# Metropolitan Dade County

*Stephen P. Clark Government Center*
*111 N.W. 1st Street*
*Miami, FL 33128*

# FINAL OFFICIAL

## Meeting Minutes

**Friday, October 29, 1999**

**10:00 AM**

**Commission Chambers**

## Board of County Commissioners

**Members Present:** Barbara M. Carey-Shuler; Gwen Margolis; Natacha Seijas Millan; Katy Sorenson

**Members Absent:** Miriam Alonso; Bruno Barreiro; Miguel Diaz de la Portilla; Betty T. Ferguson; Dennis C. Moss; Pedro Reboredo; Dorrin D. Rolle

**Members Late:** Javier D. Souto

**Members Excused:** Jimmy Morales

## 1B PLEDGE OF ALLEGIANCE

## 1C ROLL CALL

## 1D SPECIAL ITEMS

SPECIAL ITEM NO. 1

**992714** **Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION FILED TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

***Presented***

**Report:** *Inasmuch as a quorum was not present, the Board of County Commissioners convened in a workshop session jointly with the School Board whereby the following School Board Members were present:*

a. *Dr. Solomon C. Stinson*
b. *Mr. G. Holmes Braddock*
c. *Ms. Perla Tabares Hantman*
d. *Dr. Robert B. Ingram*
e. *Ms. Betsy H. Kaplan*
f. *Dr. Michael M. Krop*
g. *Mrs. Manty Sabates Morse*
h. *Mr. Demetrio Perez*
i. *Dr. Marta Perez*

*County Attorney Robert Krawcheck read into the record the proposed ordinance. He noted that the item before them today for discussion was agenda item 4I Substitute from the October 5, 1999, Board of County Commissioners' meeting agenda, which had been deferred to November 4, 1999, in order to have input from the School Board prior to taking final action. He advised that the Planning and Zoning Department would review the particular policy issues in question.*

*Chief Comprehensive Planner Robert Usherson advised that the policy in review at the October 5, 1999, Board of County Commissioners' meeting pertained to the Comprehensive Plan policy of distance setbacks of public schools from the urban development boundary. He noted that in the Educational Element of Miami-Dade County's Comprehensive Development Master Plan it was recommended that senior high schools be set a mile within the urban development boundary, middle schools 1/2 mile within the urban development boundary, elementary schools within a 1/4 mile within the urban development boundary. He advised that elsewhere in the Comprehensive Development Master Plan it provided for private schools to be located outside the urban development boundary in agriculture and open land areas provided that it was demonstrated there was a need for those schools to serve the population in those rural communities.*

*Mr. Usherson advised that the zoning code of Miami-Dade County currently provided for private schools to be located outside of the urban development boundary as a matter of right.*

*Mr. Usherson advised that currently there were some inconsistencies remaining in the policy language and presented alternative language adjustments that could reconcile these problems. He clarified the policy issues for discussion today were as follows:*

*a. should the policy require all schools to be inside the urban development boundary for public and private schools at the distances expressed in the Comprehensive Development Master Plan;*
*b. should there be some allowance for some schools outside the urban development boundary as long as there was a demonstrated need to serve those particular rural communities; and*
*c. should the policies be uniform for both public and private schools.*

*Mr. Usherson advised that the policy language would be framed to adjust the policies into the Comprehensive Master Plan once a policy consensus was made.*

*Dr. Solomon Stinson clarified the School Board's policy in connection with site selection procedures and reviewed the history of the policy in question,*

*noting that the initial reading on the present policy was on May 21, 1997, with a final reading on July 9, 1997. He read into the record verbatim the portion of the rule in question.*

*Commissioner Sorenson commented that the County Commission's role had a wider perspective than the School Board's inasmuch as the County Commission's role included appropriate land use planning and protection of the environment rather than educating children.*

*Commissioner Sorenson commented that from the land use planning perspective no more development could be allowed beyond the urban development boundary.*

*Commissioner Sorenson recommended that opportunities of infill school sitings and how schools could be built in terms of school acreage currently required and restrictions of size and height be reviewed.*

*Commissioner Sorenson advised that there were site opportunities from the Kendall area to Homestead and encouraged development along the transit corridor on the Coastal Ridge rather than utilizing agricultural areas or building further west into the Everglades.*

*Commissioner Sorenson advised that there was a need to review flood issues prior to making land use planning decisions as a result of Hurricane Irene. She advised that she would like to review reports from the South Florida Water Management District when reviewing zoning applications. She commented that all of these issues needed to be reviewed comprehensively.*

*Dr. Stinson commented on the School Board's concern regarding the Esty amendment and advised the School Board's Site Selection Department would review the problems which would be created by the inclusion of this provision.*

*Dr. Kathryn Wilbur, District Director of Governmental Affairs and Land Use Policy and Acquisition, advised that the amendment proposed by Ms. Karen Esty would change the currently recommended distances for schools to mandated distances. She noted that the proposed amendment if approved would preclude large areas of Miami-Dade County from having schools. She explained that the language in the proposed ordinance without the amendment would allow staff to have some judgment.*

*Dr. Wilbur advised the School Board had never purchased, leased, donated, or acquired any land County staff had not deemed consistent with the County's plan since the ruling had been adopted.*

*Dr. Stinson requested that the Esty amendment not be included in the proposed ordinance.*

*Commissioner Margolis concurred with Dr. Stinson.*

*In response to Commissioner Millan's inquiry, Mr. Guillermo Olmedillo, Miami-Dade County's Planning and Zoning Department Director, advised that there were analyses of vacant land but no analyses of under utilized land. He noted that the reports were prepared routinely with the comprehensive land use planning process. He advised this information would be submitted to Commissioner Millan's office.*

*Commissioner Millan requested that this information be shared with the School Board inasmuch as she was committed to the quality of life and reaching a balance with nature.*

*Commissioner Millan requested that a cohesive education and communication plan be developed that would bring us on an issue to issue basis.*

*In response to Chairperson Margolis' inquiry, Mr. Olmedillo advised that at the November 4, 1999, CDMP meeting a decision needed to be made in terms of the "ICE", or the intergovernmental element of the Comprehensive Development Master Plan. He noted that the issue being considered was whether to include the language "shall" or "should" in the Comprehensive Development Master Plan relating to the distance of schools from the urban development boundary, and whether it should be uniform for all schools.*

*Commissioner Sorenson commented in favor of making the distances from the urban development boundary uniform for public and private schools.*

