

Chapter 3 Assessment of Special Topics

The Evaluation and Appraisal Report (EAR) is required, through Sections 163.3191(2), F.S., to contain appropriate statements to update the comprehensive plan. Statements required through Sections 163.3191(2)(a), (b), (c), (d), (e), and (i) are included in Chapter 1 CDMP Major Issues and 163.3191(2) (g), (h), (l), and (o) are included in Chapter 2 Assessment of CDMP Elements. The remaining requirements for Sections 163.3191(2) (f), (j), (k), (m), (n) and (p) are addressed in Chapter 3 Assessment of Special Topics. Chapter 3 is organized into seven sections as follows:

- 3.1 Coordination of Land Use and Schools
- 3.2 Evaluation of Redevelopment in Coastal High Hazard Areas
- 3.3 Effect of Statutory and Rule Changes Since 2003
- 3.4 Public Participation Process
- 3.5 Coordination of Land Use and Military Installations
- 3.6 Evaluation of Roadway Impact Methodology
- 3.7 Assessment of the County's Transportation Concurrency Exception Areas

Section 3.1 evaluates the success or failure of the coordination of the future land use map and planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing suitable population projections and the planning and siting of public school facilities. Section 3.2 assesses whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs. Section 3.3 examines the consistency of the CDMP regarding relevant changes occurring since 2003 to the State Comprehensive Plan; Chapter 163, F.S., Rule 9J-5, F.A.C., and the South Florida Regional Planning Council Strategic Regional Policy Plan. Section 3.4 details the extensive public participation process used to incorporate community ideas into the EAR. Section 3.5 reviews whether the criteria to achieve compatibility of uses on lands adjacent to or in close proximity to military installations was successful. Section 3.6 assess the extent to which changes are

needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10). Section 3.7 assesses whether the County's adopted Transportation Concurrency Exception Area (TCEA) has achieved the intended purposes for which it was adopted in the CDMP.

3.1 Coordination of Land Use and Public Schools

Status of Coordination of the Future Land Use Plan Map for Existing and Planned Residential Development with Public Schools

Adopted Educational Element Policy EDU-1F calls for review and comments from the Miami-Dade County Public Schools (MDCPS) on County comprehensive plan amendment applications and other land use decisions, which could impact MDCPS. Since the mid to late 1990's, well before this policy was established, Miami-Dade County has considered and evaluated the estimated impacts of proposed CDMP land use plan map amendments on existing and proposed public school facilities as part of the CDMP amendment analysis process. The County typically forwards to the MDCPS those amendment applications filed during CDMP amendment cycles that have a potential impact on residential designated properties. At the request of the County, the MDCPS provides the following information:

1. the public elementary, middle, and high schools serving the application site;
2. current school enrollment and school capacities of the impacted facilities;
3. estimates of the potential number of elementary, middle, and high school students generated by the proposed land use plan amendment;
4. based on the estimated student generation, determines impact on schools serving the site;
5. status of planned or programmed improvements and/or construction of new educational facilities in the adopted MDCPS Five Year Facilities Plan; and

6. results of the mitigation dialogue between the applicant and MDCPS staff, explaining if the applicant is mitigating its impact on the public schools the application may or may not be approved.

Since the 2003 EAR, Miami-Dade County has adopted a public school concurrency program. The 2005 Florida Legislature amended Chapter 163, Florida Statutes requiring a public school facilities element, school concurrency and updates to the Interlocal Agreement for Public School Planning between Miami-Dade County and Miami-Dade County Public Schools (ILA). In compliance with the 2005 statutory requirements, Miami-Dade County adopted a level of service standard for public school facilities through amendments to the Educational Element, Intergovernmental Coordination and Capital Improvements Elements of the Comprehensive Development Master Plan (CDMP), and revisions to the ILA. The amendments and ILA were found in compliance by the Department of Community Affairs in June 2009.

The adopted level of service (LOS) standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) (with relocatable classrooms). The LOS standard can be satisfied by: 1) construction of new capacity programmed to relieve the impacted school within three years; 2) having capacity available at a contiguous public school facility; 3) phasing development to meet existing capacity; or, 4) exercising a proportionate share mitigation option. It is a goal of Miami-Dade County Public Schools and Miami-Dade County for all public schools facilities to achieve 100% utilization of Permanent FISH (no relocatable classrooms) by January 1, 2018.

The new methodology for public school concurrency requires all new residential development applications be reviewed based on the adopted LOS standard. The review by school staff regarding comprehensive plan amendments, rezoning and Development of Regional Impact proposals or amendments containing residential units are classified as "Public Schools Planning Level Review". The Public Schools Planning Level Review does not constitute public school concurrency review. This review shall not be

construed to obligate the County to deny or approve (or to preclude the County from approving or denying) an application. School capacity is reserved only on plat applications and building permit applications. If there is a deficit in the school of impact, the Concurrency Service Area (CSA), also known as the school attendance boundary, the impact of the development is reviewed to determine if there is capacity available in any contiguous CSA to address the impacts of the proposed development. If available, the impact can be shifted. If mitigation is required, the developer, MDCPS and the County coordinate on the proportionate share mitigation process.

From 2003 through 2009, the county has requested review and comment from the MDCPS on approximately 85 CDMP Land Use Plan map amendment applications. MDCPS provided review on the impact of potential increased residential development on public schools and in some cases comments on the reductions of residential impacts on public schools where land use map applications were requesting changes from residential to non-residential uses.

Residential zoning public hearing applications are also forwarded to MDCPS for review and comment. From 2003 through 2009, the county has forwarded to MDCPS approximately 900 zoning public hearing applications. The review and impact analysis conducted by the MDCPS is similar to that for CDMP amendment applications, as described above. MDCPS estimates the number of students generated by an application and determines the schools impacted by the application and the availability of student stations at the impacted schools. In addition MDCPS provides information on proposed new schools in the area of the application, as well as the results of mitigation dialogue between the applicant and MDCPS staff explaining where the applicant is mitigating its impact on the public schools serving the development. Depending on the results of the dialogue, MDCPS may recommend that the application may or may not be approved.

The County has recently commenced electronically transmitting applications for residential development orders to the MDCPS concurrency management

system. These development orders include zoning, platting and building permits. The platting and building permit applications receive a school concurrency reservation. As noted above, land use and zoning applications receive a "Public Schools Planning Level Review". Due to economic conditions there are currently very few residential development order applications being submitted to the County.

Status of Joint Decision-Making Processes Regarding Population Projections

The Educational Element of the CDMP contains Policy EDU-1E which states that capital improvement programming by the school district be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. It also notes that future enrollment projections should utilize the adopted CDMP population projections as a basis, in addition to the enrollment projections provided by the Department of Education. Where the figures differ, MDCPS should plan for the higher of the two projections. Florida Statutes requires the MDCPS to use countywide total enrollment projections, provided by the Florida Department of Education for their planning purposes.

In addition, Section 2 of the ILA addresses population student enrollment and population projections. Miami-Dade County, the cities in Miami-Dade County and MDCPS have agreed to coordinate their plans upon consistent projections of the amount, type and distribution of population growth and student enrollment. Countywide five-year population projections are required to be updated at least once every two years by the County, due to the changing pace and patterns of urban development in County. The MDCPS shall utilize student population projections based on information produced by the demographic, revenue and education estimating conferences pursuant to Florida Statutes. The MDCPS may request adjustment to the estimating conferences' projections to reflect actual enrollment and development trends using the COHORT Projection Waiver available on the Florida Department of Education website. The MDCPS will coordinate with the County and the Cities regarding

development trends and future population projections. By September 30 of each year, the County and the cities are required to provide MDCPS with a report on growth and development trends within its jurisdiction.

The County's population projections are prepared for permanent residents; tourists and part-time seasonal residents are excluded. The projections are based on a mathematical extrapolation method and assume that trends are a good indicator for future change. Over the years the Miami-Dade County Department of Planning and Zoning have prepared students per housing unit factors, useful for estimating student enrollment. Provisions of the ILA require coordination of plans by all parties utilizing consistent projections of population and student enrollment. The ILA requires that future student generation rates be developed by the County with the School board in a joint collaborative process, in accordance with professionally accepted methodologies, and be reviewed at least every three years and updated as necessary. The initial professionally accepted methodology uses student addresses by school type (elementary, middle and senior) as provided by School board staff, and geocodes each address to the property appraiser files to identify the type of unit, with the goal of obtaining an accurate student generation multiplier rate by Minor Statistical Areas (MSA) based on a 100% sampling. The MSA boundaries are based on census tracts, which are a component of the United States Census geography. These MSA may contain one large census tract or an aggregation of census tracts. The Department of Planning and Zoning established MSAs as planning areas to facilitate small-area analyses and to standardize areas for the development of statistical data and projections. The methodology and data are to be updated as necessary. There has been, and will continue to be, coordination between the County and MDCPS regarding population projections and student generation multipliers.

Status of Joint Decision-Making Processes Regarding the Planning and Siting of Public School Facilities

The Miami-Dade County Board of County Commissioners adopted a School Site Plan Review

Resolution R-535-92 in 1992. The resolution authorized and directed the County Manager to review and make recommendations regarding the consistency of proposed public educational facilities and site plans with Miami-Dade County's CDMP and applicable land development regulations. In 2006, Resolution R-678-06 was adopted substituting Resolution R-535-92. Resolution R-678-06 established a new process to assure a timely and efficient review of public schools to assist in expediting the construction of schools. The new process also established the Developmental Impact Committee Educational Facilities Review Subcommittee (Subcommittee) consisting of an Assistant County Manager and directors of Planning and Zoning Department and the Public Works Department. After receipt and review of an application from Miami-Dade County Public Schools (MDCPS) by the County, the Subcommittee meets and makes its recommendation to MDCPS. The Subcommittee is required annually to submit a report to the Board of County Commissioners on the number of educational facilities reviewed, the extent to which MDCPS has adhered to the County's recommendations and on the extent to which the County has assisted MDCPS in the implementation of MDCPS's capital improvement plan. This new process was established in 2006 due to the aggressive growth plans by MDCPS and to assure a timely and efficient review to assist in expediting the construction of public schools. Between 2003 and 2008, MDCPS has submitted thirty-one school site application plans to the county for review.

Pursuant to Section 235.193(4), F. S., the MDCPS is required to provide written notice to Miami-Dade County on its intent to acquire or lease property for a new public school facility. Miami-Dade County reviews the site for consistency with the land use plan map categories and policies of the CDMP, and provides a written response to MDCPS. Between 2003 and 2008, the County has issued 107 school CDMP consistency letters to the MDCPS. There were no requests in 2009. To further improve coordination in the siting of public educational facilities between the County and the MDCPS, the ILA provides for County representation as a voting member of the MDCPS School Site Selection Planning and Construction Committee (SSPCC). The SSPCC reviews potential sites for new schools

and proposals for significant renovation, the location of relocatables or additions to existing buildings, and potential closure of existing schools, and to make recommendations on these issues for consideration by MDCPS staff. When the need for a new school is identified and funded in the district educational facilities plan, the SSPCC will develop a list of potential sites in the area of need. The list of potential sites will be submitted to the local government with jurisdiction over the use of the land for an informal assessment regarding consistency with the local government comprehensive plan. The ILA requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations. The ILA formalizes and puts into one agreement all the formal and informal coordination that has been occurring between the County and MDCPS.

The County's review of proposed public educational facility sites is guided by numerous policies in the CDMP. The Land Use Element establishes and articulates broad policy in keeping with the traditional role of the metropolitan area comprehensive plan as a framework for, or schematic plan of, area-wide future development. Generally neighborhood- or community-serving institutional uses and utilities including schools and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable land use category, and where provided in certain Open Land sub-areas. Objective 1 of the Land Use Element of the CDMP provides for locating urban growth in Miami-Dade County through the year 2015 emphasizing the concentration and intensification of development around centers of activities, developing well designed communities containing a variety of uses, housing types and public services, including schools. Policy LU-1D further discusses Miami-Dade County conducting planning, regulatory, capital improvements and intergovernmental coordination activities, seeking to facilitate the planning of residential areas as neighborhoods which should include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic. Policy

LU-1Q further recommends that the siting of both public and private schools throughout the county conform to the school siting policies adopted in Objective 3 of the Educational Element.

The Intergovernmental Coordination Element of the CDMP discusses improving coordination between Miami-Dade County's comprehensive planning and growth management processes of other governmental entities, including schools. Policy ICE-IH discusses the continued coordination of the county with the Miami-Dade County Public Schools (MDCPS) through the implementation of the Educational Element of the CDMP, the Public School Impact Fee, school site acquisitions reviews and other appropriate means. Policy LU-1S requires the County and MDCPS to abide by the procedures in the ILA for coordinating and planning relative to land use, public school facility siting, population projections, and concurrency. Policy LU-1T requires the coordination between the County and School District to consider all reasonable opportunities to collocate parks, libraries, and other public school facilities. Educational Policy EDU-3C reiterates collocation and joint use facilities.

Further, the CDMP Educational Element, lays the groundwork for increased intergovernmental coordination between the County and the Miami-Dade County Public Schools. Policy EDU-3A of the Educational Element outlines the county's policy regarding the consistency of School District's purchase of sites and construction of new schools outside of the Urban Development Boundary (UDB). The county recommends to the School District to not purchase sites nor build new schools outside the UDB, and to locate new elementary schools at least ¼ mile inside the UDB, to locate new middle schools at least ½ mile inside the UDB, and, to locate new senior high schools at least one mile inside the UDB. Ensuring that public school facilities are sited in a manner that conforms to other planning objectives is an issue of countywide concern. The CDMP includes policies that encourage the location of new public schools in a manner that conforms to other CDMP goals and objectives. The scarcity of adequate sites in some developed or developing areas, the need to ensure that adequate sites are available, and the adequacy of public facilities and infrastructure to serve new

school facilities are limitations that the School Board has when acquiring new sites for new schools. In addition, the impacts of new schools on other public facilities and infrastructure, such as roadways, water, sewer and solid waste, are considered during the County's school site review process.

