

Application No. 11

TEXT AMENDMENT

APPLICATION SUMMARY

Applicant/Representative:	Miami-Dade County Department of Planning and Zoning / Marc C. LaFerrier, ACIP, Director
Element(s) to be Amended:	Land Use and Capital Improvements Elements
Requested Text Changes:	<p>A. Revise Land Use Element Policy LU-2A to refer to provisions in the "Concurrency Management Program" in the Capital Improvements Element (CIE).</p> <p>B. Revise the text in Concurrency Management Program of the Capital Improvements Element on page IX-15 to reflect the level of public school facilities concurrency review for zoning actions consistent with the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools.</p>
Amendment Type:	Standard Text Amendment

RECOMMENDATIONS

Staff:	ADOPT AND TRANSMIT (February 25, 2010)
Community Council:	NOT APPLICABLE
Planning Advisory Board (PAB) Acting as Local Planning Agency:	ADOPT AND TRANSMIT (April 5, 2010)
Board of County Commissioners:	TO BE DETERMINED (May 5, 2010)
Final Action of Planning Advisory Board Acting as Local Planning Agency:	TO BE DETERMINED
Final Action of Board of County Commissioners:	TO BE DETERMINED

Staff recommends: **ADOPT AND TRANSMIT** the proposed text amendment for the following reasons:

1. The amendments are needed to maintain consistency among the affected CDMP elements and the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools (Interlocal Agreement) as it relates to school concurrency reviews for zoning actions.
2. The 2005 Florida Legislature amended Chapter 163, Florida Statutes, to require a public school facilities element, school concurrency and updates to the Interlocal Agreement for Public School Planning. Miami-Dade County first adopted an Educational Element in 1996. Amendments were required to existing elements and Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools. In July of 2008, Miami-Dade County adopted a level of service standard for public school facilities. Amendments also included revisions to the Educational Element, Intergovernmental Coordination and Capital Improvements Elements of the Comprehensive Development Master Plan (CDMP) and to the Interlocal Agreement. The amendments were approved and found in compliance with state law by the Florida Department of Community Affairs in July 2009.
3. As the County and Miami-Dade County Public Schools began implementing public school concurrency, it has been determined that there is an inconsistency between the concurrency management provisions contained in the Land Use Element, Capital Improvements Element, Educational Element and the Interlocal Agreement. The inconsistency relates to the timing of concurrency determinations for zoning actions.

Section 7.5 of the Interlocal Agreement describes the review at the time of zoning as follows:

The review by School Board staff regarding comprehensive plan amendments, rezoning and Development of Regional Impact proposals or amendments containing residential units shall be classified as "Public Schools Planning Level Review (Schools Planning Level Review)". The Schools Planning Level Review does not constitute public school concurrency review. This Section shall not be construed to obligate the County to deny or approve (or to preclude the County approving or denying) an application.

Therefore, the amendments are needed to maintain consistency between the CDMP and the Interlocal Agreement.

Requested Text Amendments:

- A. LU-2A. All development order authorizing new or significant expansion of existing urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements (CIE), except as otherwise provided in the "Concurrency Management Program" section of the CIE.

- B. Revise the text in the Concurrency Management Program of the Capital Improvements Element on page IX-15 as follows:

In its concurrency management program, Miami-Dade County shall make appropriate concurrency determinations in conjunction with the following development approval activities: 1) at the time of zoning actions, site plan approvals and subdivision approvals; 2) prior to the issuance of building permits; and 3) prior to the issuance of certificates of use and occupancy. Consideration will be given to effective measures which may be employed to mitigate traditional service impacts of developments. In general, no zoning action authorizing a new use or the expansion of an existing use and no subdivision plat or site plan shall be approved unless the facilities necessary to maintain level of service standards exist or are projected to exist when necessary to serve the development. For all public facilities and services, except public schools facilities, zoning approvals shall be based on inclusion of necessary facilities in the applicable service Element of the Comprehensive Development Master Plan, in the adopted Capital Improvements Element of the CDMP, ~~in the adopted Miami-Dade County Public Schools Facilities Work Program dated September 2007, for educational facilities~~, or in the plan or work program of the State agency having functional responsibility for provision of the facilities. Such findings shall be included in staff recommendations to the Board of County Commissioners, Community Zoning Appeals Board (CZAB), or other applicable board of agency. If the foregoing plans and programs indicate a low probability that concurrency will be met, but the necessary facilities are technically feasible, such rezoning action should be preceded by a CDMP amendment to add the necessary facilities. Alternatively, such zoning may be approved if the applicant executes a written agreement to provide the necessary facilities on a timely basis. Consistent with Education Element Policy EDU-1F and the provisions in the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, a Schools Planning Level Review will be conducted for zoning actions containing residential units and such reviews will not constitute a public school concurrency review. As described below, a principal concurrency determination will be made for adequate public schools prior to approval of final subdivision plats or site plan approval, or the functional equivalent. All such development approvals prior to the "Principal Concurrency Determination" will contain a notice reserving the right of the County to make its principal concurrency determination prior to issuance of building permits.