*Ms. Karen Esty commented on the foregoing ordinance proposing that the "shall" rather than "should" be utilized. She commented that placement along the urban development boundary line and the planning of school sites be carefully reviewed in terms of the area utilized as well as the safety issues.*

*Dr. Stinson again recommended that the language of the School Board policy within the foregoing proposed ordinance remain unchanged.*

*Dr. Michael Krop commented on the issue of changing the language of the School Board policy and reminded the members of the County Commission present at today's meeting that caution should be exercised when making law in order not to introduce unintended consequences.*

*Dr. Krop advised that the availability of suitable land for school sites was becoming smaller. He noted that the change in the language was unnecessary inasmuch as the School Board had never acted irresponsibly nor violated any policy decisions when making site selections, and its decisions had been made with the consensus of the County Commission staff.*

*In response to Commissioner Sorenson's expressed preference to have the language changed in the proposed ordinance from "purchase" to "acquire", County Attorney Krawcheck advised that the County's policy could be amended to change the language from "purchase" to "acquire" and there still remained the question of the language "shall" versus "should".*

*In response to Commissioner Carey-Shuler's request that the School Board members express their opinions in terms of whether the language of the policy should be changed, Mr. Demetrio Perez, Dr. Marta Perez, and Ms. Perla Tabares Hantman concurred with Dr. Stinson's opinion that the language of the ruling should remain unchanged.*

*Commissioner Souto concurred with the recommendation of the School Board members.*

*Commissioner Souto suggested that the Board hold quarterly, joint meetings with the School Board.*

*In response to Chairperson Margolis' inquiry as to whether the School Board had ever taken inconsistent votes in terms of the Comprehensive Development Master Plan, Mr. Olmedillo advised there had been no instances to his knowledge. He explained the School Board's site selection process.*

*Mr. Olmedillo advised that the Miami-Dade County's Planning and Zoning Department reviews the memorandum sent from the School Board notifying*

*the school site under review to determine its consistency with the Comprehensive Development Master Plan. He advised that the Planning Department remits to the School Board a recommendation as close as possible in the event a particular situation arises whereby the School Board would not be able to meet the required distances. He advised that the School Board was also required to comply with the State Comprehensive Plan.*

*Commissioner Carey-Shuler spoke in support of reinstating joint meetings with the School Board.*

*Commissioner Carey-Shuler concurred with other members of the Board who spoke in favor of allowing the School Board policy to remain unchanged. She commented that the policy should be uniform and recommended that private schools be held to the same standards.*

*Ms. Truly Burton, representing the Builders Association of South Florida, commented on the CDMP Education Element, Amendment Group 1, Application Part B, Policy 6.5, relating to the Educational Element and impact fees, noting that Florida Senate Bill 172 established the Florida School Construction Finance Committee. She advised that the newly established committee was a statewide group whose mandate and scope of work was to formulate revenue policies to consider alternate revenue sources for schools, in addition to impact fees. She suggested that the policy revision needed to be included in order to make the ruling consistent with State law.*

*In response to Ms. Burton's request that the term "full costs" contained in the CDMP Education Element Policy 6.5 be clarified, Mr. Olmedillo advised that staff would present suggested language for costs and cost components along with other recommended changes at the November 4, 1999, CDMP meeting.*

*In response to Commissioner Carey-Shuler's request that the School Board be allowed an opportunity to provide input in connection with the review of full costs relating to impact fees for the CDMP Educational Element Policy 6.5, Dr. Stinson requested that the issue be reviewed at a separate meeting after appropriate notification had been given.*

*Mr. Olmedillo advised that there was a general consensus to have the impact fees reviewed on a regular basis and that these meetings would be scheduled as joint, public hearings.*

*County Attorney Krawcheck clarified that impact fees referred to capital costs in order to stay within the frame of the law. He advised that County staff had already made language recommendations in the course of reviewing the foregoing proposed ordinance at the last hearing.*

*Ms. Burton recommended that the issue of full costs as associated with any impact fees be specifically highlighted for discussion whenever the issue was brought up for review and stated for the public record that today's announcement should be considered notification of the intent to discuss at length the issue.*

*Chairperson Margolis noted that those County Commission members present at today's meeting concurred that the proposed Esty amendment was too stringent and unacceptable.*

*Upon conclusion of the discussion relating to the foregoing proposed ordinance and in connection with an unrelated issue, Commissioner Sorenson commented on the need to have interlocal agreements when there was a sharing of public facilities.*

*In an unrelated issue regarding to the Miami Circle fund raising campaign, Commissioner Sorenson requested a $1 million contribution from the School Board inasmuch as the facility would be utilized for educational purposes as well.*

*In connection with the subject of joint use of facilities, Dr. Krop suggested that some of the County's strategic parks in urban areas could be utilized to build schools inasmuch as the School Board needed land in urban areas and perhaps the School Board would be able to build schools on 1.5 acres of land. He noted that the School Board could enhance those areas since some of these parks were being under-utilized.*

*There being no objections, Commissioner Carey-Shuler proposed joint, biannual meetings with the School Board.*

## 2 ADJOURNMENT

**Report:** *There being no further business to come before them, the joint workshop between the Board of County Commissioners and the Miami-Dade County School Board was adjourned at 11:35 a.m.*

Gwen Margolis, Chairperson

ATTEST: HARVEY RUVIN, CLERK

By: Kay Sullivan, Deputy Clerk

JIMMY L. MORALES
COMMISSIONER

*Board of County Commissioners*
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CLERK OF THE BOARD
1999 OCT 29 PM 12:18
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.

MEMORANDUM

To: M.R. Stierheim, County Manager
From: Jimmy Morales, County Commissioner JM
Copy to: The Honorable Chairperson and Members of the Board of County Commissioners
The Clerk of the Board
Date: October 27, 1999

On October 26, 1999, I received a memorandum from you dated October 25, 1999 informing me of a joint meeting of the Board of County Commissioners and the Miami-Dade County School Board. Your memo states that this joint meeting will be held on Friday, October 29, 1999. Unfortunately, I am unable to attend this meeting due to a previously scheduled meeting in Orlando. Please be advised that three days notice is not adequate for this type of meeting. Usually, joint meetings of elected officials are scheduled with more than three days notice to give all invited parties a chance to attend. For example, the Tri-County Commission meetings were noticed weeks in advance. In the future, please provide the Board of County Commissioners with adequate notice. Thank you for your attention to this matter.