The construction of new facilities requires the acquisition and preparation of new sites or the preparation of school-board owned sites. Understanding the lack of available land and need to construct "Urban Schools for Urban Living", MDCPS has designed several prototypes that can be sited on smaller sites or added to existing facilities. MDCPS has constructed and will be utilizing in the future, the following new prototype sizes and corresponding minimum site sizes:

- 400-seat Early Childhood Center, on a minimum 3-acre site;
- 800-seat Elementary School, expandable to 1,200-seat, on a minimum 6-acre site;
- 1,200-seat K-8 School, expandable to 1,600-seat, on a minimum 10-acre site;
- 1,200-seat Middle School, expandable to 1,600-seat, on a minimum 10-acre site; and
- Modular classrooms from an 8-classroom module to a 24-classroom module which can be stacked up to four stories.

3.2 Evaluation of Redevelopment in Coastal High Hazard Areas

Subsection 163.3191(2)(m), Florida Statutes (F.S.) requires an assessment of whether any past reductions in land use density in coastal high hazard areas of Miami-Dade County (County) impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. This following narrative examines: (a) the state statutes concerning coastal high hazard areas, (b) affected areas in the unincorporated portion of the County, (c) the County's policies regarding redevelopment and density in the coastal high hazard areas and (d) any past reductions in land use density in those areas.

During the 2006 Florida Legislative session, the Florida Legislature adopted a new definition of coastal high-hazard areas and other changes to section 163.3178, F.S. (House Bill 1359) which necessitated a corresponding amendment to the CDMP. Accordingly, the Department of Planning and Zoning (DP&Z) submitted the appropriate CDMP text amendment in the April 2007 cycle. The effect of this CDMP amendment was to include the new definition of coastal high-hazard areas, as required by section 163.3178, F.S., in the Coastal Management, Land Use, and Capital Improvements Elements of the CDMP. This text amendment was adopted by the Board of County Commissioners on April 24, 2008.

The County is mandated to work with the South Florida Regional Planning Council (SFRPC) with their development of a Statewide Regional Evacuation Study program, which will include an updated Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model using the most current demographic, land use, evacuation and Light Detection and Ranging (LIDAR) data available. The SFRPC study and new SLOSH maps are scheduled to be completed in June 2010. Updates to the corresponding policies and maps are pending completion of the study. Since the SLOSH model from the SFRPC study is not yet available, the CHHA area was analyzed using Geographic Information System (GIS) data. This GIS analysis evaluated the unincorporated portions of the County

within one thousand feet of the coast, including certain barrier islands and the southern part of the County, from Key Biscayne on south until the County line.

Portions of all four barrier islands are in the unincorporated County area, namely Fisher Island, Haulover Park in Sunny Isles, and portions of Key Biscayne and Virginia Key. As detailed in Coastal Management Objective CM-8, the majority of these lands consist of public beaches, institutional uses, and parks. As mentioned in CM-8, the City of Miami is developing a Master Plan for their jurisdictional area on Virginia Key. The Master Plan was presented before the Miami City Commission in June and October 2009, and the County provided written comments to the City of Miami. These comments included concerns about the lack of deficient documentation regarding market demand for the proposed commercial uses; no parking or park user studies provided, passive open spaces appear to be place holders for future ball fields; and environmental concerns concerning effects of lighting on sea turtles and development in close proximity to environmentally sensitive lands. Fisher Island, a private island, had no redevelopment since 2003 and the County has not reduced the density since it was originally zoned.

The majority of lands in the coastal area southerly from Key Biscayne to the Monroe County line, fall within the jurisdiction of municipalities and will not be addressed here. However, there are small portions of lands in the unincorporated County, mainly portions of coastal lands to the east and south of the Town of Cutler Bay. The greater portion of these coastal lands are designated as "Environmentally Protected Parks" or "Parks and Recreation" in the CDMP and much of this land lies within Biscayne National Park. Florida Power and Light Company--the local utility provider--has operated an institutional use on this coast since the 1970s.

The CDMP contains certain policies which apply to redevelopment following a natural disaster. In the Coastal Management Element, Objective CM-9A states that the County "shall continue to orient its planning, regulatory, and service programs to direct future population concentrations away from the

Coastal High Hazard Area (CHHA) and FEMA 'V' Zone." Policy CM-9A outlines how development and redevelopment activities in the CHHA and other coastal areas "shall be limited to those land uses that have acceptable risks to life and property." These and other County policies are in accordance with section 163.3178(1), F.S., which mandate that the "local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster."

Objectives CM-10 and CM-11 in the Coastal Management Element outlines the County's policies regarding development following a disaster. While the CDMP follows state statutes to try and limit development activities in coastal areas, the barrier islands and coastal areas were largely developed prior to government mandates to redirect population growth. To recognize existing development in coastal areas, Policy CM-11D states: "If an area in need of major post-disaster redevelopment is determined to be a high-risk area for development, permitted post-disaster densities and intensities shall not exceed the permitted pre-storm densities and intensities." This policy recognizes the rights of property owners located in coastal areas following a natural disaster to rebuild their homes to its original density. In addition, Objective 2 of the Capital Improvements Element states: "Development in high hazard coastal areas will be retained at permitted levels, as of July 1, 1989." This policy ensures that any development or redevelopment will preserve the property rights of owners, without permitting added density or intensity of uses.

Based on this analysis of the unincorporated areas within the County's CHHA, within 1,000 feet of the coast, there has been no past reduction in land use densities and therefore no property rights have been impaired.

3.3 Effect of Statutory and Rule Changes Since 2003

Subsection 163.3191(2)(f), Florida Statutes (F.S.) requires an assessment of relevant changes to the State Comprehensive Plan; Chapter 9J-5, Florida Administrative Code; Chapter 163, F.S.; and the appropriate regional policy plan. Relevant changes that occurred between 2003 and 2009 are noted. Changes made previous to 2003 were addressed in the 2003 EAR.

Consistency with State Comprehensive Plan

In 2008, the following changes were made (see Section 5 of Chapter. 2008-227, Laws of Florida):

- a) A new policy was added under Goal (10) Air Quality:

6. Encourage the development of low-carbon-emitting electric power plants.

- b) Goal 11 Energy was revised as follows:

Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors and shall reduce atmospheric carbon dioxide by, while at the same time promoting an increase use of renewable energy resources and low-carbon-emitting electric power plants.

- c) A new policy was added under Goal (15) Land Use:

8. Provide for the siting of low-carbon-emitting electric power plants, including nuclear power plants, to meet the state's determined need for electric power generation.

No amendments to the County's Comprehensive Development Master Plan (CDMP) are needed in order to be consistent with the State Comprehensive Plan.

Consistency with Chapter 9J-5, Florida Administrative Code

No changes were made since the adoption of Miami-Dade County's EAR in 2003.

Consistency with Chapter 163, F.S. and Other Chapters

The majority of relevant changes occurred in Chapter 163, Part II which concerns Growth Policy, County and Municipal Planning, and Land Development Regulation. Changes made to other chapters, such as Ch. 420 which concerns Housing, and Ch. 339 which concerns Transportation Finance and Planning, are also reviewed. Table 3.3-1 identifies whether: these changes require modification to any particular CDMP element; the changes were already made through previous plan amendments; and whether the changes are optional or are simply procedural in nature.

As a result of changes made to Chapter 163, F.S. and other chapters, future CDMP amendments will be required. The following is a listing of changes needed:

For the Land Use Element in the CDMP, amendments are needed to address the following legislative requirements:

"For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07." Section 163.3177(6)(a), F.S.

"The future land use plan shall be based upon surveys, studies, and data regarding the area, including...energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems..." Section 163.3177(6)(a), F.S.

"The future land use plan shall be based upon surveys, studies, and data regarding the area, including...greenhouse gas reduction strategies..." Section 163.3177(6)(a), F.S.

"The land use map or map series contained in the future land use element shall generally identify and depict...Energy conservation." Section 163.3177(6)(d), F.S.

“Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2012.” Section 163.3177(6)(a), F.S.

For the Transportation Element in the CDMP, an amendment is required to address the following legislative requirement:

“For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which must be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:...The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.” Section 163.3177(6)(j)(10), F.S.

For the Traffic Circulation Subelement in the CDMP, amendments are needed to address the following legislative requirements:

“With regard to roadway facilities on the Strategic Intermodal System...and roadway facilities funded in accordance with s. 339.2819, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule....In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility’s adopted level-of-service standards in adjacent jurisdictions.” Section 163.3180(10), F.S.

“The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.” Section 163.3177(6)(b), F.S.

“Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule.” Section 163.3180(10), F.S.

For the Housing Element in the CDMP, an amendment is required to address the following legislative requirement:

“A housing element consisting of standards, plans, and principles to be followed in....Energy efficiency in the design and construction of new housing.” Section 163.3177(6)(f)1.h, F.S.

For the Conservation, Aquifer Recharge and Drainage Element in the CDMP, an amendment is needed to address the following legislative requirement:

“A conservation element for the conservation, use, and protection of natural resources in the area...including factors that affect energy conservation.” Section 163.3177(6)(d), F.S.

For the Recreation and Open Space Element in the CDMP, an amendment is needed to address the following legislative requirement:

“A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including...waterways, and other recreational facilities.” Section 163.3177(6)(e), F.S.

For the Coastal Management Element in the CDMP, amendments are needed to address the following legislative requirements:

“A shoreline use component that identifies public access to beach and shoreline areas....Such component must include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07.” Section 163.3178(2)(g), F.S.

“For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect

to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.” Section 163.3178(9)(b), F.S.

For the Intergovernmental Coordination Element in the CDMP, amendments are needed to address the following legislative requirements:

“The intergovernmental coordination element shall provide for recognition of...airport master plans under paragraph (k).” Section 163.3177(6)(h)1.b, F.S.

“The intergovernmental coordination element shall provide for a dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes.” Section 163.3177(6)(h)1.c, F.S.

“The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).” Section 163.3177(6)(h)1.d, F.S.

For the Capital Improvements Element in the CDMP, amendments are needed to address the following legislative requirements:

“With regard to roadway facilities on the Strategic Intermodal System...and roadway facilities funded in accordance with s. 339.2819, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule....In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility’s adopted level-of-service standards in adjacent jurisdictions.” Section 163.3180(10), F.S.

“Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63, local governments shall adopt the level-of-service standard

established by the Department of Transportation by rule.” Section 163.3180(10), F.S.

“The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include...airport passenger terminals and concourses, air cargo facilities, and hangars for the maintenance or storage of aircraft.” Section 163.3180(4)(b), F.S.

Consistency with the Strategic Regional Policy Plan for South Florida

At the time of the last EAR in 2003, the South Florida Regional Planning Council (SFRPC) was in the process of revising their Strategic Regional Policy Plan (SRPP). In the 2003 EAR, it was noted that once the SRPP was completed and adopted, the County would evaluate the updated SRPP for consistency with the CDMP and any inconsistencies will be remedied through CDMP plan amendments. The SRPP was adopted by the SFRPC in June 2004, and the County evaluated the SRPP for consistency with the CDMP. During the EAR-based amendments, only one update was needed. This was to change the reference in the Land Use Element on page I-49 of the CDMP to the SRPP’s renumbered policy 11.14 pertaining to “Regional Development Districts.” No other changes were needed to ensure consistency with the SRPP.

Table 3.3-1
CDMP Consistency With Changes to Chapter 163, F.S. and Other Chapters (2003-2009)

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2003					
163.3162 [New]	Creates the Agricultural Lands and Practices Act.				
	(2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation.				X
	(3): Defines the terms “farm,” “farm operation,” and “farm product” for purposes of the act.				X
	(4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land.				X
	(4)(a): Provides that the act does not limit the powers of a county under certain circumstances.				X
	(4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances.				X
	(4)(c): Provides that the act does not limit the powers of certain counties.				X
	(4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.				X
163.3167(6)	Changes “State Comptroller” references to “Chief Financial Officer.”				X
163.3177(6)(k)	Provides for certain airports to abandon DRI orders.		X		
163.31776	Throughout s.163.3177, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.				X
163.31777	Throughout s.163.31777, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.				X
Changes to Chapter 163 F.S. in 2004					
163.3167(10)	Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.				X
163.3167(13)	Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.		X		
163.3167(14)	Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.				X
163.3175(1) (Created)	Provides legislative findings on the compatibility of development with military installations.		X		
163.3175(2)	Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.		X		
163.3175(3)	Provides for responsive comments by the commanding officer or his/her designee.		X		
163.3175(4)	Provides for the county or affected local government to take such comments into consideration.		X		
163.3175(5)	Requires the representative of the military installation to be an ex-officio, nonvoting member of the county’s or local government’s land planning or zoning board.		X		
163.3175(6)	Encourages the commanding officer to provide information on community planning assistance grants.				X

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2004 (continued)					
163.3177(6)(a)	Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations.		X		
	Changed to encourage rural land stewardship area designation as an overlay on the future land use map.			X	
163.3177(6)(c)	Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.		X		
163.3177(10) (l)	Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations.				X
163.3177(11)(d)(1-4)	(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas.				X
	(11)(d)2. Provides for multi-county rural land stewardship areas.			X	
	(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.				X
163.3177(11)(d)6.j	Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.				X
163.3177(11)(e-f)	Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.				X
	Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires DCA to provide technical assistance to local governments.				X
Creates 163.31771	(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.				X
163.31771	(2): Provides definitions.				X
163.31771(3)	Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.			X	
163.31771(4)	An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant, which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.				X
163.31771(5)	Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.				X
163.31771(6)	Requires the DCA to report to the Legislature.				X
163.3184(1)(b)	Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act.				X
163.3187(1)(m)	Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.				X

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2004 (continued)					
163.3187(1)(n)	Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.				X
163.3191(2)(n)	Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations.				X
Changes to Chapter 163 F.S. in 2005					
163.3164(32) [New]	Added the definition of “financial feasibility.”				X
163.3177(2)	Required comprehensive plans to be “financially” rather than “economically” feasible.				X
163.3177(3)(a)5	A schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved and maintained. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule.		X		
163.3177(3)(a)6.b. 1	Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.				X
163.3177(3)(a)6.c	Added oversight and penalty provision for failure to adhere to this section’s capital improvements requirements.				X
163.3177(3)(a)6.d	Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.			X	
163.3177(6)(a)	Deleted date (October 1, 1999) by which school siting requirements must be adopted.				X
163.3177(6)(a)	Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).		X		
163.3177(6)(a)	For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07. (Also see 163.3178(2)(g))	Land Use Element			
163.3177(6)(c)	Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.		X		

