency.

AMEND INTERGOVERNMENTAL COORDINATION ELEMENT (ICE)

Policy 11.1.1.1 Notify affected governments and the School Board on comprehensive plan issues and land use activities within unincorporated Manatee County as appropriate.

Implementation Mechanism:

a) The Planning Department shall maintain a mailing list to notify affected governments and the School Board of proposed Comprehensive Plan and land use activities.

Policy 11.1.1.7 Continue to meet on a regular basis with the Manatee County School Board to share information and work on issues of mutual concern as required by the Interlocal Agreement and Public School Facilities Element.

Implementation Mechanism:

- a) Continue regular quarterly meetings between School Board representatives and County staff.

Policy 11.1.3.2 Identify Manatee County's responsibilities for coordinating with other local, regional, state, and federal governments, School Board and special districts to implement this Comprehensive Plan. Review these efforts for effectiveness through Comprehensive Plan monitoring.

Implementation Mechanism:

- a) Update of the Policy Implementation and Coordination Summary (PICS) as necessary by the Planning Department.

Policy 11.1.4.1 Continue to meet with the Fire Districts, Cities, Sheriffs Office, Florida Department of Health, American Red Cross, School Board and other participating agencies through the Disaster Preparedness Planning Committee (DPPC) to ensure effective coordination during emergency situations.

Policy 11.1.5.3 Provide countywide public agencies or districts not utilizing level of service review (the Manatee County ~~School Board~~, County Sheriff, County Emergency Medical Services, and the Fire Districts operating in Manatee County) with an annual, or periodic, update on development orders likely to result in short-term demand for schools emergency services and fire protection services. Also, to request on a periodic basis, an inventory of facility deficiencies (~~pupil stations~~) from the ~~School Board~~ and Fire Districts, County Sheriff and Emergency Medical Services so as to consider such deficiencies in evaluating proposed development orders.

Implementation Mechanism(s):

- a) Coordination, initiated by the Planning Department, with the ~~School Board~~ and Fire Districts, County Sheriff and Emergency Medical Services in order to achieve compliance with this Policy.
- ab) Provide information and seek input from the ~~School Board~~ and other governmental agencies regarding the adequacy and

availability of public facilities and services.

Policy 11.1.5.5 Require that review of all proposed development orders include an assessment of the proposed project's impact on cumulative demand for services and facilities for which an adopted level of service is not specified in this Comprehensive Plan. Such assessment shall consider public safety of existing and future Manatee County residents and employees. Such assessments may be used as a basis for limiting amount or location of development where public safety is compromised and may generate the need for adequate assurances from the developer that the public safety of residents or workers in Manatee County will be protected.

Implementation Mechanism:

- a) Coordination, by the Manatee County Planning Department, with the ~~School Board~~, Fire Districts, County Sheriff, and Emergency Medical Services to determine those agencies' capacity to deliver services to proposed developments.

NEW INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) SECTION

GOAL 11.2 INTERGOVERNMENTAL COORDINATION FOR PUBLIC SCHOOL PLANNING

Objective 11.2.1 Manatee County shall maintain and enhance the joint planning processes, coordination and decision making processes for public educational facilities.

Policy 11.2.1.1 Manatee County shall review existing coordination mechanisms and establish new mechanisms when needed that will evaluate and address its comprehensive plans and programs and their effects on the plans developed for the School Board. Assistance for this effort shall be requested from regional and state agencies, as needed.

Policy 11.2.1.2 Annually, the School Board will provide Manatee County with information from their Educational Facilities Survey plan to determine the need for additional school facilities.

Objective 11.2.2 Manatee County shall provide for the Monitoring and Evaluation of the implementation of the Public School Facilities Element.

Policy 11.2.2.1 Manatee County shall strive to monitor and evaluate the Public School Facilities Element in order to assure the best practices of the

joint planning processes and procedures for coordination of planning and decision making are implemented.

Policy 11.2.2.2 Manatee County and the School Board of Manatee County will coordinate updates or amendments to the Comprehensive Plan and updates or amendments for Public School Facilities long-range plans.

NEW CAPITAL IMPROVEMENT ELEMENT (CIE) SECTION

GOAL 10.2 CAPITAL FACILITIES PLANNING FOR SCHOOL CONCURRENCY

Objective 10.2.1 Manatee County shall ensure that future needs are addressed consistent with the adopted level of service standards for public schools.

Policy 10.2.1.1 Manatee County and the School Board agree to implement the level of service standards for public schools district-wide to all schools of the same type as follows:

Elementary: 110% of Permanent FISH Capacity by School Service Area (SSA)

Middle: 105% of Permanent FISH Capacity by School Service Area (SSA)

High: 100% of Permanent FISH Capacity District-wide

Policy 10.2.1.2 Manatee County shall ensure that future development pays a proportionate share of the costs of capital facility capacity needed to accommodate new development. This is to be achieved via impact fees and other legally available and appropriate methods in development conditions.

Policy 10.2.1.3 Manatee County adopts by reference the School District of Manatee County 2007- 08 School Capacity Program, as approved by the School Board on March 10, 2008.

Policy 10.2.1.4 The five-year schedule of improvements ensures the level of service standards for public schools are achieved and maintained within the period covered by the five-year schedule. Annual updates to the schedule shall ensure levels of service standards are achieved and maintained within the period covered by subsequent five year schedule of capital improvements.

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

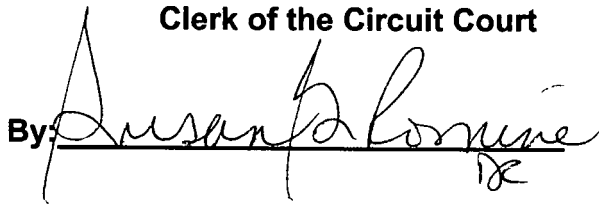
Section 5. Effective Date: This Ordinance shall take effect immediately upon the state land planning agency, as defined in Section 163.3164, Florida Statutes, issuing a final order finding the Ordinance in compliance with Section 163.3184(9), Florida Statutes, or if a petition challenging the finding of compliance by the Department of Community Affairs is filed with the Division of Administrative Hearing, upon the Administration Commission issuing a final order finding the Ordinance to be in compliance in accordance with Section 163.3184(10), Florida Statutes, or whichever occurs first.

PASSED AND DULY ADOPTED, with a quorum present and voting this 3rd day of April, 2008


**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: 
Jane von Hahmann, Chairman

**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

By: 



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 14th day of April, 2008
R. B. SHORE
Clerk of Circuit Court
By:  D.C.



FILED FOR RECORD
R. B. SHORE

FLORIDA DEPARTMENT of STATE

2008 APR 22 PM 12:46

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
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Secretary of State

April 17, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 14, 2008 and certified copies of Manatee County Ordinance Nos. 08-22, 08-01, PDO-06-082(Z) (P), PDI-07-27 (Z) (P), PDC-07-20 (Z) (P) and 08-35, which were filed in this office on April 16, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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