Special Item No. 1

# MEMORANDUM

**To:** Honorable Chairperson and Members
Board of County Commissioners; and

Honorable Chairperson and Members
Miami-Dade County School Board

**Date:** October 29, 1999

**From:** M. R. Stierheim
County Manager

**Subject:** Joint Meeting to Address School Location Policies

A joint meeting of the Board of County Commissioners and the School Board is scheduled to occur at 10:00 A.M., on Friday, October 29, 1999, in the County Commission Chamber; 111 N. W. 1st Street. The purpose of the meeting is to discuss school location policies contained in the County's Comprehensive Development Master Plan (CDMP). Attached is a copy of County Commission Agenda materials containing pending proposals to amend CDMP policies addressing the location of schools and other intergovernmental coordination policies. These proposals are scheduled to be addressed by the Board of County Commissioners at a CDMP public hearing which commenced on October 5, 1999, and which was continued to 9:30 A.M. on November 4, 1999, to enable consultation with the School Board.

Please note, in particular, CDMP Education Element Policy 2.1 which appears on (hand-written) page 21 of the Agenda material. This policy, which contains a strong County preference for new schools to be sited certain distances inside the planned Urban Development Boundary (UDB), was proposed for slight modification by County staff, and the Planning Advisory Board, in consultation with School District staff.

The first draft of the pending CDMP amendment proposals was published by County staff in March 1999. The proposals were subject to "transmittal" public hearings and adjustments by the Planning Advisory Board and Board of County Commissioners in April and May, 1999, respectively; a hearing and recommendation by the South Florida Regional Planning Council in July; "Objections Recommendations and Comments (ORC)" by the Florida Department of Community Affairs, and an additional hearing and recommendation by the Planning Advisory Board in September, 1999. During this period, County staff remained in close consultation with staff of the Miami-Dade Public School District in an effort to ensure that School District interests, as well as County interests, were addressed. Given the critical relationships between the responsibilities of the Board of County Commissioners to establish and implement land development policy and the comprehensive plan for the County, and the vital role and responsibility of the School District to provide and administer the public school system, the joint meeting has been scheduled to enable direct discussion of these mutually critical issues.

**MEMORANDUM**

Substitute
Agenda Item No. 4(I)

**To:** Honorable Chairperson and Members
Board of County Commissioners

**Date:** October 5, 1999

**From:** M. R. Stierheim
County Manager

**Subject:** Ordinance Providing Disposition of Application to Amend the Comprehensive Development Master Plan

This substitute item differs from the original in that, 1) it reflects a reorganization of the proposed amendments embodied in the subject Application to readily distinguish the amendments proposed to address intergovernmental coordination requirements contained in Section 163.3144(6)(h), F.S., from the amendments proposed to address the school location requirements contained in Section 163.3177(6)(a), F.S.; 2) the preamble is modified to eliminate a redundant clause, and to reflect transmittal of the application with changes to the Florida Department of Community Affairs ("Transmittal Application"), receipt of an Objections Recommendations and Comments (ORC) Report from the Florida Department of Community Affairs, and County responses to it including the referenced reorganization of the proposed amendments and the issuance of revised recommendations by the Department of Planning and Zoning; and 3) the substitute clarifies that different parts of this plan amendment may become effective on different dates.

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which provides for adoption, adoption with change, or denial of a pending application to amend the Comprehensive Development Master Plan (CDMP). The Board authorized transmittal of the referenced application with changes to the Florida Department of Community Affairs (DCA) for review and comment on May 25, 1999. It is recommended that final action be taken on the ordinance at the conclusion of the public hearing scheduled to occur on Tuesday, October 5, 1999.

## BACKGROUND

The attached ordinance provides for final action on an application requesting amendments to the Comprehensive Development Master Plan. The application was filed by the Department of Planning and Zoning on March 30, 1999, in accordance with the procedures established in Section 2-116.1 of the Code of Miami-Dade County for special amendments and is not subject to the twice-per-year limitation on CDMP amendments. At the conclusion of its public hearing on May 25, 1999, the Board of

County Commissioners, by resolution, authorized transmittal of the application with changes to the DCA for review and comment.

These amendments are proposed to address recent changes to Florida's comprehensive planning law. The first changes pertain to the Intergovernmental Coordination Element (ICE), and a submittal schedule issued by the DCA requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999. The second change, adopted by the Legislature in 1998, requires local government comprehensive plans to include criteria providing for schools to be located proximate to urban residential areas and encouraging the co-location of schools with other public facilities such as parks, libraries and community centers. Chapter 163, Part 2, Florida Statutes, provide that all comprehensive plans must provide these school-related provisions by October 1, 1999, or the local government will not be permitted to adopt other comprehensive plan amendments until these provisions are adopted. The statutes do not provide similar prohibition for failing to adopt the ICE-related policies.

The DCA coordinated the State agency review and comment on the transmitted application, and issued an Objections, Recommendations and Comments (ORC) Report on September 3, 1999. The County is required to take final action on transmitted applications within 60 days after receipt of the DCA comments.

After receipt of the ORC report from the DCA, the Department of Planning and Zoning (DP&Z) issued revised recommendations and the Planning Advisory Board (PAB) acting as the Local Planning Agency issued its final recommendation after conducting a public hearing on September 22, 1999. The revised recommendations of the DP&Z, the PAB Resolution containing it recommendations, and minutes of the PAB public hearing are contained in your agenda materials.

This ordinance follows the same general format used in previous CDMP amendment proposals. It contains blank space for recording your final action on Amendment Group 1 addressing Intergovernmental Coordination requirements, and Amendment Group 2 addressing School Location provisions. After the Board adopts its entries indicating its final action on each Group of proposed amendments, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. Section 2-116.1 of the County Code requires a minimum of seven affirmative votes to amend the CDMP.

FISCAL IMPACT

Adoption of this ordinance to amend the CDMP will not have an impact on the County's budget.

HOUSING IMPACT

Adoption of this ordinance to amend the CDMP will not have an impact on housing costs.