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2005 (continued)					
163.3177(6)(e)	Added waterways to the comprehensive system of public and private sites for recreation addressed by the recreation and open space element.	Recreation and Open Space Element			
163.3177(6)(h)(1)	The intergovernmental coordination element must address coordination with regional water supply authorities		X		
163.3177(11)(d)(4)(c)	Required rural land stewardship areas to address affordable housing.				X
163.3177(11)(d)(5)	Required a listed species survey be performed on rural land stewardship receiving area. If any listed species present, must ensure adequate provisions to protect them.				X
163.3177(11)(d)(6)	Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.				X
163.3177(11)(d)(6)(j)	Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.				X
163.3177(12)	Must adopt public school facilities element.		X		
163.3177(12)(a)	A waiver from providing this element will be allowed under certain circumstances.				X
163.3177(12)(g)	Expanded list of items to be to include collocation, location of schools proximate to residential areas, and use of schools as emergency shelters.		X		
163.3177(12)(h)	Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.		X		
163.3177(12)(i)	Required DCA to establish a schedule for adoption of the public school facilities element.				X
163.3177(12)(j)	Established penalty for failure to adopt a public school facility element.				X
163.3177 (13)	Encourages local governments to develop a “community vision,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.			X	
163.3177(14)	Encourages local governments to develop an “urban service boundary,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).			X	
163.31776 [Now: Repealed]	163.31776 is repealed				X
163.3177(2)	Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.				X
163.3177(5)	Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements. (N/A)				X
163.3177(7)	Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.				X
163.3178(2)(g)	Expands requirement of coastal element to include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07. (Also see 163.3177(6)(a))	Coastal Management Element			
163.3180(1)(a)	Added “schools” as a required concurrency item.		X		

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2005 (continued)					
163.3180(2)(a)	Required consultation with water supplier prior to issuing building permit to ensure “adequate water supplies” to serve new development will be available by the date of issuance of a certificate of occupancy.		X		
163.3180(2)(c)	Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.		X		
163.3180(4)(c)	The concurrency requirement, except as it relates to transportation and public schools, may be waived in urban infill and redevelopment areas. The waiver shall be adopted as a plan amendment. A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within an urban infill and redevelopment area.		X		
163.3180(5)(d):	Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.		X		
163.3180 (5) (e) – (g)	If local government has established transportation exceptions, the guidelines for implementing the exceptions must be “consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last. (This was later changed by SB 360 – see “Changes to Chapter 163 F.S. in 2009”)		X		
163.3180(6)	Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.		X		
163.3180(7)	Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.			X	
163.3180(9)(a)	Allowed adoption of a long-term concurrency management system for schools.			X	
163.3180(9)(c)	Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.			X	
163.3180(9)(d)	If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.			X	

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2005 (continued)					
163.3180(10)	Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions. (See sec. 163.3180(10) in "Changes to Chapter 163 F.S. in 2009.")	Traffic Circulation Subelement, Capital Improvements Element			
163.3180(13)(c)(1-3)	Required school concurrency (not optional). Requires school concurrency after five years to be applied on a "less than districtwide basis" (i.e., by using school attendance zones, etc). Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries. No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must be shifted to contiguous service areas with school capacity.		X		
163.3180(13)(e)	Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand. Enumerated mitigation options for achieving proportionate-share mitigation.		X		
163.3180(13)(e)(2)	If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community: contribution of land construction, expansion, or payment for land acquisition		X		
163.3180(13)(g)(2)	(Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.				X
163.3180(13)(g)6.a	[Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.				X
163.3180(13)(g)(7)	[Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.				X
163.3180(13)(h)	The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.				X
163.3180(15)(a)	Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.			X	
163.3180(16)	Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.		X		

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2005 (continued)					
163.3184(17)	If local government has adopted a community vision and urban service boundary, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.			X	
163.3184 (18)	If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments. (N/A)				X
163.3187(1)(c)(1)(f)	Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances, affordable housing units are exempt from this limitation.				X
163.3187(1)(c)(4)	If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.				X
163.3187(1)(o)	An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.				X
163.3191(2)(k)	Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the Evaluation and Appraisal Report whether the local government continues to meet the exemption criteria in section 163.3177(12).				X
163.3191(2)(l)	The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects, including conservation and reuse, needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply workplan.				X
163.3191(2)(o)	The Evaluation and Appraisal Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was created.				X
163.3191(2)(p)	The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities.				X
163.3191(10)	The Evaluation and Appraisal Report -based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.				X
163.3246 [New]	(10) New section designating Freeport as a certified community. (N/A)				X
163.3246	(11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government. (N/A)				X
Changes to Chapter 163 F.S. and Other Chapters in 2006					
163.3162(5) [New]	Establishes plan amendment procedures for agricultural enclaves as defined in section 163.3164(33), F.S. Ch. 2006-255, LOF.				X
163.3164(33) [New]	Defines agricultural enclave. Ch. 2006-255, LOF				X

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. and Other Chapters in 2006 (continued)					
163.3177(6)(g)2. [New]	(6)(g)2.: Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.			X	
163.3177(11)(d)6.	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area. Ch. 2006-220, LOF.				X
163.31771(1), (2) and (4)	Recognizes "extremely-low-income persons" as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.				X
163.3178(2)(d)	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans. Ch. 2006-68, LOF.				X
163.3178(2)(h)	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.		X		
163.3178(9)(a) [New]	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.		X		
163.3178(9)(b) [New]	Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.	Coastal Management Element			
163.3178(2)(c)	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.		X		
163.3180(2)(a)	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.				X
163.3180(12)(a)	Changes section .380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.				X
163.3187(1)(c)1.f.	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.				X
163.3208 [New]	Creates a new section related to electric distribution substations; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.		X		

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. and Other Chapters in 2006 (continued)					
163.3209 [New]	Creates a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way. Ch. 2006-268, LOF.				X
420.5095	Community Workforce Housing Innovation Pilot Program; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.				X
Changes to Chapter 163 F.S. and Other Chapters in 2006 (continued)					
420.615	Affordable housing land donation density incentive bonus; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.				X
Changes to Chapter 163 F.S. in 2007					
163.3164(26)	Expands the definition of “urban redevelopment” to include a community redevelopment area. Ch. 2007-204, LOF.				X
163.3164(32)	Revises the definition of “financial feasibility” by clarifying that the plan is financially feasibility for transportation and schools if level of service standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved. In addition, the provision that level of service standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S., is used is deleted. Ch. 2007-204, LOF.				X
163.3177(2)	Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation or school concurrency management, in which case a 10 or 15-year period applies). Ch. 2007-204, LOF.				X
163.3177(3)(a)(6)	Revises the citation to the MPO’s TIP and long-range transportation plan. Ch. 2007-196, LOF.				X
163.3177(3)(b)(1)	Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Ch. 2007-204, LOF.		X		
163.3177(3)(c)	Deletes the requirement that the Department must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place is the annual update is not adopted). Ch. 2007-204, LOF.				X
163.3177(3)(e)	Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.				X

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2007 (continued)					
163.3177(6)(f)(1)(d)	Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF		X		
163.3177(6) (h-i)	Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Ch. 2007-198, LOF.		X		
163.3180(4)(b)	Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.	Capital Improvements Element			
163.3180(5)(b)(5)	Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.		X		
163.3180(7)	Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Ch. 2007-204, LOF.			X	
163.31801(12)(a)	Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.		X		
163.3180(12)(d)	Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.				X
163.318013)(e)(4)	A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.		X		
163.318016)(c) and (f)	Allows proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.		X		
163.3180 (17)	A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip-generation entitlements of an approved development-of-regional-impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full-time employees. Ch. 2007-198, LOF.			X	

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. and Other Chapters in 2007 (continued)					
163.3182 [New]	Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defines the powers of the authority to include tax increment financing and requires the preparation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.			X	
163.3184(19) [New]	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.				X
163.3187(1)(p) [New]	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.				X
163.3191(14) [New]	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.				X
163.3229	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.				X
163.32465 [New]	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.				X
339.282 [New]	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement. Ch. 2007-196, LOF.			X	
420.5095(9)	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.				X
Changes to Chapter 163 F.S. in 2008					
163.3177(6)(a)	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.		X		
163.3177(6)(a)	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	Land Use Element			
163.3177(6)(a)	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	Land Use Element			
163.3177(6)(b)	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	Traffic Circulation Subelement			
163.3177(6)(d)	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	Conservation, Aquifer Recharge and Drainage Element			
163.3177(6)(d)	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	Land Use Element			

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2008 (continued)					
163.3177(6)(f)1.h. and i.	The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.	Housing Element			
163.3177(6)(j)(10)	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	Transportation Element			
Changes to Chapter 163 F.S. in 2009					
163.3164(29)	Changes “Existing Urban service area” to “Urban service area” and revises the definition of such an area. Section 2, Chapter 2009-96, LOF.				X
163.3164(34)	Adds definition of “Dense urban land area.” Section 2, Chapter 2009-96, LOF.				X
163.3177(3)(b)1.	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible. Section 3, Chapter 2009-96, LOF.				X
163.3177(6)(a)	Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports. For military installations, the date is changed from June 30, 2006, to June 30, 2012. Section 3, Chapter 2009-85, LOF.	Land Use Element	X		
163.3177(6)(h)1.b.	Requires the intergovernmental coordination element to recognize airport master plans. Section 3, Chapter 2009-85, LOF.	Intergovernmental Coordination Element			
163.3177(6)(h)1.c.	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	Intergovernmental Coordination Element			
163.3177(6)(h)1.d.	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s. 333.03(1)(b), F.S., between adjacent local governments regarding airport zoning regulations. Section 3, Chapter 2009-85, LOF.	Intergovernmental Coordination Element			
163.3177(15)(a) [New]	Defines “rural agricultural industrial center” and provides for their expansion through the plan amendment process. Section 1, Chapter 2009-154, LOF			X	
163.3180(5)(b)2.	Allows a municipality that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Section 4, Chapter 2009-96, LOF. (N/A)				X
163.3180(5)(b)3.	Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Section 4, Chapter 2009-96, LOF.				X
163.3180(5)(b)4.	Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Section 4, Chapter 2009-96, LOF.		X		

Amended Section Reference	Changes to Chapter 163 F.S. and Other Chapters: 2003-2009	CDMP Amendments Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provisions	Procedural
Changes to Chapter 163 F.S. in 2009 (continued)					
163.3180(10)	Except in transportation concurrency exception areas, local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System. Section 4, Chapter 2009-96, LOF. (See sec. 163.3180(10) in “Changes to Chapter 163 F.S. in 2009.”)	Traffic Circulation Subelement, Capital Improvements Element			
163.3180(12)(b) & (16)(i)	Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Section 5, Chapter 2009-85, LOF.				X

3.4 Public Participation Process

This following narrative summarizes the significant public participation program and activities undertaken during the preparation of the 2010 Evaluation and Appraisal Report (EAR) in accordance with Section 163.3191 (2)(j) Florida Statutes.

The Miami-Dade County Department of Planning and Zoning (DP&Z) created a public participation plan to acquire and utilize community comments in the preparation of the EAR. The public participation plan was developed to satisfy three objectives: 1) to develop issues for the EAR; 2) to allow the public the opportunity to raise questions regarding the Comprehensive Development Master Plan (CDMP); and 3) to keep the public abreast of changes that would be made to the CDMP. The DP&Z began outlining its public participation aspect of the EAR in March 2009.

The first step in designing an effective public outreach program is to look at previous efforts for their effectiveness. The DP&Z staff examined the outreach program used in the County's previous EAR and Strategic Planning efforts, as well as public outreach efforts by other organizations such as the County's Metropolitan Planning Organization, and other local governments and agencies such as Broward County and the South Florida Regional Planning Council. Based on a review of these previous outreach programs, DP&Z determined that a multi-faceted approach would be needed to obtain input from the citizens, stakeholders, County government and other local, state and regional governments. This approach is broken into four areas that were structured to obtain meaningful comments regarding the policies of the County and engage the public in the EAR process. These four areas are listed below.

- Internal Strategy Sessions
- EAR 2010 Communications Network
 - Stakeholder lists
 - EAR 2010 Website
 - Mailers, flyers, and Ads
- Key EAR 2010 Events
 - Kick-off meeting for County Departments
 - South Florida Regional Planning Council/DCA EAR Workshops
 - Town Hall Meetings
 - Scoping Meeting
 - Letter of Understanding

- Future Public Meetings and Comments

The following addresses each component in greater detail.

Internal Strategy Sessions

DP&Z held an internal "brainstorming" session on June 15, 2009 to discuss the EAR elements and emerging topics such as sea level rise and climate change.

EAR 2010 Communications Network

All members of the community were provided different ways in which to give their input: a dedicated EAR website to receive comments, local Town Hall meetings, or by writing or e-mailing DP&Z. But because of the difficulty in reaching all Miami-Dade County residents, a target audience was chosen based on their perceived stake in the future of the community. The target audience for the EAR consisted of two groups: primary stakeholders, those with direct interests vested in the CDMP and the main target of public outreach efforts, and secondary stakeholders, those with a more general interest in the future of the community, the subordinate target. The primary stakeholders were: city planners and planning consultants, land-use attorneys, Miami-Dade County Board of County Commissioners (BCC) and Miami-Dade County Planning Advisory Board (PAB) members, Miami-Dade County Planners Technical Committee, local members of the American Planning Association, Community Councils, select County agencies and committees, environmental groups, select state agencies, elected officials for municipalities, selected bloggers, advocacy groups, citizen activists and designated regional agencies. The secondary stakeholders consisted of: specified local businesses and chambers of commerce, professional and trade groups, civic organizations, condominium and homeowners groups, cultural groups, state and U.S. representatives and senators, research institutions, tribal governments, adjacent counties and municipalities, and select U.S. agencies.

Contact lists for these stakeholders were obtained from County agencies, personal contacts, information submitted at public hearings, and Internet research. This resulted in a substantial contact list of primary and secondary stakeholders. Of these stakeholders,

approximately 600 stakeholders were contacted through their mailing address, and an additional 250 stakeholders were reached through their e-mail address.

Based on this input, online comments, and staff meetings, DP&Z began compiling a list of preliminary major issues. DP&Z staff reviewed all comments to determine if it was a major issue, a component of a major issue, a special planning topic, or did not rise to the level of a major issue.

Key EAR 2010 Events

Kick-off meeting for County Departments and Agencies

An internal County “Kick-off” meeting was held on June 25, 2009 to educate key County agencies about the EAR process and to solicit their input on the EAR elements.

