

CITY OF BRADENTON, FLORIDA  
ORDINANCE NO. 2929

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN (LARGE SCALE ACTIVITY CP.10.0029) PROVIDING FOR TEXT AMENDMENTS RE-ESTABLISHING THE LEVEL OF SERVICE STANDARDS FOR SCHOOLS IN THE PUBLIC SCHOOLS FACILITY AND CAPITAL IMPROVEMENTS ELEMENTS, PROVIDING FOR CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, as revised in 1968, provides for and establishes municipalities and grants to those municipalities governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, "The Municipal Home Rule Powers Act", implements by general law the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes home rule for said municipalities; and,

WHEREAS, Chapter 163, Florida Statutes, Part II, known as the Local Government Comprehensive Planning and Land Development Regulation Act (Act), requires, authorizes and empowers municipalities to prepare, adopt, amend and enforce Comprehensive Plans for the development of the City and empowering the City Council of the City of Bradenton to plan for the City's future development and growth in order to responsibly guide the future growth and development of the City, to implement adopted or amended Comprehensive Plans by the adoption of appropriate land development regulations and to establish, support and maintain procedures to carry out the provisions and purposes of said Act; and,

WHEREAS, the City of Bradenton adopted a Comprehensive Plan, Ordinance 2907, on September 23, 2009, pursuant to the Act; and,

WHEREAS, the year 2011 (#1) amendment cycle is an appropriate time to consider amendments to the Comprehensive Plan; and

WHEREAS, the City of Bradenton has submitted an application for a Comprehensive Plan Amendment for certain text amendments to the Public Schools Facilities and Capital Improvements Elements (CP.10.0029); and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council of the City of Bradenton duly designated its Planning Commission as the Local Planning Agency (LPA) for the City of Bradenton; and,

WHEREAS, the LPA and the City Council have in the preparation of the Amendment to the City's Comprehensive Plan performed or caused to be performed, the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, workshops and meetings, as necessary, and have effectively provided for public participation, notice to real property owners, broad dissemination for proposals and alternatives, opportunity for written comments, open discussion, communication programs, information services, consideration of, and response to, public and official comments; and,

WHEREAS, pursuant to Section 163.3184 and Section 163.3187(1), Florida Statutes, the City of Bradenton's LPA held the required public hearing for the Comprehensive Plan Amendment with public notice; and,

WHEREAS, the LPA having reviewed and considered all comments and supporting documents received during said hearing and provided for necessary revisions, recommended said Amendment to the City Council for approval; and,

WHEREAS, based on the matters of record received by the City Council at the required public hearing pursuant to Section 163.3187(1), Florida Statutes, held on December 15, 2010, after the required public hearing, authorized transmittal of the proposed Amendment to the Department of Community Affairs and other agencies for Objections, Recommendations and Comment; and,

WHEREAS, the City received the Department of Community Affairs "Objections, Recommendations and Comments" (DCA No. 11-1) regarding the City's proposed amendment and has considered the "ORC"; and,

WHEREAS, based on the matters of record received by the City Council at the required public hearings after proper notice and finding the proposed Amendment meets the requirements of the Act, the City Council, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt this said Amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bradenton, Florida, as follows:

1. The proposed Amendment to the City of Bradenton Comprehensive Plan, (Ordinance 2929), submitted by the City of Bradenton (CP.10.0029) providing for certain text amendments to the Public Schools Facilities and Capital Improvements Elements, attached

hereto and incorporated herein as Attachment "A" are incorporated by reference in its entirety as it is fully set forth.

2. The applicability and effect of the City of Bradenton Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Act (Sections 163.3161 through 163.3215) and this Ordinance. Except to the extent as amended hereby, the Comprehensive Plan is hereby ratified, confirmed and remains in full force and effect.

3. In the event any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then, and in that event, all remaining provisions and portions of this Ordinance shall remain in full force and effect.

4. The Ordinance adopting the Large Scale Development Amendment shall not become effective, as provided by Section 163.3189 (2)(a) F.S., until the State Land Planning Agency issues a final order determining the adopted Large Scale Development Amendment is in accordance with Section 163.3184(10).

PASSED AND DULY ADOPTED, by an affirmative vote of not less than a majority of the total membership of the City Council of the City of Bradenton, Florida, present and voting, this 13<sup>th</sup> day of April 2011.

ATTEST: CARL CALLAHAN  
City Clerk

CITY OF BRADENTON, FLORIDA, BY AND  
THROUGH THE CITY COUNCIL OF THE  
CITY OF BRADENTON

By: [Signature]  
Clerk/Deputy Clerk

By: [Signature]  
Mayor



APPROVED AS TO FORM:

[Signature]  
William R. Lisch, Attorney

First Reading: March 23, 2011  
Second Reading: Adoption, April 13, 2011

ATTACHMENT "A"  
COMPREHENSIVE PLAN  
TEXT AMENDMENTS

**Capital Improvement Element**

**Policy 1.6.1 Level of Service**

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

For the first three years of school concurrency implementation, only those relocatable facilities purchased after 1998 that meet the standards for long-term use pursuant to 1013.20 F.S. shall be included in the school concurrency determination.

- Elementary – 110% Permanent FISH Capacity and Eligible Relocatables by School Service Area.
- Middle – 105% Permanent FISH Capacity and Eligible Relocatables by School Service Area.
- High – 100% Permanent FISH Capacity and Eligible Relocatables District-wide.

**Policy 1.6.4 School Capacity Program**

The City adopts by reference the School District of Manatee County 2010-11 School Capacity Program, as approved by the School Board on September 27, 2010.

**Public School Facilities Element**

**Policy 2.1.1 Level of Service Standards**

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

For the first three years of school concurrency implementation, only those relocatable facilities purchased after 1998 that meet the standards for long-term use pursuant to 1013,20 F.S. shall be included in the school concurrency determination.

- Elementary – 110% Permanent FISH Capacity and Eligible Relocatables by School Service Area.
- Middle – 105% Permanent FISH Capacity and Eligible Relocatables by School Service Area.
- High – 100% Permanent FISH Capacity and Eligible Relocatables District-wide.

### Policy 2.3.3 Capacity Demand

Capacity Demand shall be determined for each school type within the service area by adding the following:

- 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 the City, 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 2.3.4 Capacity Availability

Capacity Availability shall be determined for each school type within the service area by adding the following:

- Existing FISH permanent capacity; ~~and,~~
- Improvements that will be in place or under construction within three years of the issuance of the final subdivision or site plan approval, or functional equivalent; ~~and,~~
- Multiplying by the Level-of-Service (decimal equivalent of the percentage).