Attachments

Approved _____ Mayor

Veto _____

Override _____

Substitute
Agenda Item No. 4(I)
10-5-99

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION FILED TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has provided procedures (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes (F.S.); and

WHEREAS, the Code and Statutes authorize the Board of County Commissioners to initiate applications to amend the CDMP on a special schedule when necessary to address certain statutory requirements; and

WHEREAS, local governments are required to incorporate the provisions described in Section 163.3177 (6)(h), F.S., into the Intergovernmental Coordination Element (ICE) of their comprehensive plans; and

WHEREAS, the schedule established by the Florida Department of Community Affairs (DCA) for Miami-Dade County to adopt such amendments to the CDMP requires transmittal of proposed amendments in May 1999 and adoption of amendments in October 1999; and

WHEREAS, by October 1999, local governments are required to incorporate into local comprehensive plans the provisions described in Section 163.3177 (6)(a), F.S., addressing the location of public schools proximate to urban residential areas and the collocation of schools with public facilities such as parks, libraries and community centers; and

WHEREAS, the adopted CDMP as amended through April 27, 1999, substantially addresses the requirements of Sections 163.3177(6)(a) and (6)(h), F.S., and has previously been found in to be compliance by DCA; and

WHEREAS, on March 4, 1999, following a public hearing, this Board adopted Resolution No. R-239-99 authorizing the filing of a special application to amend the CDMP for the purpose of addressing the ICE requirements set forth in Section 163.3177 (6)(h), F.S., and

WHEREAS, a CDMP amendment application titled "Application Requesting Amendments to the Comprehensive Development Master Plan Addressing Intergovernmental Coordination and Location of Public Schools" was filed by the Miami-Dade County Department of Planning and Zoning on March 30, 1999, containing proposed amendments to further enhance and refine CDMP provisions addressing Sections 163.3177(6)(a) and (6)(h), F.S.; and

WHEREAS, on May 25, 1999, this Board, by Resolution, instructed the County Manager to transmit the amendment application with changes to the DCA pursuant to Section 163.3184(3), F.S.; and

WHEREAS, Amendment Group 1, embodied in the "Transmittal Application", is proposed to enhance and refine CDMP contents addressing Section 163.3177(6)(h), F.S., pertaining to the ICE, and is comprised of the following proposed new and modified provisions, as transmitted to the DCA for review and comment pursuant to Section 163.3184, F.S.: ICE Policies 1I, 1R, 1S, 3G and 4F, Figure 1, Table 1, certain monitoring measures and text updates; and Educational Element Policies 1.7, 1.8, 2.1, 2.7, 6.5 and 6.6; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the proposed amendments contained in the pending application filed for modification, addition, or change to the Miami-Dade County Comprehensive Development Master Plan, as transmitted to the DCA for review and comment ("Transmittal Application"), as follows:

WHEREAS, Amendment Group 2, embodied in the "Transmittal Application", is proposed to enhance and refine CDMP contents addressing Section 163.3177(6)(a), F.S., pertaining to the location of public schools, and is comprised of the following proposed new and modified policies as transmitted to the DCA for review and comment pursuant to Section 163.3184, F.S.: ICE Policy 1T, and Educational Element Policy 2.3; and

WHEREAS, the Planning Advisory Board and the Department of Planning and Zoning have acted in accordance with the referenced State and County procedures and have held public hearings and transmitted recommendations for disposition of the subject amendment application to this Board, including the issuance of revised recommendations after receipt of the ORC report from the DCA; and

WHEREAS, the application titled "Transmittal Application" incorporating changes made by the Board of County Commissioners was transmitted, reviewed and subject to the issuance of a written Objections, Recommendations and Comments (ORC) Report by the DCA, dated September 3, 1999, pursuant to Section 163.3184 F.S.; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change or Not Adopt the proposed amendments contained in the application not later than sixty (60) days after receipt of written comments from DCA addressing the application; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in the CDMP; and

| AMENDMENT GROUP 1<br>Addressing Intergovernmental Coordination | FINAL COMMISSION ACTION |
|---|---|
| Application Part A: Modify ICE Policy 1I, and Add New Policies 1R, 1S, 3G and 4F; modify Figure 1, Table 1, Monitoring Measures, and names of County, County departments and incorporated municipalities in text.<br><br>Application Part B: Modify Educational Element Policies 1.7, and 2.1, and Add New Policies 1.8, 2.7, 6.5 and 6.6. | |

| AMENDMENT GROUP 2<br>Addressing School Location | FINAL COMMISSION ACTION |
|---|---|
| Application Part A: Add New ICE Policy 1T<br><br>Application Part B: Modify Educational Element Policy 2.3 | |

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any amendment, group, or portion thereof, is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the amendments shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; however, the effective date of any plan amendment or part thereof shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any plan amendment [or part thereof] approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs

or Administration Commission finding the amendment [or part thereof] in compliance in accordance with Section 163.3184(1)(b), F.S., whichever occurs earlier. No development orders, development permits, or land uses dependent on such amendment [or part thereof] may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective [in which or in part] by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment [or part thereof] in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. SAC

Prepared by:

RUICEordamnd.doc

**REVISED RECOMMENDATION**
**OF THE**
**DEPARTMENT OF PLANNING AND ZONING**
**ADDRESSING THE CDMP AMENDMENT APPLICATION ADDRESSING**
**INTERGOVERNMENTAL COORDINATION AND**
**LOCATION OF PUBLIC SCHOOLS**

**Revised Recommendation:**

Adopt the Application as approved for transmittal by the Board of County Commissioners on May 25, 1999 ("Transmittal Application") with the following Additional Changes:

> In Group 1 of the amendments addressing Intergovernmental Coordination requirements (Section 163.3177[6][h], F.S.): Modify ICE Policies 1G, 3F, and 7B; add additional new ICE Policies 3B, 5C, and 5D; and further modify Educational Element Policies 1.7 and 2.1.; and
>
> In Group 2 of the amendments addressing location of schools (Section 163.3177[6][a], F.S., to the extent that such issues are not otherwise addressed by satisfaction of referenced section [6][h]): Add additional new Policies 1R and 9Q to the Land Use Element.

These additions and modifications are presented on pages 2 to 6 in the attached memorandum to the Miami-Dade County Planning Advisory Board dated September 13, 1999.

# MEMORANDUM

**To:** Chairman and Members
Planning Advisory Board

**Date:** September 13, 1999

**From:** Guillermo E. Olmedillo, Director
Department of Planning and Zoning

**Subject:** Revised Recommendations on the Application to Amend the CDMP Addressing Intergovernmental Coordination and Location of Public Schools, including Response to the DCA ORC Report

This memorandum contains the revised recommendations of the Miami-Dade County Department of Planning and Zoning (DP&Z) on the pending Application requesting amendments to the Miami-Dade County Comprehensive Development Master Plan (CDMP) addressing Intergovernmental Coordination and the Location of Public Schools. The Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) is scheduled to conduct a public hearing to address this Application and formulate its final recommendations on Wednesday, September 22, 1999, at 5:30 P.M. in the County Commission Chamber. Your agenda materials are attached and transmitted with this memorandum. These include an updated *Application...Incorporating the Revised Recommendations of the DP&Z* which reorganizes the proposed amendments and includes the new proposals introduced in this memorandum, the *Objections Recommendations and Comments (ORC) Report* issued by the Florida Department of Community Affairs (DCA), the "Transmittal Application" that was subject to the DCA review and ORC, the Agenda for the public hearing, and a draft Resolution with which to issue your final recommendations.