South Florida Regional Planning Council/DCA EAR Workshop

The DP&Z staff attended the EAR Workshop held by the Department of Community Affairs (DCA) for Broward, Miami-Dade and Monroe Counties. This EAR workshop was held on July 15, 2009, at the South Florida Regional Planning Council in Hollywood. In addition to participating in one of the discussion topics, DP&Z also notified attendees about the Town Hall meetings and the EAR website.

Town Hall Meetings

Informal “Town Hall” meetings were identified as a direct means to communicate with the public about the EAR process and to solicit input. Well-known, easily accessible, County-owned meeting locations were chosen in locations spread throughout the County. A dedicated EAR website (<http://www.miamidade.gov/planzone/ear2010.asp>) was created very early in the process (June 2009). This EAR website was accessible by a banner and section link on the main DP&Z website. The EAR website included an explanation of the EAR process and timeline, dates of public meetings, County and State statues concerning the EAR, DP&Z contact information, links to the 2003 EAR and County’s CDMP, links to the DCA website, and the PowerPoint

presentation shown at the Town Hall meetings. The website provided a link to sign up for e-mail alerts from the EAR 2010 e-mail account. The EAR website also contained a comment section where the public could submit their suggestions. These comments and DP&Z responses were continuously updated as needed and posted on the EAR website.

Fliers announcing the EAR and providing the dates of the Town Hall meetings were mailed to over 600 stakeholders during July 2009. The fliers also contained a section for written comments to be submitted to DP&Z. A special “EAR 2010” e-mail account was established to reach stakeholder groups. EAR 2010 e-mails announcing the EAR process and the Town Hall dates were sent in July 2009 to over 250 stakeholders, with follow-up e-mails sent in August 2009.

An advertisement announcing the EAR process and Town Hall dates was published in the local paper (*Miami Herald*) on August 13, 2009, and is included in Appendix 3-1. A press release about the Town Hall meetings was issued, and the meetings were posted on the County’s main webpage in the County calendar. Websites and blogs were monitored for mention of the EAR. E-mails were sent to selected bloggers; and several posted notices about the EAR on their blogs, such as Eye on Miami and Blogging Black Miami. The meetings were also posted on the websites of such groups as the Urban Environmental League, Tropical Audubon Society, Miami Chapter of the American Institute of Architects, and the Gold Coast Chapter of the American Planning Association.

The County Manager sent out a memo to the BCC, PAB, Community Councils, and County agencies, announcing the EAR timeline, process, and dates of the Town Hall meetings. This was followed up by e-mails and phone calls to encourage attendance at the Town Hall meetings.

Five Town Hall meetings were held in August 2009 to explain the EAR process and solicit comments from the public. These meetings were held at locations throughout the County, at the following dates and locations. Attendance at these meetings is also provided.

- August 24, 2009 from 6:00 to 8:30 p.m.: Martin Luther King Center, 2525 NW 62 Street, Miami, FL 33167, with 36 people in attendance
- August 25, 2009 from 6:00 to 8:30 p.m.: West Kendall Regional Library, 10201 Hammocks Boulevard, Miami, FL 33196, with 41 people in attendance
- August 26, 2009 from 6:00 to 8:30 p.m.: Miami Lakes Library, 6699 Windmill Gate Road, Miami, FL 33014, with 28 people in attendance
- August 27, 2009 from 6:00 to 8:30 p.m.: South Dade Government Center, 10710 SW 211 Street, Miami, FL 33189, with 39 people in attendance
- August 31, 2009 from 6:00 to 8:30 p.m.: West Dade Regional Library, 9445 Coral Way, Miami, FL 33165, with 40 people in attendance

At these Town Hall meetings, DP&Z delivered a brief PowerPoint presentation explaining the EAR process and how this involved updating the County's CDMP. The audience was asked to provide their input on the EAR elements and to help identify major issues. The audience was given examples of potential major issues such as: where and how the County should grow given current population trends and available land; how to design communities to encourage pedestrianism and public transit use; and how can the County's infrastructure accommodate population growth. To allow similar comments from the audience to be grouped and organized, DP&Z created six stations appropriately named by category. These categories were: Transportation, Environment, Economic Development/Housing, Public Infrastructure and Services, Land Use, and Other. Each station was equipped with writing supplies (blank sheets of paper and pens) for the public to write down their comments. Written supporting materials included the EAR flier and a handout presenting County statistics and figures concerning housing, income, land use, population, and transportation statistics. Visual supporting materials at the stations included posters depicting the County's Zoning and CDMP maps, and transportation and environmental posters. DP&Z staff was present at each of the stations to answer questions. DP&Z staff then invited the public to write down their observations and concerns, and to place them at the respective stations. DP&Z staff then read all the comments verbally to the audience, and any person wishing to make additional comments was invited to speak. DP&Z staff also announced that those who

wanted to leave written comments following the meeting could do so on the EAR flier provided, or to post their comments online at the EAR 2010 website. At the conclusion of the EAR 2010 Town Hall meetings, the comments and verbal remarks were transcribed and posted on the EAR website. As a result of these community outreach efforts, the Town Hall meetings were well attended by both the residents and members of the PAB, Community Councils, BCC staff, and County agencies.

Public input also included the option of written comments, and some groups wrote to DP&Z with their observations. An environmental group sent remarks about environmental issues and land use planning, while another town planning firm provided extensive comments and proposed text rewording for the Land Use and Transportation Elements of the CDMP.

In summary, the various stakeholders provided input on a number of issues that included--but are not exclusively limited to--the following:

- Need for more public transportation and transit connectivity, including park-and-rides
- Focus on non-motorized means of transportation, including bicycles and pedestrianism
- Concerns over sea level rise and climate change
- Need for water conservation and reuse
- Concern over rock mining activity
- Need for a diversified economy and better jobs
- Need for more parks
- Need for public access to water
- Concerns over flooding
- Protection of the Everglades and natural resources
- Focus on recycling
- Preservation of agricultural lands
- Concerns that the Urban Development Boundary (UDB) should not be moved
- Advocacy for urban infill at greater densities
- Advocacy for LEED standards and green building

DP&Z also received input through internal staff meetings and through memos and conversations with other county agencies.

Scoping Meetings

The County next hosted a Scoping Meeting to receive additional input from state and regional agencies in accordance with section 163.3191 (3) F.S. This advertised public meeting was held in the offices of the Stephen P. Clark Center in Miami on October 19, 2009. In attendance were representatives or staff from the South Florida Regional Planning Council, Florida Department of Transportation District Six, Florida Fish and Wildlife Conservation Commission, Broward and Monroe Counties, Miami-Dade Public Schools, Homestead Air Reserve Base, Planning Advisory Board, Miami Downtown Development Authority, several municipalities, and members of the public. The Scoping meeting was extended via videoconference to include the staffs of the Florida Department of Community Affairs and the South Florida Water Management District. Based on all input received, DP&Z presented a PowerPoint presentation explaining the preliminary major issues. The four major issues were: UDB Capacity and Expansion, Climate Change/Sea Level Rise, Directing Growth and Employment, and Transportation Mobility.

Each concern raised by attendees at the Scoping meeting was entered into a table to determine if it constituted a major issue, was a component of a major issue, a special topic, or would be addressed in an EAR element assessment. For example, the South Florida Water Management District questioned how the County would address recently passed ocean outfall legislation. This concern was determined not to be a major issue, and would be addressed in the evaluation of the Water, Sewer and Solid Waste Element.

Upon conclusion of the Scoping meeting, a summary of issues was compiled and incorporated into a Letter of Understanding, executed between Miami-Dade County and the Department of Community Affairs in February 2010. The Department of Community Affairs, in a letter dated March 10, 2010, concurred with the County's Letter of Understanding.

Future Public Comments and Meetings

The plan involved two steps. The initial step was to gather opinions from residents about how to improve their community. This would aid in addressing the

EAR elements and determining the major issues. The second step was to integrate these comments along with input from DP&Z and other sources to formulate the major issues of the EAR. This was done through DP&Z staff meetings and consultation with County agencies and other sources. This resulted in public input on the EAR elements and the formulation of the major issues.

Section 2-116(c) of the Miami-Dade County Code requires that DP&Z "shall publish in a newspaper of general circulation in Miami-Dade County a schedule of all activities required by law for the adoption of the EAR." Appendix 3-2 contains the advertisement for the schedule of EAR activities for the EAR 2010. This schedule was published in the *Miami Herald* on July 10, 2010 and posted on the EAR 2010 website.

Future public input plans include continually receiving and posting comments submitted online through the EAR website. At the PAB and BCC hearings to be held in August and October 2010, the public will be afforded the opportunity to review and provide input on the proposed EAR 2010. In addition, written comments and e-mails will be accepted, and website and blogs will continue to be monitored for mention of the EAR. Copies of the proposed EAR 2010 report will be made available to the public and posted on the EAR 2010 website.

3.5 Coordination of Land Use and Military Installations

Section 163.3177 (6)(a), Florida Statutes (F.S.), lists the information required in all comprehensive plans. In accordance with this section, the comprehensive plans for those areas containing a military installation, must include “criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations.” The Evaluation and Appraisal Report (EAR) pursuant to s. 163.3191 2(n), F.S., must evaluate the success of these criteria since the original plan or last plan evaluation. In compliance with these sections, the following narrative examines the policies of the County’s Comprehensive Development Master Plan (CDMP) for the effectiveness of land use compatibility with the Homestead Air Reserve Base.

Homestead Air Reserve Base (HARB) is a major economic engine for Miami-Dade County and employs over 2,000 military and civilian personnel. The base has played an important role in the County since 1942 when the Homestead Army Airfield functioned as a WW II training site and staging area. Realizing that it was necessary to properly manage the land uses around the HARB, Miami-Dade County has taken a proactive approach to ensuring land use compatibility. During the creation of its Urban Development Boundary (UDB) in 1983, the County was careful to exclude the lands to the north east and south of the military base, thereby protecting the clear zones and accident potential zones from intense development. Areas to the west of the HARB were buffered with military housing and related structures. In 1988 with the inclusion of urban expansion areas (UEA), which were created to identify the areas in which growth was most likely to expand in the distant future, the County again excluded the accident potential and clear zones, noting their importance to the military operation and community safety.

In 1988, Miami-Dade Board of County Commissioners (BCC) adopted two policies into the CDMP that addressed land use compatibility. Policy LU-4F requires the County to “implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the

Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.” Policy AV-7A reiterates the language of Policy LU-4F but also requires height limitations around the HARB. The protection of HARB from noise, glare and height encroachment are embodied in several County zoning ordinances and all zoning applications in the unincorporated area of the HARB (north, east and south) are transmitted to the HARB staff for comment as well as reviewed by the County zoning staff for compatibility. It should be noted that the County’s land use designation to the north, east and south of the base are agriculture which does not allow commercial or industrial uses and allows residential use at a maximum of 1 unit per 5 acres. These densities are more restrictive than those cited in the AICUZ report guidelines.

In 2007, two initiatives were finalized for the HARB. The first initiative, undertaken by the Department of Defense, was to update the AICUZ Report. The 2007 AICUZ study was designed to protect the health, safety and welfare of people near military airfields, while preserving the safety and effectiveness of aviation training activities. The study identified noise and air safety impacts that extend beyond the installation’s boundaries and recommended land uses and densities that are compatible within these zones. The recommendations of this 2007 report were similar to the previous AICUZ reports; however the accident potential zones were broadened to accommodate new military aircraft and equipment.

The second initiative, the Joint Land Use Study (JLUS), was conducted in 2007 by local governments, private organizations, and HARB personnel and consultants and funded through the Department of Defense. The JLUS was designed to evaluate the potential impacts of both the current and future military operations on the surrounding community and the community growth on the long-term viability of the HARB mission. As a result, many of the recommendations developed by the JLUS committee overlapped the recommendations of the 2007 AICUZ report. In addition, the JLUS report identified potential community programs that would increase the communication between the military and local communities and educate existing and future local residents of base’s impacts. This report also recommended the use of transferrable development rights (TDR) and purchase of development rights

(PDR) programs to ensure long term compatibility with the impacted jurisdictions, Miami-Dade County and the City of Homestead.

The JLUS and AICUZ reports were presented to and accepted by the Board of County Commissioners in April 2010. County staff has evaluated the recommendations of these reports to determine if implementation is feasible. In some instances recommended programs currently exist or could be achieved in a manner not discussed in the report. Appendix 3-3 gives an evaluation of the recommendations from the JLUS report, and the feasibility of implementation. Of particular importance is JLUS strategy 4 which states *“Ensure that county and city comprehensive plan language complies with the land use compatibility and coordination requirements of Chapter 163, Part II, Sections 163.3175, 163.3177, 163.3187 and 163.3191 of the Florida Growth Management Act.”* The table associated with this strategy (see Appendix 3-4) shows how Miami-Dade County has complied with the requirements of Chapter 163, F.S. These include the following policies related to land use compatibility.

1. In 2007 by Ordinance 07-146, a non-voting military representative was appointed to the Planning Advisory Board and to applicable Community Councils. The inclusion of this member allows HARB the opportunity to officially comment on any land use or zoning application in the unincorporated area of Miami-Dade County that, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation. These comments have been instrumental in decisions for proposed applications to move the UDB in areas around the base, or allow the creation of water management projects or other bird enhancing projects.
2. The County has included policies in both the Land Use Element and Aviation sub-element of the Comprehensive Development Master Plan that address the consistency of land use with AICUZ guidelines.

As noted above Miami-Dade has met the requirements of Chapter 163, F.S. with regards to coordinating land use around the HARB. It is important to note that Miami-Dade County has had a

long history of protecting the HARB from land use encroachment. In 1983 the County adopted the Urban Development Boundary (UDB), a boundary separating the urban uses from the non-urban uses. HARB was included within the UDB with its eastern and portions of its northern and southern edges forming the UDB. Accident Potential Zone 1 (APZ 1), located outside the UDB, has been shown on the County's land use plan map since 1988. All lands within the APZs are designated as Agriculture or Open Land; such restrictive non-urban land use designations are low density/intensity categories allowing uses such as agriculture, limestone quarries and rural residential (one unit per 5 acres). Currently the JLUS and AICUZ reports indicate that no residential units should be allowed within APZ 1. Maintaining an Agriculture or Open Land designation in these areas ensures that land use will not interfere with the military mission or create safety concerns for residents.