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APPENDIX A

APPLICATION 11

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APPLICATION REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT

Miami- Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972
(305) 375-2840

2. APPLICANT'S REPRESENTATIVE

Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972
(305) 375-2840

By:  February 25, 2010

3. DESCRIPTION OF REQUESTED CHANGES

It is recommended that the Land Use Element Policy LU-2A be amended as follows:

- A. LU-2A. All development order authorizing new or significant expansion of existing urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements (CIE), except as otherwise provided in the "Concurrency Management Program" section of the CIE.
- B. Revise the text in the Concurrency Management Program of the Capital Improvements Element on page IX-15 as follows:

In its concurrency management program, Miami-Dade County shall make appropriate concurrency determinations in conjunction with the following development approval activities: 1) at the time of zoning actions, site plan approvals and subdivision approvals; 2) prior to the issuance of building permits; and 3) prior to the issuance of certificates of use and occupancy. Consideration will be given to effective measures which may be employed to mitigate traditional service impacts of developments. In general, no zoning action authorizing a new use or the expansion of an existing use and no subdivision plat or site plan shall be approved unless the facilities necessary to maintain level of service standards exist or are projected to exist when necessary to serve the development. For all public facilities and services, except public schools facilities, zoning approvals shall be based on inclusion of necessary facilities in the applicable service Element of the Comprehensive Development Master Plan, in the adopted Capital

Improvements Element of the CDMP, ~~in the adopted Miami-Dade County Public Schools Facilities Work Program dated September 2007,~~ for educational facilities, or in the plan or work program of the State agency having functional responsibility for provision of the facilities. Such findings shall be included in staff recommendations to the Board of County Commissioners, Community Zoning Appeals Board (CZAB), or other applicable board of agency. If the foregoing plans and programs indicate a low probability that concurrency will be met, but the necessary facilities are technically feasible, such rezoning action should be preceded by a CDMP amendment to add the necessary facilities. Alternatively, such zoning may be approved if the applicant executes a written agreement to provide the necessary facilities on a timely basis. Consistent with Education Element Policy EDU-1F and the provisions in the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, a Schools Planning Level Review will be conducted for zoning actions containing residential units and such reviews will not constitute a public school concurrency review. As described below, a principal concurrency determination will be made for adequate public schools prior to approval of final subdivision plats or site plan approval, or the functional equivalent. All such development approvals prior to the "Principal Concurrency Determination" will contain a notice reserving the right of the County to make its principal concurrency determination prior to issuance of building permits.

4. REASONS FOR AMENDMENT

The above-referenced amendments are needed to maintain consistency among the affected CDMP elements and the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools (Interlocal Agreement) as it relates to school concurrency reviews for zoning actions.

The 2005 Florida Legislature amended Chapter 163, Florida Statutes, to require a public school facilities element, school concurrency and updates to the Interlocal Agreement for Public School Planning. Miami-Dade County first adopted an Educational Element in 1996. Amendments were required to existing elements and Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools. In July of 2008, Miami-Dade County adopted a level of service standard for public school facilities. Amendments also included revisions to the Educational Element, Intergovernmental Coordination and Capital Improvements Elements of the Comprehensive Development Master Plan (CDMP) and to the Interlocal Agreement. The amendments were approved and found in compliance with state law by the Florida Department of Community Affairs in July 2009.

As the County and Miami-Dade County Public Schools began implementing public school concurrency, it has been determined that there is an inconsistency between the concurrency management provisions contained in the Land Use Element, Capital Improvements Element, Educational Element and the Interlocal Agreement. The inconsistency relates to the timing of concurrency determinations for zoning actions.

Section 7.5 of the Interlocal Agreement describes the review at the time of zoning are as follows:

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Therefore, the amendments are needed to maintain consistency between the CDMP and the Interlocal Agreement.

5. ADDITIONAL MATERIAL SUBMITTED

None.

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