The subject Application was filed by the DP&Z on March 30, 1999, to address intergovernmental coordination-related requirements recently added to Section 163.3177(6)(h), Florida Statutes (F.S.), and school location-related requirements added to Section 163.3177(6)(a), F.S. While the CDMP already contained policies addressing these paragraphs, to timely adopt additional policies to address these requirements the Application was initiated as a "special" amendment application outside of the standard twice-per-year amendment cycles, in accordance with the procedures established in Section 2-116.1 of the Code of Miami-Dade County and associated State Statutes. On April 28, 1999, the PAB conducted a public hearing and issued a recommendation to the Board of County Commissioners that the Application be transmitted to the Florida Department of Community Affairs (DCA) with changes pertaining to Educational Element Policy 2.1. Minutes to that meeting were previously issued to the Board and approved with change. On May 25, 1999, the Commission conducted its first public hearing and approved transmittal of the Application, with changes to Educational Element Policy 2.1 to incorporate the PAB-recommended changes, other language changes, and a request for consistency in siting policy for private and public schools ("Transmittal Application").

The DCA subsequently issued an Objections Recommendations and Comments (ORC) Report under cover letter dated September 3, 1999, containing three objections and one additional comment. In brief summary, the ORC report finds that the CDMP and transmitted amendments lack the following: 1) provisions addressing joint planning areas for municipal incorporations; 2) policies regarding the collaborative planning and decision-making on siting facilities with countywide significance including locally unwanted land uses; 3) policies which call for coordinating with the adjacent counties of Broward, Monroe, and Collier; and 4) policies applying to the siting of private, as well as, public schools.

**Organization of Recommended Amendments**

It is important to note that there is considerable overlap between the requirements in Chapter 163, F.S., pertaining to the location of public schools and those pertaining to intergovernmental coordination between general purpose local governments and public school districts. Many of the Statute's requirements pertaining to location of schools are already contained in the CDMP either in the Land Use, Intergovernmental Coordination, or (optional) Educational Elements. Similarly, many of the recommended amendments addressing public schools are included in the ICE because the issues relate largely to coordination between the County and the School District and the Statute lists the issue as such, or in the Educational Element because the CDMP places many of these coordination policies there.

In order to more clearly distinguish the amendments proposed to further address requirements of Section 163.3177(6)(h), F.S., relating to intergovernmental coordination, from those proposed to further address requirements of Section 163.3177(6)(a) relating to location of public schools, in the attachments and companion documents to this Revised Recommendations memorandum, including the public hearing agenda materials, the various amendments proposed in the Application are reorganized into two "Groups," each of which relates to one of the two Statute paragraphs noted above.

**REVISED RECOMMENDATIONS:**

Adopt the Application as approved for transmittal by the Board of County Commissioners on May 25, 1999 ("Transmittal Application") with the following Additional Changes:

In Group 1 of the amendments addressing Intergovernmental Coordination requirements (Section 163.3177[6][h], F.S.): Modify ICE Policies 1G, 3F, and 7B; add additional new ICE Policies 3B, 5C, and 5D; and further modify Educational Element Policies 1.7 and 2.1.; and

In Group 2 of the amendments addressing location of schools (Section 163.3177[6][a], F.S., to the extent that such issues are not otherwise addressed by satisfaction of referenced section [6][h]): Add additional new Policies 1R and 9Q to the Land Use Element.

These recommended Changes are presented below, followed by the reasons for these recommended changes, and responses to the DCA ORC Report.

Revised Recommendation Number

1. Add the following additional new Intergovernmental Coordination Element (ICE) Policy 3B, and renumber the existing and proposed policies under ICE Objective 3, accordingly[1]:

3B. Miami-Dade County shall maintain procedures in the Code of Miami-Dade County providing for initiation and consideration of proposals for municipal incorporation, annexation, and other boundary changes, in accordance with provisions of the Miami-Dade County Charter. This Plan hereby adopts and incorporates by reference provisions of the Miami-Dade County Charter regarding municipal incorporation, annexation and boundary changes, as authorized by Article VIII, Section 6 of the Florida Constitution. Moreover, with regard to municipalities newly created or approved for boundary change, the County shall seek to establish mutually acceptable arrangements with the municipality for the planning area, which may include contractual or other agreements regarding the delivery of public services, conduct or coordination of land use planning or development regulatory activities, or other governmental functions, consistent with the County Charter.

2. Modify ICE Policy 3F as follows:

3F. Continue to maintain and utilize the authority provided in the ~~Metro~~Miami-Dade Charter for the County to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County. While the County reserves all rights provided by the Miami-Dade County Charter, when siting facilities of countywide significance within the boundaries of an incorporated municipality, the County will consider the municipal comprehensive plan and development regulations, as well as the need for the public facility and suitable alternative locations.

[1] Underlined words are recommended additions to the amendment Application as approved for transmittal by the Board of County Commissioners on May 25, 1999 ("Transmittal Application"). Words ~~dashed through~~ are recommended for deletion from the amendments proposed in the Transmittal Application. Words that are both ~~underlined and dashed through~~ were proposed for addition in the Transmittal Application and are now recommended for deletion. All other words existed in the Transmittal Application and are not recommended for change.

Revised
Recommendation
Number

3. Modify ICE Policy 1G, as follows:

1G. Provide for County-city exchange of notification and information ~~of~~ regarding requests for change of zoning within the vicinity of unincorporated area municipal boundaries. Notice of requested zone changes and applications to amend the CDMP Land Use Plan map shall be provided to owners of record of real property and adjacent local governments in accordance with applicable County procedures without regard to County boundaries.