As mentioned earlier, the JLUS and AICUZ reports were presented to and accepted by the Board of County Commissioners (BCC) in April 2010. The BCC adopted resolution R-357-10 on April 6, 2010 which called for the County to “further analyze the strategies and policies contained within the JLUS and AICUZ documents and implement JLUS strategies 1, 4, 7, 8, 10 and 11.” A summary of these strategies is provided in Appendix 3-3. The strategies to be implemented require adjustments to the County's code and internal processes and do not require any CDMP amendments.

This issue of land use compatibility around the HARB is further addressed in the first major issue concerning UDB Capacity and Expansion. To add additional protection to maintain the compatibility of HARB with the surrounding community, the County's land use policies should be changed. This can be accomplished by adding new language to the Land Use Element. Specifically, policy LU-8G should be strengthened to include language that would exclude any APZ zone around the HARB from areas that would be included in the UDB. This would help safeguard the HARB and comply with the land use compatibility and coordination requirements of sections 163.3175, 163.3177, 163.3187, and 163.3191, F.S.

In summary, the County has followed the requirements of section 163.3177 (6)(a), F.S. and other statutory requirements and has policies in the CDMP which will be strengthened to address land use compatibility around the HARB. DP&Z will also implement the JLUZ/AICUZ recommendations according to BCC resolution R-357-10 and perform further analysis on the remaining strategies.

3.6 Evaluation of Roadway Impact Methodology

Introduction

Since the last EAR in 2003, Section 163.3191 F.S. which addresses the Evaluation and Appraisal of Comprehensive Plans, was revised to require in s. 163.3191(2)(p) F.S., an assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10). This revision basically requires an assessment of the extent to which changes are needed in transportation concurrency management systems to avoid intergovernmental coordination issues between the municipalities and the county, while coordinating on the use of a common methodology for measuring transportation concurrency impacts. Also it is necessary to consider s. 163.3180(3) F.S., which recognizes those governmental entities that are not responsible for providing, financing, operating or regulating public facilities needed to serve development may not establish binding LOS standards on governmental entities, such as municipalities, that do bear those responsibilities; while considering that this does not limit the authority of any agency to recommend or make objections, recommendations, comments or determinations during reviews conducted pursuant to s. 163.3184 F.S., plan amendment process.

Evaluation of Standards and Methodology

State growth management laws give each governmental entity, municipalities alike, primary planning responsibilities over their jurisdiction with no recognition made for the County's need to carry out its considerable areawide responsibilities. Miami-Dade County, since 1957, has been a home rule charter county. The County Charter empowers Miami-Dade County to prepare countywide comprehensive plans and set minimum standards for facilities and services under its purview throughout the County. The County has maintenance and operational responsibilities for the majority of the arterial, collector, section line and half section line roadways throughout the County; these roadways traverse multiple jurisdictions throughout the county. In the County's Traffic Circulation Subelement of the Transportation Element, of the County's

Comprehensive Development Master Plan (CDMP), the County has established level-of-service (LOS) standards on all county roadways. The Traffic Circulation Subelement identifies traffic circulation needs for the roadways that are the county's responsibility. The County, as required, has adopted the State minimum LOS standards for Florida Intrastate Highway System (FIHS) and Strategic Intermodal System (SIS) roadways, in its Traffic Circulation Element which are used in its concurrency management program. Cities are responsible for local roadways inside their boundaries. Table 3.6-1 below depicts the County's adopted LOS standard for County and State roadways:

Table 3.6-1
Peak-Period* Roadway LOS Standard
Non-FIHS Roadways

Location	Transit Availability		
	No Transit Service	20 Min. Headway Transit Service Within 1/2 Mile	Extraordinary Transit Service (Commuter Rail or Express Bus)
Outside UDB	LOS D-State Minor Arterials LOS C-County Roads and State Principal Arterials		
Between UIA and UDB	LOS D (90% of Capacity); or LOS E on SUMAs (100% Capacity)	LOS E (100% of Capacity)	120% of Capacity
Inside UIA	LOS E (100% of Capacity)	120% of Capacity	150% of Capacity

FIHS Facility	FIHS Roadways				
	Location				
	Outside UDB	Inside UDB	Roadways Parallel to Exclusive Transit Facilities	Inside Transportation Concurrency Management Areas	Constrained or Backlogged Roadways
Limited Access Facilities	B	D [E]	D [E]	D [E]	Manage
Controlled Access Facilities (Two Lanes)	C	D	E	E	Manage
Controlled Access Facilities (Four or More Lanes)	B	D	E	E	Manage

Notes: LOS inside of [brackets] applies to general use lanes only when exclusive through lanes exist.
 FIHS = Florida Intrastate Highway System
 UIA = Urban Infill Area – Area east of, and including NW/SW 77 Avenue and SR 826 (Palmetto Expressway), excluding the City of Islandia, and excluding the area north of SR 826 and west of I-95.
 UDB = Urban Development Boundary
 SUMA = State Urban Minor Arterial
 *Peak Period means the average of the two highest consecutive hours of traffic volume during a weekday

An essential requirement of the State's local government comprehensive planning law is the adoption of the LOS standards in order to implement concurrency. The County's LOS standards for all the services are adopted and contained in the appropriate elements as well as in its Capital Improvement Element (CIE). Each municipality and county must adopt in its CIE a concurrency management program consisting of the established LOS standards for required services, and the conditions for approving development orders. The County's Concurrency Management Program is contained in the CIE. In order to effectuate these requirements, the County has adopted by ordinance a Concurrency Management Program which satisfies statutory requirements. In addition, the County has adopted an Administrative Order which details the methods and criteria to be utilized by the concurrency review agencies for evaluating development order impacts on the adopted LOS standards.

In the Intergovernmental Coordination Element (ICE) the County points out that its main purpose is to identify and resolve incompatibilities between the County's comprehensive planning and growth management processes and those of other governmental entities within the County; and to review existing, and propose improved coordination of processes between the County, municipalities and state and federal agencies. ICE Objective 2 intends to coordinate with local, regional and State entities the responsibility for services in the establishing LOS standards. Policy ICE-2D directs the county to coordinate with those entities responsible for providing services which are not directly the responsibility of the County, such as the Florida Department of Transportation. Policy ICE-2E provides for the use of informal and formal coordination mechanisms for Miami-Dade County municipalities to comment on LOS standards for areawide services established by the County. This adopted objective and its policies provide opportunities for the municipalities and County to coordinate and provide comments on LOS standards and processes for resolving disputes.

The County contacted each of the 35 municipalities in order to verify their roadway concurrency practices and procedures and how theirs' relate to the county. The following data was requested:

1. Adopted Roadway LOS standards;
2. Implementing procedures such as Ordinances for Concurrency Management Programs, for roadways LOS standards;
3. Methodology for assessing impact on transportation facilities, such as Trip Generation, Trip Distribution, Trip Assignment, and Impact Area.

Conclusions

Based on the data collected (see Table 3.6-2), it appears of the majority of the municipalities responding have adopted a very similar, if not the same, LOS standard on roadways as the County. Also, this seems to be the case for those municipalities that are not built out and/or have ongoing redevelopment activities. Some of the very small cities with limited existing commercial development or none, with primarily existing single family residential development, have adopted a slightly stricter roadway LOS standard, such as, Biscayne Park and Indian Creek Village.

As for the adoption of the implementing regulations, such as ordinances or implementing orders for a Concurrency Management System, it appears that a majority of the municipalities have adopted ordinances for their concurrency management program similar to the county. Others noted their Concurrency Management System is contained only in their comprehensive plans. The County has adopted its Concurrency Management System in its CIE, which is implemented by a separate ordinance as part of the County Code, and supplemented by an Administrative Order addressing procedures and methods for implementing concurrency.

Nearly all municipalities and the County utilize the Highway Capacity Manual methodology, published by the Transportation Research Board, for assessing development impacts to the transportation system. One municipality assesses development impacts to the transportation system by the person trip methodology.

Only a handful of the municipalities, which are located in the area designated by the county as the Urban Infill Area, the County's Transportation Concurrency Exception Area (TCEA), have adopted their entire municipality or a portion of their municipality as a

TCEA, while a few others have adopted Transportation Concurrency Management Areas (TCMA). Most of the municipalities rely on a transportation study submitted by applicants for review of development orders within their jurisdiction.

The County's Public Works Department maintains a list of all county and state traffic count roadway stations segments, LOS standards, service capacity peak-hour period volume, available trips, reserved trips, and concurrency LOS standards. This list is utilized by county departments when conducting review of developments orders. If a development is located inside the County's TCEA the development order is exempt from transportation concurrency, however an analysis for trip generation, trips distribution and trip assignment is still conducted by County. All development is evaluated for impact on the nearest monitored roadway(s) in the traffic network accessed by the subject development. If the development accesses more than one roadway segment, projected trips generated by the development are assigned to the roadways in accordance with accepted traffic engineering principles, and best professional judgment. A development's impact on the roadway system shall be determined by using the trip generation rates set forth in the most recent edition of Trip Generation published by the Institute of Transportation Engineering (ITE). Any applicable facility improvements, programmed or contracted for construction in the next three years, as provided in the Concurrency Management Ordinance, will be considered to reflect the additional roadway capacity that will become available in keeping with the time allowances in Chapter 33G for the purposes of issuing development orders.

These processes enable the county to monitor the individual county and state roadway station segments. Even though many of the individual municipalities may not conduct a trip generation, distribution or assignment as the county does, when the County and State conduct their annual traffic count program these trips are eventually identified in these programs. A number of municipalities request this list from the county and may use this as base line for their counts. Others have designed, and others are considering designing, an automated roadway concurrency system for review of their development orders similar to the process utilized by the county.

At this time there does not appear to be a need to modify the County's roadway concurrency management program or its traffic impact methodology in general. The County is not aware of any concerns or problems that have been identified regarding the methodology of the County and municipalities, for measuring impacts on transportation facilities in implementing their concurrency management systems. The majority of the municipalities in the County have relied on or adopted the County's LOS standard for such roadways that pass through their jurisdiction. The primary reason for this is that the municipalities are cognizant that the County has the responsibility for establishing LOS standards for facilities and services under its purview and the operation, maintenance, construction and reconstruction of County roadways throughout the County. In addition, ICE Objective 2 and its Policies focus on coordinating with local, regional and State entities with the responsibility for establishing LOS standards. While these policies encourage opportunities for the municipalities and County to coordinate and provide comments on LOS standards, the policies could be strengthened to formalize an ongoing analysis and assessment of all roadway impact assessment methodologies.

It should be pointed out that the County's Department of Planning and Zoning has requested, and the County's Metropolitan Planning Organization has approved, a study to evaluate the County's current methodology to assess impacts on transportation facilities and determine traffic concurrency. The department will take advantage of this opportunity to also evaluate the municipalities' methodologies for measuring impacts on transportation facilities and propose a common methodology. The study is expected to be completed in September 2011.

Table 3.6-2
Roadway Concurrency LOS Standards and Methodology in Miami-Dade County (County and Municipalities)

Municipality	Adopted LOS Standard for Roadways (same as County if different, what is LOS standard)	Implementing Procedures for Concurrency Management Program for Roadways	Methodology for Assessing Impact on Roadway Facilities	<ol style="list-style-type: none"> 1. Trip Generation 2. Trip Distribution 3. Trip Assignment 4. Impact Area
Miami-Dade County	County LOS standard	Ordinance and Administrative Order	Highway Capacity Manual	<ol style="list-style-type: none"> 1. ITE trip assignment 2. Cardinal Distribution 3. Yes 4. Yes (small area 1st station impacted in direction assigned)
Aventura	Same as County	No	Highway Capacity Manual	No, TCEA, Traffic Study from applicant
Bal Harbour	Unavailable	Unavailable	Unavailable	Unavailable
Bay Harbor Islands	Unavailable	Unavailable	Unavailable	Unavailable
Biscayne Park	Different from County, LOS B- Local Roads, LOS-D County	Ordinance	Highway Capacity Manual	No
Coral Gables	Different from County, Primarily LOS E, may operate below with varied transit service	Ordinance and Concurrency Manual	Unknown	Unknown
Cutler Bay	Same as County	Concurrency Management Program and Impact Fee	Highway Capacity Manual	Same as County
Doral	Same as County	Unknown	Highway Capacity Manual	Unknown
El Portal	Unavailable	Unavailable	Unavailable	Unavailable
Florida City	Unavailable	Unavailable	Unavailable	Unavailable
Golden Beach	Unavailable	Unavailable	Unavailable	Unavailable
Hialeah	Same as County	Concurrency Management Program	Highway Capacity Manual	Same as County
Hialeah Gardens	Different from County, LOS D	Ordinance	Highway Capacity Manual	No
Homestead	Different from County, LOS D- State Freeways, State Principal Arterials; LOS E-County Arterials, Minor Collectors, City Roads and Streets	Ordinance	Highway Capacity Manual	Traffic Impact Studies
Indian Creek Village	Different from County, LOS A	Ordinance	Highway Capacity Manual	No
Islandia	Not applicable	Not applicable	Not applicable	Not applicable
Key Biscayne	Same as County		Highway Capacity Manual	

Municipality	Adopted LOS Standard for Roadways (same as County if different, what is LOS standard)	Implementing Procedures for Concurrency Management Program for Roadways	Methodology for Assessing Impact on Roadway Facilities	<ol style="list-style-type: none"> 1. Trip Generation 2. Trip Distribution 3. Trip Assignment 4. Impact Area
Medley	Unavailable	Unavailable	Unavailable	Unavailable
Miami	Same as County	Yes, Major Use Special Permits, Development Orders, Coordinated Review Committee	Person Trip Methodology	<ol style="list-style-type: none"> 1. ITE 7th Edition Trip Rate w/Person Trip-Rate Conversion 2. Cardinal Distribution 3. Trip Assignment 4. Corridor Analysis and Area Surrounding Project Site
Miami Beach	Different from County, LOS D In TCMA LOS D with transit bonus similar to County	Ordinance	Highway Capacity Manual	<ol style="list-style-type: none"> 1. ITE trip assignment 2. Cardinal Distribution 3. Yes 4. TCMA
Miami Lakes	Same as County	Unknown	Highway Capacity Manual	Traffic Studies
Miami Gardens	Different from County, LOS D & E, TCMA's	Unknown	Highway Capacity Manual	Unknown
Miami Shores	Unavailable	Unavailable	Unavailable	Unavailable
Miami Springs	Unavailable	Unavailable	Unavailable	Unavailable
North Bay Village	Unavailable	Unavailable	Unavailable	Unavailable
North Miami	Different from County, LOS E all roadways	Ordinance	Highway Capacity Manual	TCEA, Traffic Study required on roads exceeding LOS E
North Miami Beach	Same as County	Ordinance	Highway Capacity Manual	Same as County
Opa-Locka	Different from County, LOS D- Collectors, LOS E- Arterials	Unknown	Unknown	Unknown
Palmetto Bay	Same as County	Ordinance	Highway Capacity Manual	Same as County Small Area TCEA
Pinecrest	Same as County	Ordinance	Highway Capacity Manual	Same as County
South Miami	Unavailable	Unavailable	Unavailable	Unavailable
Sunny Isles Beach	Same as County	Ordinance	Highway Capacity Manual	TCEA
Surfside	Same as County	Unknown	Highway Capacity Manual	Unknown
Sweetwater	Unavailable	Unavailable	Unavailable	Unavailable
Virginia Gardens	Different from County, LOS D all roadways	Ordinance	Measure available capacity, and if not sufficient, determine improvements needed to get capacity	Not specified
West Miami	Unavailable	Unavailable	Unavailable	Unavailable

Section 3.7 Assessment of the County's Transportation Concurrency Exception Area

Section 163.3191, F.S., requires each local government to adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. It is the intent of this section that each local government assesses the extent to which a concurrency exception area designated pursuant to s. 163.3180(5), has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180, F.S.