4. Add the following additional new policies under ICE Objective 5:

5C. Miami-Dade County shall continue to participate in regional resource planning and management activities undertaken by State, federal and regional agencies addressing natural resources such as water supply, and fish and wildlife, and economic development and service delivery functions, as such activities may be initiated from time to time. These include, but are not limited to resource planning and management activities of the Governor's Commission for the Everglades, water management and supply plans prepared by the South Florida Water Management District, the Central and Southern Florida Flood Control Project Comprehensive Review Study conducted by the U.S. Army Corps of Engineers, and periodic updates and refinements; and the County will cooperate with adjacent counties and municipalities in similar activities that they may initiate.

5D. In the conduct of its infrastructure and service planning and development function, including transportation, water, sewer and solid waste disposal functions, Miami-Dade County shall consider entering into cooperative agreements with adjacent counties and municipalities in adjacent counties where such arrangements are operationally, financially or environmentally beneficial.

5. Modify existing ICE Policy 7B, as follows:

7B. Encourage the development of a South Florida Regional International Affairs Consortium to address regional issues concerned with international trade and business~~,~~ and other cooperative arrangements with south Florida local and regional governmental entities to promote socially and environmentally sound economic development of the region.

Revised
Recommendation
Number

6. In the Land Use Element, add the following additional new policies addressing location of schools:

1R. It is the policy of Miami-Dade County that the siting of both public and private schools throughout the County shall conform with the school siting policies adopted under CDMP Educational Element Objective 2.

9Q. By January 1, 2001, Miami-Dade County shall revise its Zoning regulations as necessary to provide that new private schools and expansion of existing private schools outside the Urban Development Boundary may be approved only if they are demonstrated to be necessary to support the rural residential community of the affected Agriculture or Open Land area.

7. Further modify Educational Element Policies 1.7 and 2.1 as follows:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections, where authorized by State law.

2.1 It is the policy of Miami-Dade County that the Miami-Dade Public School System should not purchase sites for schools~~, except as provided in this policy,~~ nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary school constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as ~~possible~~ functionally practical from the UDB. ~~Further, the Miami-Dade County Public School System may acquire and hold sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP designated Residential Communities to help ensure that well located school sites will be available if and when such areas are brought into the UDB. This should occur only after the school siting needs of areas inside the UDB are satisfied, and any site purchased and held outside the UDB for future elementary schools should be located at least ¼ mile inside the outer boundary of the UEA; sites held for future middle~~

~~schools should be located at least ½ mile inside the UEA boundary; and sites held for future senior high schools should be located substantially at least 1 mile inside the UEA boundary.~~ The same criteria of this paragraph that apply to public schools also pertain to private schools.

**REASONS FOR RECOMMENDATIONS:**

In the presentation of the complete *Application...Incorporating the Revised Recommendations of the Department of Planning and Zoning*, which is attached to this memorandum, the various amendments proposed in the pending Application as now recommended for approval with changes by the DPD&R are reorganized into Groups 1 and 2 to more clearly differentiate the amendments proposed to address requirements of Section 163.3177(6)(h), F.S., relating to intergovernmental coordination requirements, from those proposed to address requirements of Section 163.3177(6)(a) relating to location of public schools to the extent that they are not otherwise satisfied in response to Section (6)(h). The two "Groups" relate respectively to the requirements of the two referenced Statute paragraphs.

Revised Recommendation 1, concerning proposed new ICE Policy 3B, is recommended to address the DCA objection that the CDMP does not currently contain provisions addressing joint planning areas for municipal incorporations. [Section 163.3177(6)(h)1.a, F.S.] While other areas of the state rely on the legislature to resolve such issues, the Miami-Dade County Charter provides direction in this County.

Revised Recommendation 2 which proposes modification to existing ICE Policy 3F is recommended to address the DCA objection that the CDMP does not have policies regarding collaborative planning and decision making on siting facilities of countywide significance and locally unwanted land uses, especially within municipalities. [Section 163.3177(6)(h)2, F.S.] This recommended policy amendment preserves the County's unique Charter authority while agreeing to consider municipal comprehensive plans and development regulations when searching for sites for facilities of countywide significance.

Revised Recommendations 3, 4, and 5 which propose to modify ICE Policies 1G and 7B, and to add new ICE Policies 5C and 5D, are recommended to address the DCA objection that the CDMP does not contain adequate policies addressing coordination with the adjacent counties of Broward, Monroe and Collier. [Section 163.3177(6)(h)1, F.S.]

Revised Recommendation 6, adding new Land Use Element Policies 1R and 9Q, is recommended to respond to direction received from the Board of County Commissioners at the transmittal public hearing, and to respond to a comment issued in the ORC by the DCA that private schools were addressed by policy 2.1 in the Educational Element, which addresses only public schools; the Land Use Element appropriately should address the location of private schools.

Revised Recommendation 7, relates to additional recommended modifications to Educational Element Policies 1.7 and 2.1, previously transmitted with changes to DCA. It is recommended that Policy 1.7 be further modified to add the phrase "where permitted by State law" to acknowledge that the School District may be limited by the State as to the enrollment projections that they may use. Policy 2.1 is recommended for additional modification to delete previously proposed changes to allow Miami-Dade County Public Schools to acquire and hold land in Urban Expansion Areas (UEA) outside the UDB adjacent to CDMP-designated Residential Communities, and subject to location criteria relative to UEA boundaries. The South Florida Regional Planning Council found the proposed allowance of school site acquisition outside the UDB to be inconsistent with the Strategic Regional Policy Plan and recommended that it be deleted.

**DEPARTMENT OF PLANNING AND ZONING RESPONSE TO DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) REPORT:**

**Intergovernmental Coordination Element:**

1. Objection: While the County has demonstrated that there is a local mechanism to address municipal incorporations pursuant to the Home Rule Charter and the Code of Miami-Dade County, the Comprehensive Development Master Plan (CDMP) does not contain provisions addressing joint planning areas for municipal incorporations. [Section 163.3177(6)(h)l.a.,F.S.]

   Response: As staff indicated in the "Supporting Information", April 1999, document, no amendments to the CDMP were initially proposed to address this subsection regarding municipal incorporations. The Miami-Dade County Home Rule Charter exclusively provides the County with the authority to create municipalities, while other areas of the State must rely on the Legislature to resolve such matters. While staff maintains that the procedures established in the Charter and Code of Miami-Dade County are appropriately dealt with outside the CDMP process, staff has proposed a new ICE Policy 3B which calls for maintaining municipal incorporation procedures in the code in accordance with the Miami-Dade County Charter.