In 1993, the Florida Legislature and Governor adopted amendments to the State statutes which govern local government comprehensive planning (Ch. 163, Part 2, F.S.). Among these amendments, the Legislature authorized the granting of exceptions from transportation concurrency requirements under a variety of circumstances in keeping with objectives to promote urban infill and redevelopment, discourage suburban sprawl, and avoid undue restriction of property rights. On October 1994, the County amended the Capital Improvement Element (CIE) of its Comprehensive Development Master Plan (CDMP) to include Figure 1, Urban Infill Area Boundary, in order to identify the County's designated Urban Infill Area (UIA), and Figure 2, Redevelopment Concurrency Exception Areas. The UIA and RCEAs constitute the County's Transportation Concurrency Exception Area (TCEA). The purpose of the TCEA is to promote infill development and redevelopment, neighborhood revitalization and preservation within the urban core and designated redevelopment areas.

The Urban Infill Area and the Redevelopment Concurrency Exception Areas outside the UIA are nearly developed to capacity. Moreover, the UIA and TCEAs were established due to all of the above factors. It is within these areas that Miami-Dade County governments have made previous large-scale investments in the full range of urban services and infrastructures, and where redevelopment and infill development are desired as public policy. Allowing transportation concurrency exceptions within the UIA and TCEAs are consistent with and support existing policies to limit urban sprawl and encourage urban infill and redevelopment.

The County's Concurrency Management Program (CMP) is adopted in the Capital Improvement Element of the CDMP. The Concurrency Management Program provides that a proposed development will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan and it meets the following criteria pursuant to Section 163.3180, Florida Statutes:

- a) The proposed development is located within the Urban Infill Area; or
- b) The proposed development is located in an existing urban service area within the Urban Development Boundary and is located in a Community Development Block Grant (CDBG)-eligible Area established pursuant to the Housing and Community Development Act of 1974, as amended, and CFR Part 570, or Chapter 163, Part 3, F.S., respectively, or in an designated Enterprise Zone established pursuant to Chapter 290, F.S., or in an designated Enterprise Community area established pursuant to Federal Law; or
- c) The proposed development is one which poses only special part-time demands on the transportation system as defined in Section 163.3180(5)(c), F.S., and is located inside the UDB; or
- d) The proposed development is located inside the UDB, and directly and significantly promotes public transportation by incorporating within the development a Metrorail, Metromover or TriRail Station, or a Metrobus Terminal for multiple Metrobus routes, or is an office, hotel or residential development located within one-quarter mile of a Metrorail, Metromover or TriRail station, or a Metrobus terminal for multiple Metrobus routes; and
- e) If the project would result in an increase in peak period traffic volume on an FHHS roadway that is operating below the CDMP-adopted LOS standard or would operate below the LOS standard as a result of the project, and which increase would exceed 2 percent of the capacity

of the roadway at the CDMP-adopted LOS standard, the County shall require the developer and successors to implement and maintain trip reduction measures to reduce travel by single-occupant vehicles so that the resulting increase in traffic volume does not exceed 2 percent.

Miami-Dade County has included in its Service Concurrency Management Program Ordinance (Chapter 33G of the Code) and administrative rules (Administrative Order 4-45) appropriate criteria and methodologies to implement the exceptions authorized in the forgoing paragraphs, consistent with the requirements of Chapter 163, Part 2, Florida Statutes.

TCEA Requirements. According to Rule 9J-5.0055(6), Florida Administrative Code (F.A.C.), Transportation Concurrency Exception Areas may include designated Urban Infill Areas, Urban Redevelopment Areas, and Downtown Revitalization Areas. For areas delineated in local comprehensive plans for urban infill, 9J-5.0055(6)(1)(a)-(b), F.A.C., states that the following requirements shall be met:

- a) The area(s) contain(s) no more than 10 percent of developable vacant land;
- b) For predominantly residential areas comprising greater than 60 percent of developed land, the average residential density shall be at least 5.0 DUs per gross residentially developed acre of land. For areas where non-residential use is the predominant type of use comprising greater than 60 percent of the developed land, the average non-residential density shall be at least a FAR of 1.0 per gross non-residentially developed acre of land use. If neither residential nor non-residential use is the predominant type of use comprising greater than 60 percent of the developed land, then both the existing residential and non-residential uses shall meet the appropriate density and intensity criteria prescribed above.

For areas delineated in local comprehensive plan for urban redevelopment, 9J-5.0055(6)(2), F.A.C., states the following requirements shall be met:

- The Plan must show redevelopment area is within an urban infill area or within an existing urban service area (urban development area), which does not contain more than 40 percent of developable vacant land.

Assessment of the Transportation Concurrency Exemption Areas

In 1993, the DP&Z reported that the Urban Infill Area (UIA) contained approximately 125,725 acres. In 1996, an adopted plan amendment excluded the area north of SR 826 (Palmetto Expressway) and east of I-95, reducing the UIA to approximately 116,120 acres. The latter figure represents approximately 43.2 percent of the total area inside the Urban Development Boundary (urban service area), which is estimated to contain 269,056 acres. The Redevelopment Concurrency Exception Areas outside the Urban Infill Area contains approximately 8,034 acres and represents close to 3.0 percent of Miami-Dade County's urban service area (area within the Urban Development Boundary).

Characteristics of the Urban Infill Area (UIA). The County's adopted UIA is defined in the Traffic Circulation Subelement of the CDMP as "... that part of Miami-Dade County located east of, and including, SR 826 (Palmetto Expressway) and NW/SW 77 Avenue, excluding the area north of SR 826 and west of I-95, and the City of Islandia." See Figure 1. The NW/SW 77 Avenue/Palmetto Expressway alignment was selected for a variety of reasons. The area encompassing the UIA contains the "maturing" portion of Miami-Dade's urban area where redevelopment and infill development are encouraged and where coverage by urban infrastructure and services is virtually complete. Moreover, twenty-six of Miami-Dade's thirty-five incorporated municipalities are wholly or predominantly located east of the NW/SW 77 Avenue/Palmetto Expressway corridor.

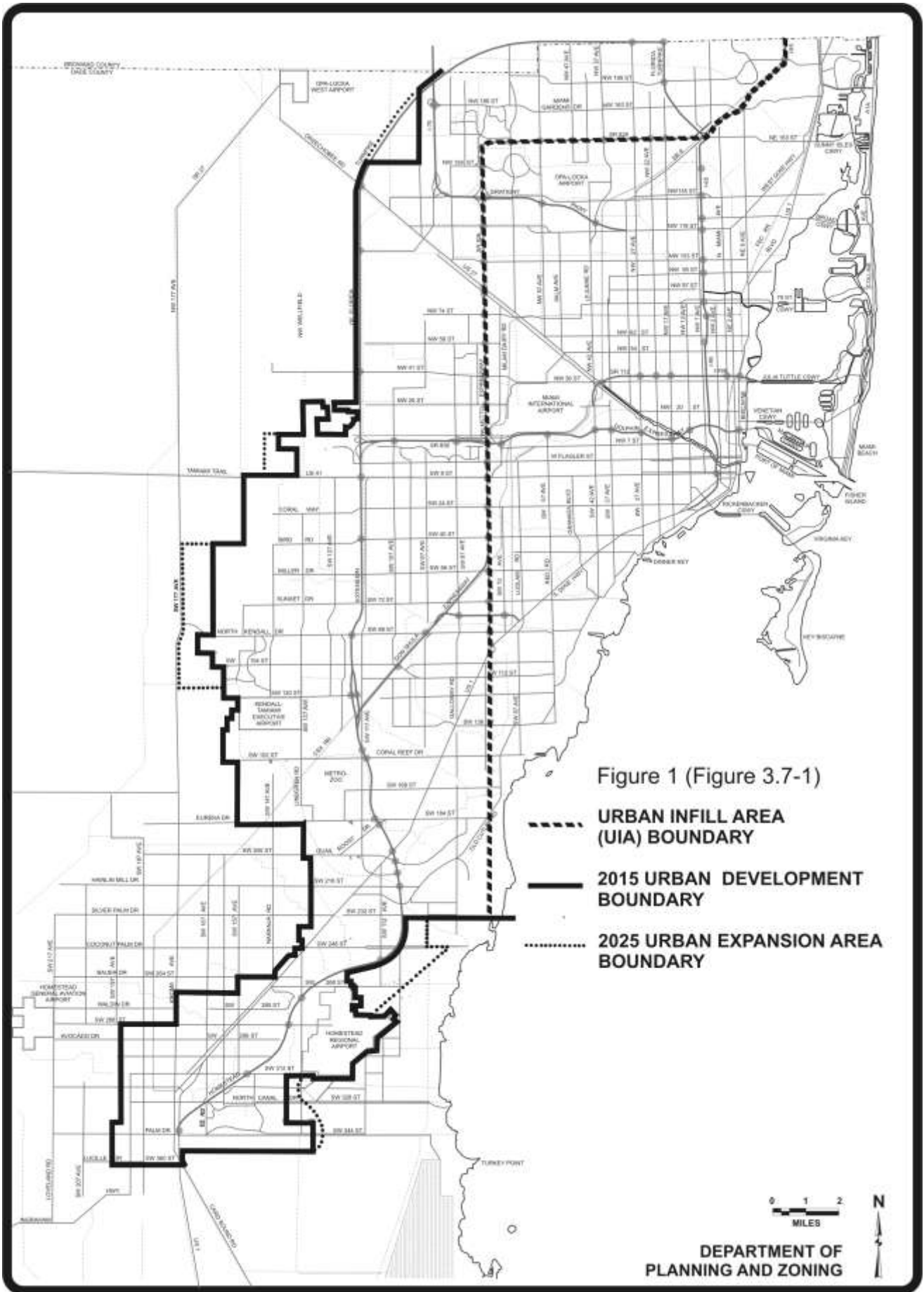


Figure 1 (Figure 3.7-1)

- URBAN INFILL AREA (UIA) BOUNDARY
- 2015 URBAN DEVELOPMENT BOUNDARY
- 2025 URBAN EXPANSION AREA BOUNDARY

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DEPARTMENT OF
PLANNING AND ZONING

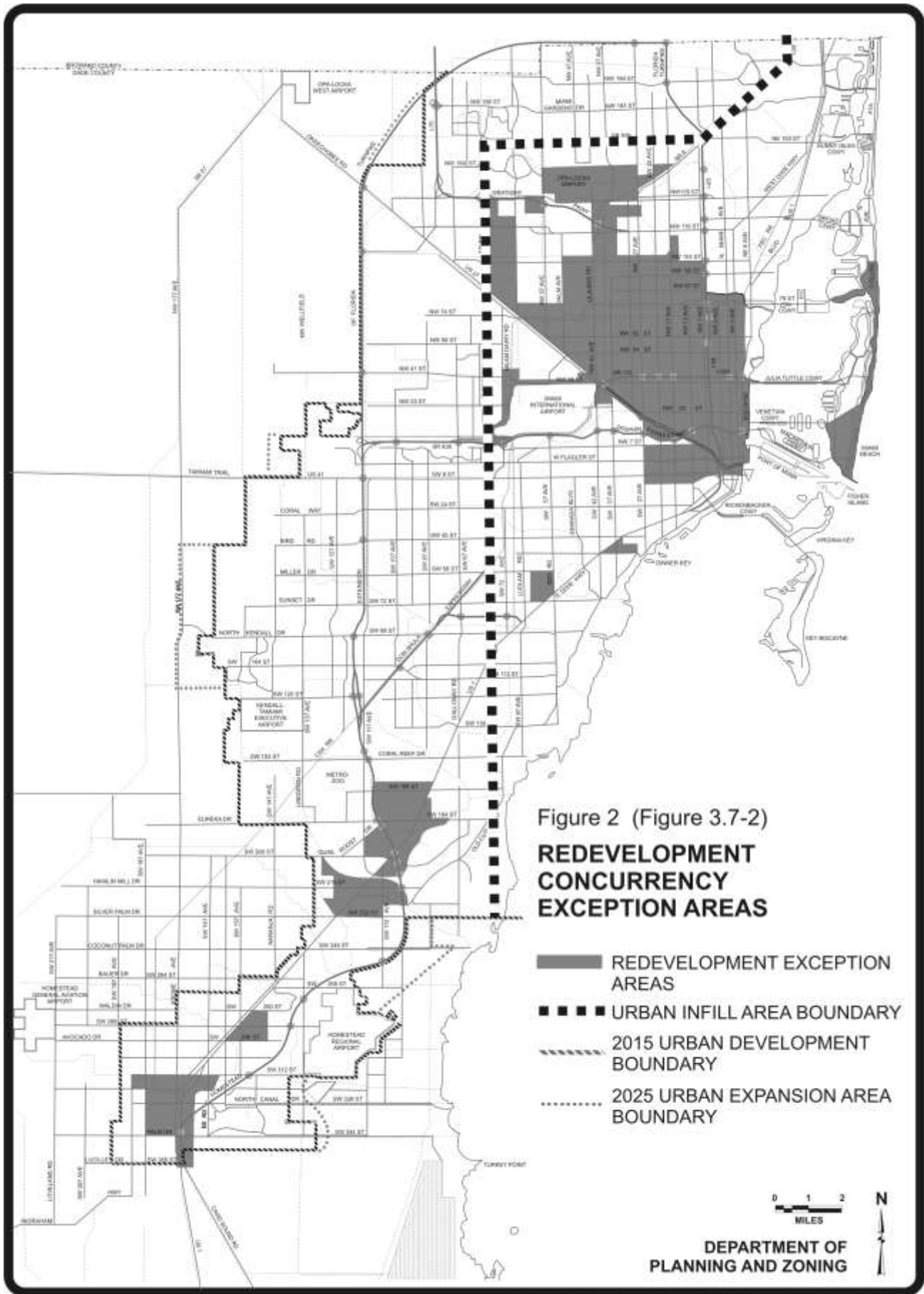


Figure 2 (Figure 3.7-2)
**REDEVELOPMENT
 CONCURRENCY
 EXCEPTION AREAS**

- REDEVELOPMENT EXCEPTION AREAS
- URBAN INFILL AREA BOUNDARY
- 2015 URBAN DEVELOPMENT BOUNDARY
- 2025 URBAN EXPANSION AREA BOUNDARY

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DEPARTMENT OF
 PLANNING AND ZONING

F:\3040003\Map\Par2\CDMP\Arredram\2004 October Cycle\Adopted Map\Urban Infill & Devs. Boundary.apr

Development Characteristics. In 1990, the county reported that adopted UIA, which was proposed for continuation, contained approximately 125,725 acres, excluding coastal and inland water bodies. Today, the UIA currently contains approximately 116,119.60 acres, excluding coastal and inland water bodies, after the exclusion of the area north of SR 826 and east of I-95. Table 3.7-1 below summarizes the mix of uses as percentages of the total UIA area.