2. Objection: The CDMP does not have any policies regarding the collaborative planning and decisionmaking on siting facilities with countywide significance and locally unwanted land uses. The County states that existing ICE Policy 3C, which states that the County will encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services, addresses the statutory provision. In addition, the County states that ICE Policy 3F, which state that the County will continue to maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct, and operate public facilities in incorporated and. unincorporated areas of the County, also meets the provision. These policies do

not specifically address locally unwanted land uses and facilities with countywide significance. Instead, these policies generally discuss coordination. ICE Policies 3C and 3F do not address how services will be coordinated. [Section 163.3177(6)(h)2, F.S.)

Response: Staff had cited in the "Supporting Information" document references to other ICE policies (specifically ICE Policies 3C and 3F as well as the CDMP Statement of Legislative Intent) that addressed the authority of the County, through the Home Rule Charter to site, construct, maintain and operate public facilities in incorporated and unincorporated areas of the County. To address DCA's objection it is recommended that ICE Policy 3F be amended to agree to consider municipal comprehensive plans and development regulations when selecting and siting sites for facilities of county-wide significance.

3. Objection: The plan does not have adequate policies which call for Coordinating with the adjacent counties of Broward, Monroe, and Collier. The County states that existing ICE Policy 1J, which states that the County shall increase interaction between its MPO and those of Broward; Monroe, and Palm Beach Counties and with Miami-Dade municipalities to improve interregional and intracounty transportation coordination and international trade, satisfies the requirement. While this policy addresses transportation and economic coordination, it does not address other areas such as, but not limited to, potable water and sanitary sewer service the East Coast Buffer, and Everglades protection. [Section 163.3177(6.)(h)1,F.S.]

   Response: Staff recommends modifying ICE Policies 1G and 7B and adding new ICE Policies 5C and 5D, to address DCA's objection concerning the need for additional policies providing for coordination with adjacent counties in the areas of resource, infrastructure and services planning activities.

4. Comment: Comment: Education Element Policy 2.1 applies to both public and private schools. However, the Education Element only applies to public, schools. The County should also adopt this policy in the Land Use Element in order that the policy become effective for private Schools.

   Response: While DCA's comment is advisory in nature, staff recommends adding new Land Use Element Policies 1R and 9Q to appropriately address the location of private schools.

Attachments:
1. Application...Incorporating the Revised Recommendations of the Department of Planning and Zoning.
2. DCA ORC Report, September 3, 1999
3. "Transmittal Application" dated May 25, 1999
4. "Supporting Information..." dated April 1999

# APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

## INCORPORATING THE REVISED RECOMMENDATIONS OF THE DEPARTMENT OF PLANNING AND ZONING

September 13, 1999

**APPLICANT:**

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

**NOTE:** This version of the application incorporates the revised recommendations of the Department of Planning and Zoning issued September 13, 1999 as well as the changes incorporated into the originally filed application approved for transmittal to the Department of Community Affairs by the Board of County Commissioners on May 25, 1999.

**DESCRIPTION OF RECOMMENDED CHANGES[1]:**

It is recommended that the CDMP Intergovernmental Coordination, Educational and Land Use Elements be amended as follows:

**AMENDMENT GROUP 1 (Addressing Intergovernmental Coordination)**

**Group 1. Part A. Intergovernmental Coordination Element (ICE)**

1. Modify Policies 1G, 1I, 3F and 7B, and add new policies 1R, 1S, 3B, 3G, 4F, 5C and 5D, as follows:

   1G. Provide for County-city exchange of notification and information ~~of~~ regarding requests for change of zoning within the vicinity of unincorporated area municipal boundaries. Notice of requested zone changes and applications to amend the CDMP Land Use Plan map shall be provided to owners of record of real property and adjacent local governments, in accordance with applicable County procedures without regard to County boundaries.

[1] Underlined words are recommended additions to the CDMP as amended through March 16, 1999. Words ~~dashed through~~ are recommended deletions to the CDMP. All other words exist in the CDMP and are recommended to remain unchanged.

1I. Miami-Dade County shall utilize ~~increase the use of he informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary ~~to continually facilitate intraregional coordination and~~ to mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies~~, as needed~~. The County may use alternative procedures whenever appropriate for the matter of imminent dispute, including agreements authorized by Section 163.3171(4), F. S., or other non-judicial approaches.

1R. Miami-Dade County and the Florida Board of Regents, on behalf of Florida International University, shall abide by the Campus Development Agreement executed between the Florida Board of Regents and Miami-Dade County on October 24, 1996, implementing the requirements of Section 240.155(11)-(15), F. S., regarding campus master plans. The Campus Development Agreement may be amended from time to time pursuant to Sections 240.155(19), F.S.

1S. By November 2000, Miami-Dade County shall enter into an interlocal agreement with the Miami-Dade County Public School System as required by Section 163.3177(6)(h)2, F. S., to ratify future enrollment projection guidelines established in Educational Element Policy 1.7.

3B. Miami-Dade County shall maintain procedures in the Code of Miami-Dade County providing for initiation and consideration of proposals for municipal incorporation, annexation, and other boundary changes, in accordance with provisions of the Miami-Dade County Charter. This Plan hereby adopts and incorporates by reference provisions of the Miami-Dade County Charter regarding municipal incorporation, annexation and boundary changes, as authorized by Article VIII, Section 6 of the Florida Constitution. Moreover, with regard to municipalities newly created or approved for boundary change, the County shall seek to establish mutually acceptable arrangements with the municipality for the planning area, which may include contractual or other agreements regarding the delivery of public services, conduct or coordination of land use planning or development regulatory activities, or other governmental functions, consistent with the County Charter.

3F. Continue to maintain and utilize the authority provided in the ~~Metro~~Miami-Dade Charter for the County to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County. While the County reserves all rights provided by the Miami-Dade County Charter, when siting facilities of countywide significance within the boundaries of an incorporated municipality, the County will consider the municipal comprehensive plan and development regulations, as well as the need for the public facility and suitable alternative locations.

3G. Miami-Dade County will maintain, as a particular area of attention in its planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Formal agreements to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.

4F. It is the policy of Miami-Dade County that the South Florida Water Management District (SFWMD) shall recognize in its water supply and management planning and permitting processes, Miami-Dade County's adopted population projections, spatial characteristics of the CDMP Land Use Plan map, and policies of the CDMP Land Use, Conservation and Coastal Management Elements. It is further County policy to accommodate future population and economic growth by utilizing the range of water supply technologies outlined under CDMP Water and Sewer Element Objective 6, including traditional sources from expanded and/or new Biscayne Aquifer wellfields, Floridian Aquifer storage and recovery (ASR) techniques, and other alternatives including advanced technologies.