Table 3.7-1
2010 Land Use Mix in Urban Infill Area

Land Use	Year 2010
Residential	41%
Commercial, Office and Hotel	6%
Industrial	5%
Institutional	5%
Parks and Recreation Open Spaces	11.0%
Transportation and Utilities	28%
Agriculture	1%
Vacant	3.0%
Total	100.0%

Source: Miami-Dade County Planning and Zoning Department, 2010.

Residential. Residential density within the Urban Infill Area was calculated by dividing the total number of residential units within the UIA by the total gross acreage of residentially designated areas; the same procedure was performed in the Redevelopment Concurrency Exception Areas outside the UIA. The 1990 U.S. Census reported approximately 524,724 dwelling units within the UIA, occupying an estimated 68,314 acres. The resulting average net residential density in the UIA was 7.7 dwelling units per gross acre. Currently, the number of dwelling units within the UIA totals approximately 540,990, occupying an estimated 46,000 acres. Therefore, residential density inside the UIA is 11.8 dwelling units per gross acre, well beyond the State required five dwelling units per acre threshold. It is important to note that the increase in the number of dwelling units is due to the new development and redevelopment that have occurred in some areas of the UIA such Downtown Kendall Metropolitan Urban Center and the coastal areas and areas near the Miami Central Business District (CBD). Also, it should be noted that the decrease of residential acreage is due to the exclusion of the area north of SR 826/Palmetto Expressway and west of I-95 from the UIA in 1996 and re-designation of land inside the

UIA from Residential use to Business and Office use.

Approximately 3,000 residential units and 642,000 square feet of retail commercial and office space have been developed in the Downtown Kendall Metropolitan Urban Center. Residential densities for detached and attached single-family dwelling units are generally higher in the older cities located within the UIA such as Miami, Coral Gable and Hialeah, which contain numerous areas with density between 6 and 23 du/acre. The highest single-family type housing densities are concentrated near the Miami CBD and on Miami Beach at 13 to 22 du/acre. However, high-density multi-family developments are generally concentrated in the coastal areas and near the Miami CBD. Cities with high-density multi-family developments include Miami, Miami Beach, Aventura, Bal Harbour, Sunny Isles Beach and Key Biscayne inside the UIA. Since 2003, high intensity development has occurred in the City of Miami where 77 condominium buildings totaling 22,955 residential units and eight rental apartment buildings totaling 1,189 units have been constructed to date for a combined total of 24,144 dwelling units. In addition, the number of dwelling units within the Redevelopment Concurrency Exception Areas outside the UIA totals 19,148, occupying an estimated 2,674.5 acres. The average residential density within the RCEAs is 7.2 dwelling units per gross acre, above the State threshold of at least five dwelling units per gross acre. Combined, the UIA and the RCEAs have an average residential density of 11.6 dwelling units per gross acre. See Table 3.7-2 below. There is a clear indication that residential density has increased (from 7.7 dwelling units per acre in 1993 to 11.8 dwelling units per acre in 2010) within the UIA.

Table 3.7-2
Development Characteristics Transportation Concurrency
Exception Areas

Transportation Concurrency Exception Areas	Gross Acreage	Percent of UDB Area	Percent of Vacant Land	Residential Density (DUs/gross acre)
Urban Infill Area (UIA)	116,119.6	43.16%	2.78%	11.8
Redevelopment Concurrency Exception Areas- outside the UIA	8,034.3	2.99%	13.53%	7.2
Combined (UIA and RCEA)	124,153.9	46.14%	3.48%	11.6

Miami-Dade County Department of Planning and Zoning, 2010

Commercial, Office and Industrial. As stated above, Florida Administrative Code requires that for predominantly non-residential areas comprising greater than 60 percent of developed land, the average non-residential density shall be at least a FAR of 1.0 per gross non-residentially developed land. In order to perform the appropriate calculation for this requirement, the square footage of all non-residential structures within the UIA and RCEAs, including their lot dimensions, is required. However, this information is not readily available and, therefore, an analysis of the latest development and redevelopment in the UIA and RCEAs follows:

Multi-story private developments have been constructed in the vicinity of the Overtown, Brickell, Douglas Road, South Miami, Dadeland North and Dadeland South Metrorail Stations. An area of intense institutional use with multi-story structures is the Civic Center area in the City of Miami, which contains the University of Miami Medical School, Medical Center Campus of Miami-Dade Community College, hospital (Jackson Memorial, Veterans, University of Miami Hospital and Bascom Palmer Eye Institute, medical facilities, criminal court facilities and office buildings. The most intensely developed commercial and office uses in the County is the Miami CBD (Downtown Miami), where information in the real property file indicates that the FAR for an entire building including the parking garage can exceed 20 for office structures with 40 or more stories. Office structures with 13 to 28 stories (including parking garages) in the Brickell area immediately south of the Miami CBD have FARs ranging from 3 to 11. The most intensely developed business area outside the City of Miami is downtown Coral Gables where office structures with 6 to 16

stories (including parking garages) have FARs ranging from 2 to 14. The most intensely developed business area in the unincorporated Miami-Dade County is around the Dadeland South Metrorail Station which is located in the Kendall Urban Center District inside the UIA. The Datan Center at this Metrorail Station has a FAR of 8.9.

The Department of Planning and Zoning's land use development capacity data base does provide other relevant information about the characteristics of the business/industrial land base in the UIA. In 1990, 3,041 acres of land inside the UIA were vacant, developable, and zoned for business, office or industrial use, or designated on the CDMP Land Use Plan map for industrial, business, office or mixed business/office/ residential use. In 2010, approximately 2,643.6 acres of land inside the UIA were vacant, developable, and zoned for business, office or industrial use, or designated on the CDMP Land Use Plan map for industrial, business, office or mixed business/office/ residential use. It should be pointed out that approximately 247 acres inside the UIA have already approved projects not yet developed. Today, the commercial space within the UIA totals approximately 122,329,144 sq. ft., the industrial space totals approximately 103,563,690 sq. ft., and the office space totals approximately 80,966,471 sq. ft.

The Interpretative Text of the Land Use Element of the CDMP on page I-25 specifically limits maximum intensity for non-residential properties in the Urban Infill Area, Urbanizing Area (the area between the UIA and the UDB), and the area outside the UDB as stated in the Table 3.7-3 below.

Table 3.7-3
Maximum Allowable
Non-Residential Development Intensity

Inside the Urban Infill Area	2.0 FAR
Urbanizing Area (UIA and UDB)	1.25 FAR
Outside UDB	0.50 FAR

Source: CDMP page I-49

Land Use Changes between 2003 and 2010. Since the adoption of the 2003 EAR-based amendments in 2005, 15 applications were filed requesting land use map changes to expand the UDB; however, only two map amendments to the LUP map were approved and are in effect. One approved application (City of Hialeah) was to re-designate in 2006 from "Open

Land” to “Industrial and Office” a 1,140-acre parcel located between NW 97 Avenue, the HEFT and NW 154 Street. The other application (Brown Application) was to re-designate in 2008 from “Agriculture” to “Business and Office” a 42-acre parcel on the south side of SW 88 Street and west of SW 167 Avenue. While these applications are final, neither has resulted in construction of new buildings. Other application (Lowe’s Application) to move the UDB is not final. The Lowe’s Application located at the intersection of SW 8 Street and theoretical SW 138 Avenue was approved by the Board of County Commissioners but received a “Notice of Intent” from DCA that is was not in compliance with State growth management laws. The Administrative Law Judge and the Governor’s cabinet functioning as the Administration Commission concurred with DCA’s conclusion and the application is currently with the District Court of Appeals. The fact that only three of the 15 applications to move the UDB were approved may be an indication that the purpose for which the UIA and TCEAs were established is being accomplished.

Vacant Developable Land. In 1993, the DP&Z reported a 6.7 percent of vacant developable land within the UIA. Currently, developable vacant land within the UIA is approximately 3.0 percent. The latter statistic is clearly well below the State threshold, which requires no more than 10 percent of developable vacant land within a designated Urban Infill Area. For the Redevelopment Concurrency Exception Areas outside the UIA, developable vacant land is approximately 13.6 percent, which is also well below the State threshold, which requires no more than 40 percent of developable vacant land within redevelopment areas. Combined, the Urban Infill Area and the Redevelopment Concurrency Exception Areas outside the UIA contain approximately 3.50 percent of developable vacant land (see “Development Characteristics” table above).

Public Services in the UIA and TCEAs. The UIA and TCEAs are well served by the full range of public facilities. These include: roadway network; transit system; potable water; wastewater collection and disposal facilities; state, county and municipal parks, and county public schools. The UIA is served by several expressways and an established roadway network. In regard to public transit, the area within

the UIA is well served by Metrorail, Metromover and especially well served by Metrobus with a majority of the routes having peak-hour headways of 20 minutes or less. The RCEAs are served by South Dixie Highway (US 1), a six and four-lane roadway facility, the Homestead Extension of Florida’s Turnpike (HEFT), and other north-south and east-west regional roadway network, and Metrobus routes along the exclusive South Miami-Dade Busway facility.

Miami-Dade County has worked together with the Metropolitan Planning Organization and state, regional and local transportation agencies to develop plans and programs that support the purpose of the TCEA. These plans and programs include several plans to improve the roadway network, transit service, and mobility through the following:

- The People’s Transportation Plan
- Long Range Transportation Plan
- Transportation Improvement Program
- Transit Development Plan
- Miami-Dade County Capital Improvement Plan
- City of Miami Capital Improvement Plan
- Downtown Transportation Master Plan

The plans, programs and projects reflect major steps toward mitigating transportation impacts. Several projects currently are underway to promote alternative travel modes are listed below:

- Busway – A planned 9.5-mile Bus Rapid Transit along the NW 27 Avenue corridor from the Metrorail station to the County Line will alleviate traffic on NW 27 Avenue, NW 17, NW 22, NW 32 and NW 37 Avenues.
- MIC to Earlington Heights Connector – A 2.5-mile extension of the Metrorail from the Earlington Height Metrorail Station to the Miami Intermodal Center (MIC) is currently under construction. This premium transit project will directly mitigate traffic impact generated by Miami international Airport.
- East-West Express Bus Route – This project currently under design and funded in 2012 will provide a public transportation alternative to the east-west commute and will directly mitigate impacts on SR 836.
- The planned South Florida East Coast Corridor. This proposed premium transit connection stretching 85 miles connecting three

metropolitan areas (Miami, Fort Lauderdale and West Palm Beach) will directly mitigate vehicular impacts to Interstate I-95.

- The Port of Miami Tunnel - This project currently under construction will alleviate vehicle and truck traffic to and from the Port of Miami in Downtown Miami.
- Miami Streetcar – This project proposes a new route between Downtown Miami and the Design/Buena Vista area and includes an east-west loop to the Health District, formerly known as Civic Center. The Miami Streetcar will be an urban transit circulator that will connect with the Metrorail, Metromover and Metrobus routes in the City of Miami.
- Health District Transit Circulator – This transit circulator of a rubber-tire shuttle will operate 2-way loop along key periphery streets in the Health District and will provide direct feeder service to the Civic Center Metrorail Station and Santa Clara Metrorail Station as well as the future Miami Streetcar.

The comparison analysis between the 1993 and 2010 data reveals that residential density increased from 7.7 to 11.8 dwelling units per gross acre in the Urban Infill Area. In addition, vacant developable land within the UIA (3.0%) and the RCEAs (13.6%) outside the Urban Infill Area are well below the State thresholds, which requires no more than 10 percent and 40 percent, respectively, of vacant developable land. Furthermore, the average residential density (11.6 DUs/acre) within these transportation concurrency areas is well above the minimum State threshold (five dwelling units per gross acre). Moreover, transportation improvements and multi-modal transit centers in the UIA and TCEAs have created opportunities for increased concentrations of development throughout the county. Therefore, Miami-Dade County's UIA and RCEAs meet the State's requirements for TCEA and has achieved the purpose established in the CDMP.

Chapter 1, CDMP Major Issues, of the County's 2010 Evaluation and Appraisal Report is proposing specific recommendations which will continue to strengthen efforts supporting infill development and redevelopment in the UIA and TCEA. These recommendations are summarized below:

- Add new policies under Objectives LU-11 and LU-12 to address incentives and the removal of barriers to infill and redevelopment. (p. 1.1-58 of 2010 EAR).
- Add a new section to the text of the Land Use Element addressing density and intensity bonuses or other measures that will facilitate green building, infill and transit-oriented development. (idem).
- Review the maximum floor area ratios (FARs) in the table entitled "Maximum Allowable Non-Residential Development Intensity" that is found in the section of the text entitled "Interpretation of the Land Use Plan Map: Policy of the Land Use Element" to determine if they can be increased. (idem).
- The County's Comprehensive Development Master Plan should be modified to specifically address mobility planning that promotes transit, pedestrian and bicycle friendly development; promotes mix of uses and enhances transportation strategies to help reduce Greenhouse Gas emissions; and increases the level cross-jurisdiction coordination in providing transportation facilities and services. (pp. 1.4-14 of 2010 EAR).
- Establish project priorities for funding services and facilities within the UIA, TCEAs, urban centers, and activity corridors (p. 1.4-14 of 2010 EAR).
- Allow Roadway Impact Fees to be expended on transit service, pedestrian and bicycle facilities, transportation system management, and transportation demand management. (Idem).
- Add new text and/or policies in the CDMP on "Complete Streets" in order to integrate into the different elements of the plan strategies to accomplish the concept of complete streets and encourage planning. (Idem).

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APPENDICES

Appendix 3-1. Town Hall Meetings advertisement published in the *Miami Herald*

Appendix 3-2. County advertisement for the schedule of EAR activities published in the *Miami Herald*

Appendix 3-3. Feasibility and Analysis of JLUS/AICUZ Strategies

Appendix 3-4. County Implementation of State Statutes Pertaining to Military Base Coordination

Appendix 3-1

Town Hall Meetings advertisement published in the *Miami Herald*



Help Plan for Miami-Dade County's Future!

Every seven years Miami-Dade County updates its **Comprehensive Development Master Plan (CDMP)**. The first step to this process is the preparation of the **Evaluation and Appraisal Report (EAR)**. This report identifies the County's major growth management issues (land use, development, transportation, etc.) and considers new related issues such as sustainability and economic development.

For the EAR process to be successful, we need to hear from you. Help us plan for Miami-Dade County's future! **You Can Participate** by attending our **TOWN HALL MEETINGS**. All meetings are scheduled from **6 – 8:30 pm**.

Day and Date	Location
Monday, August 24, 2009	MLK Center - 2525 NW 62 Street, 2nd Floor, Miami, FL 33147
Tuesday, August 25, 2009	West Kendall Regional Library - 10201 Hammocks Blvd, Miami, FL 33196
Wednesday, August 26, 2009	Miami Lakes Library - 6699 Windmill Gate Road, Miami, FL 33014
Thursday, August 27, 2009	South Dade Government Center - 10710 SW 211 Street, Miami, FL 33189
Monday, August 31, 2009	West Dade Regional Library - 9445 Coral Way, Miami, FL 33165

Be sure to explore the EAR2010 website, and provide your comments and ideas!


You can access our EAR website directly at <http://www.miamidade.gov/planzone/ear2010.asp>.

The draft EAR report is scheduled to be prepared by June 2010 and adopted by the Board of County Commissioners before November 1, 2010. Please check our website to see a Timeline of the process.

The Town Hall Meetings are free and open to the public. Multiple elected officials may be present. For information about the Town Hall Meetings or the EAR process, please contact Miami-Dade County's Department of Planning and Zoning (DP&Z), Metropolitan Planning Division at 111 NW 1st Street, Suite 1220, Miami, Florida 33128-1972; or call 305-375-2835. Please call the DP&Z ADA Coordinator at 305-375-1244 at least four days in advance if requesting a sign language interpreter, materials in accessible format or a translator.

Appendix 3-2

County advertisement for the schedule of EAR activities published in the *Miami Herald*

REVISED SCHEDULE OF ACTIVITIES	
 MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN UPDATE EVALUATION AND APPRAISAL REPORT (EAR) 2010 NOTICE OF SCHEDULE OF ACTIVITIES	
<p>The previously scheduled PAB meetings of July 19 and 26, 2010 have been rescheduled to August 2, 2010 with possible continuance on August 10, 2010.</p> <p>The Miami-Dade County Department of Planning & Zoning (DP&Z) is currently updating the County's Comprehensive Development Master Plan (CDMP) through a State-mandated Evaluation and Appraisal Report (EAR) process. The EAR is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards.</p> <p>Additionally, the EAR will evaluate and assess the effectiveness of the CDMP in accomplishing its adopted objectives and will suggest changes or amendments needed to update the plan or its elements including reformulated objectives, policies and standards.</p> <p>Section 2-116(c) of the Code of Miami-Dade County requires publication of this notice of the activities that are required to be conducted by the County before adoption of the EAR by the Board of County Commissioners and its transmittal to the Florida Department of Community Affairs (DCA) by November 1, 2010. The proposed EAR will be prepared by DP&Z and submitted to the Planning Advisory Board (PAB), acting as the Local Planning Agency on or about July 21, 2010. The schedule of activities related to the review and adoption of the EAR 2010 are as follows:</p>	
<p style="text-align: center;"><u>August 2, 2010, 9:30 AM</u> <u>Planning Advisory Board</u> Public Hearing on Proposed EAR; Formulate and Adopt Recommendations Miami-Dade County Commission Chamber Stephen P. Clark Center, 111 NW 1st Street Miami, Florida 33128</p> <p>With continuance, if necessary to:</p> <p style="text-align: center;"><u>August 10, 2010, 9:30 AM</u> Miami Art Museum 101 W Flagler Street Miami, Florida</p>	<p style="text-align: center;"><u>October 20, 2010, 9:30 AM</u> <u>Board of County Commissioners</u> Public Hearing and Adoption of EAR Miami-Dade County Commission Chamber Stephen P. Clark Center, 111 NW 1st Street Miami, Florida 33128</p>
<p>The foregoing hearings will be advertised in this newspaper one or more times approximately ten to fourteen days in advance of the hearing. The Board of County Commissioners, Planning Advisory Board or the Department of Planning and Zoning may conduct optional public meetings or workshops in addition to the public hearings or meetings specified above. Any such additional public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County, at least once ten to fourteen days prior to the date of the workshop.</p> <p>For information about the EAR, the schedule of activities, or the EAR process, please contact the Miami-Dade County Department of Planning and Zoning, Metropolitan Planning Section at 111 NW 1st Street, Suite 1220, Miami, Florida 33128-1972, or call (305) 375-2835. You can access the EAR website directly at http://www.miamidade.gov/planzone/ear2010.asp</p> <p>Multiple elected officials may be present. Please call the Department of Planning and Zoning ADA Coordinator, Franklin Gutierrez, at 305-375-1244 at least five days in advance if requesting a sign language interpreter, materials in accessible format or a translator. A person who decides to appeal any decisions made by any board, agency or commission with respect to any matter considered at its meeting or hearing, will need a record of all the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.</p>	

Appendix 3-3
Feasibility and Analysis of JLUS/AICUZ Strategies

JLUS Strategy	JLUS Action Steps	Applicable Organization	Already Addressed	Feasibility	Action Required
1. To the extent possible, link the HARBMZ to the property search function of the MDC web site.	a. expand the property information feature on MDC Prop Appraisers search site to include HARBMZ-related designations.	Planning and ETSD	No	Yes	BCC Approval ETSD to implement.
	b. establish a link from the City of Homestead's web site to the County web site to promote increased access.	City of Homestead.	No	Yes	None
2. Seek out conservation partnerships to purchase development rights from willing landowners on environmentally sensitive property inside the HARBMZ.	a. establish possible partners and funding sources.	DP&Z, and DERM	No	Additional Study	Prioritize through DERM ID parcels for needed purchase.
	b. begin the process of prioritizing land acquisition opportunities with an emphasis on privately held lands inside the HARBMZ.	DP&Z, and DERM	No	Additional Study	
	c. begin the process of educating private landowners in proximity of the base about the benefits of conservation easements and identifying willing sellers.	DERM, HARB	Unknown	Yes	Compile prop owner list, create flyer.
3. Expand or establish a by-right transfer of development rights program to shift incompatible growth away from the HARBMZ.	a. modify the existing SUR program to recognize lands in the HARBMZ as eligible sending areas and designated development and re-development areas throughout the county as receiving areas.	DP&Z	PDR program exists. TDR Ord being developed.	No	None. SUR not appropriate program.
	b. revise existing regulations to allow for by-right transfer of density.	Planning	TDR Ordinance being developed.	Yes	Complete TDR ordinance.
	c. develop a new TDR program in Homestead.	City of Homestead	Mentioned in Homestead EAR	Unknown	N/A
4. Ensure that county and city comprehensive plan language complies with the land use compatibility and coordination requirements of Chapter 163, Part II, Sections 163.3175, 163.3177, 163.3187 and 163.3191 of the Florida Growth Management Act.	modify existing comprehensive plan language as necessary to include additional goals, objectives and policies that satisfy the required elements of Sections 163.3175, 163.3177, 163.3187 and 163.3191 of the Florida Growth Management Act.	DP&Z	Language protecting the HARB should be added. See Appendix B for text of Florida Statute sections.	Done	Add new language to policy LU-8G for the HARB.
5. Develop a real estate disclosure process that requires notification that a property for sale or rent is within the HARBMZ.	a. modify the sample disclosure form.	DP&Z	No	Additional Study	Approval
	b. establish a process for enforcing requirements (e.g. preserving disclosure through the chain of title) by recording the disclosure of potential military nuisances/impacts in City/County tax records and land sales records.	CAO, Ofc Nhood Comp, Prop Appr (tax records),	No	Additional Study	Coordination with Prop Appr, Clerk of Courts, Realtors.
6. Develop a process that requires the dedication of an avigation easement	a. modify the sample easement form.	DP&Z	No	Additional Study	Determination from County

JLUS Strategy	JLUS Action Steps	Applicable Organization	Already Addressed	Feasibility	Action Required
for new residential uses within the HARBMZ.					Attorney BCC Approval
	b. establish a process for enforcing requirements (e.g. preserving disclosure through the chain of title) by recording the easement on subdivision plats and City/County tax records and land sales records.	DP&Z (Zoning and Neighbor. Compliance), Prop Appr and County Attorney's Off.	No	Additional Study	Coordinate with CAO, HARB.
7. Develop standards for exterior lighting that minimize unnecessary uplight in the HARBMZ.	Establish lighting standards that require the full shielding of outdoor lighting fixtures for certain large scale developments within HARBMZ.	DP&Z	Some language in Code. Needs improvement.	Yes	Zoning Div review and ordinance.
8. Establish required indoor sound reduction practices for all noise sensitive uses within the 65+ DNL contours of the HARBMZ.	a. Require the appropriate level of sound reduction for any new residential or noise sensitive construction within noise contours of 65 decibels or higher in the HARBMZ.	DP&Z	Text exists for 2 County airports, not HARB.	yes	Zoning Div review and ordinance.
	b. The City of Homestead would update its Comprehensive Airport Zoning Ordinance to reflect the most current language on noise contours, procedures, affected land uses, and recommended levels of noise reduction.	City of Homestead	Unknown		N/A
9. Establish a zoning district overlay for new development in the HARBMZ.	a. Adopt a special zoning district overlay for the HARBMZ that imposes a series of additional requirements, such as disclosure, aviation dedication, height and lighting restrictions, atop the existing density controls of the underlying zoning.	DP&Z	No	Implement	Zoning Div coordinate with HARB.
	b. As rezoning activity or expansion of the existing UDB occurs, develop land use controls for density and scale that promote compatible development within the Clear Zones and Accident Potential Zones.	DP&Z, already in place for existing designations.	Current zoning/Land use allows less than HARB desires.	Additional Study	Further study, coordination with Zoning, HARB.
10. Develop a procedure that notifies the Air Force of the proposed placement of vertical structures in excess of 200 feet in the HARBMZ and in excess of 500 feet within 10 miles of HARB.	Establish a procedure that identifies the proposed placement of structures of 200 feet or higher within the HARBMZ and 500 feet or higher within a 10 mile radius of the base.	DP&Z, HARB, and Cities	Inside HARB MZ, addressed. Within 10 miles, addressed within MDC jurisdiction.	ex-officio member PAB added.	HARB and County to coordinate with appropriate cities.
11. Develop coordination mechanisms among local, state and federal entities, including the NPS and Air Force on the placement and design of land uses and facilities that attract a significant bird population.	Establish procedures to notify local, state and federal entities of proposed land use actions that could result in significant concentration of birds near HARB and its approach and departure patterns.	DERM, SFWMD, Nat Parks, HARB	No	Done for LU changes - ex officio member of PAB.	HARB, DERM, SFWMD, Nat Parks, DP&Z to discuss.

Note: Shaded cells indicate that the information is applicable to the City of Homestead and not in control of the County.

Appendix 3-4

County Implementation of State Statutes Pertaining to Military Base Coordination

JLUS Strategy #4	
Ensure that county and city comprehensive plan language complies with the land use compatibility and coordination requirements of Chapter 163, Part II, Sections 163.3175, 163.3177, 163.3187 and 163.3191 of the Florida Growth Management Act.	
State Statute	County Implementation
<p>163.3175(5): To facilitate the exchange of information provided for in this section, a representative of a military installation acting on behalf of all military installations within that jurisdiction shall be included as an ex officio, nonvoting member of the county's or affected local government's land planning or zoning board.</p>	<p>Ordinance 07-146 adopted in October 2007, creates a non-voting member seat for a representative of HARB on Community Council 15 and the Planning Advisory Board.</p>
<p>163.3177(6): (a) The future land use plan shall be based upon surveys, studies, and data regarding the area, including...; the compatibility of uses on lands adjacent to or closely proximate to military installations; * * * * *</p> <p>Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2012.</p>	<p>Policies LU-4F of the Land Use and Element AV-7A of the Aviation Subelement address this requirement. These policies were adopted into the CDMP in 1988.</p> <p>Policies LU-4F and AV-7A state: Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.</p>
<p>163.3187: (1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:</p> <p>(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.</p>	<p>This statute allows local government to file text amendments more than twice a year, outside of normal cycles, if it is to implement the criteria for or compatibility of land uses adjacent to or in close proximity to military installations. The County may utilize this statute, if necessary, to implement the JLUS/AICUZ recommendations approved by the BCC.</p>
<p>163.3191: (1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:</p> <p>(n) An assessment of whether the criteria, adopted pursuant to s. 163.3177(6)(a), were successful in achieving compatibility with military installations.</p>	<p>Evaluation of the effectiveness of the CDMP to achieve compatibility with HARB reveals that new language regarding the HARB should be added to policy LU-8G.</p>