5C. Miami-Dade County shall continue to participate in regional resource planning and management activities undertaken by State, federal and regional agencies addressing natural resources such as water supply, and fish and wildlife, and economic development and service delivery functions, as such activities may be initiated from time to time. These include, but are not limited to resource planning and management activities of the Governor's Commission for the Everglades, water management and supply plans prepared by the South Florida Water Management District, the Central and Southern Florida Flood Control Project Comprehensive Review Study conducted by the U.S. Army Corps of Engineers, and periodic updates and refinements; and the County will cooperate with adjacent counties and municipalities in similar activities that they may initiate.

5D. In the conduct of its infrastructure and service planning and development function, including transportation, water, sewer and solid waste disposal functions, Miami-Dade County shall consider entering into cooperative agreements with adjacent counties and municipalities in adjacent counties where such arrangements are operationally, financially or environmentally beneficial.

7B. Encourage the development of a South Florida Regional International Affairs Consortium to address regional issues concerned with international trade and business, and other cooperative arrangements with south Florida local and regional governmental entities to promote socially and environmentally sound economic development of the region.

2. In the ICE Element Monitoring Program, page VIII-11, under the "Biennially" heading, modify monitoring measure as follows:

- Use ~~Usage~~ of ~~informal or formal mediation~~ dispute resolution process when necessary to resolve disputes (Objective 1).
- Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:
- Status of off-site improvements completed pursuant to executed Campus Development Agreements.

3. Throughout the ICE Element, change the County's name to "Miami-Dade County" wherever it appears; and change the name of the Department of "Planning, Development and Regulation" to the "Department of Planning and Zoning" wherever it appears. Also, update Figure 1 and Table 1 to update the list and locations of incorporated municipalities in Miami-Dade County.

**Group 1. Part B. Educational Element**

In the Educational Element, modify Policies 1.7 and 2.1 and add new Policies 1.8, 2.7, 6.5 and 6.6, and renumber the remaining policies under Objective 6:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis. in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections, where authorized by State law.

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools~~, except as provided in this policy,~~ nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as ~~possible~~ functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

2.7 Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public School System in their effort to update the "Process/Procedures Manual" for public school siting reviews to help accomplish the objectives and policies of this and other elements of the CDMP. The County shall cooperate with the Public School System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

6.5 The County and Miami-Dade Public School System shall periodically review the Educational Facilities Impact Fee Ordinance to ensure that the full costs associated with the development of public school capacity (new schools and expansion of existing ones) are properly reflected in the impact fee structure. The next review shall occur no later than December 31, 2002.

6.6 The County shall coordinate with the Miami-Dade County Public School System in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.

**AMENDMENT GROUP 2 (Addressing Location of Public Schools)**

**Group 2. Part A. Intergovernmental Coordination Element (ICE)**

In the ICE Element, modify Policy 1T as follows:

1T. During pre-development program planning and site selection activities, Miami-Dade County General Services Administration and other facility and service providers shall coordinate with the Dade County Public School System to consider all reasonable opportunities to collocate new libraries, parks, and other public facilities with public schools, where compatible and the potential exists to create logical focal points for community activity. Early review and coordination activities will be modified as necessary to timely consider these potentials.

**Group 2. Part B. Educational Element**

In the Educational Element, modify Policy 2.3 as follows:

2.3 Where possible, the Public School District should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.

**Group 2. Part C. Land Use Element**

In the Land Use Element, add new Policies 1R and 9Q as follows:

1R. It is the policy of Miami-Dade County that the siting of both public and private schools throughout the County shall conform with the school siting policies adopted under CDMP Educational Element Objective 2.

9Q. By January 1, 2001, Miami-Dade County shall revise its Zoning regulations as necessary to provide that new private schools and expansion of existing private schools outside the Urban Development Boundary may be approved

only if they are demonstrated to be necessary to support the rural residential community of the affected Agriculture or Open Land area.

**REASONS FOR RECOMMENDED AMENDMENTS:**

This amendment Application was filed to bring the CDMP in compliance with two recent changes to Florida's comprehensive planning law. The first changes are in Section 163.3177(6)(h), Florida Statutes (F. S.), pertaining to the Intergovernmental Coordination Element (ICE), which was amended by the Florida Legislature in 1996. Group 1 of the recommended amendments addresses these requirements. The second change to the comprehensive planning law was adopted by the Legislature in 1998. These changes amended Section 163.3177(6)(a) to require all comprehensive plans to include policies providing for schools proximate to urban residential areas and encouraging the collocation of schools with other public facilities such as parks, libraries and community centers. The latter changes are intended to ensure sufficient compatible location of schools in urban areas and to reduce land acquisition and construction costs for new schools. Group 2 of the recommended amendments addresses this requirement to the extent that the existing CDMP policies or other recommended amendments do not sufficiently address this. (The overlap between these two sets of requirements is noteworthy. The Statutes establish requirements for policies in the Land Use Element and ICE element relating to County – School District coordination of their planning. The CDMP also addresses these issues in the (optional) Educational Element.)

In late 1998, the Florida Department of Community Affairs (DCA) established a submittal schedule, in accordance with Section 163.3177(6)(h), F.S., which requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999. The 1998 legislative amendment to Section 163.3177(6)(a), F.S., also requires the school-related provisions to be adopted by October 1, 1999. In order to meet these statutory and administrative deadlines, proposed CDMP amendments were approved for transmittal to the DCA for review and comment on May 1999, preceded by an initial recommendation by the Local Planning Agency (Planning Advisory Board) in April 1999.

The recommended amendments will modify and supplement existing CDMP policies addressing location of public and private schools, and intergovernmental coordination procedures. To address possible deficiencies in the existing body of CDMP policies, amendments to both the Intergovernmental Coordination and Educational Elements of the CDMP are proposed.

Following are reasons for the particular proposed policy changes and additions:
(See also the "Supporting Information for the Application ..." dated April 1999.)

**AMENDMENT GROUP 1. Part A. Intergovernmental Coordination Element (ICE)**

Policy 1G is proposed for modification to address the requirements of Section 163.3177(6)(h)2, F.S., regarding the collaborative planning and decision making process on siting facilities of countywide significance, especially as it relates to how coordination with municipalities will be provided.

Policy 1I is proposed to clarify that the use of the South Florida Regional Planning Council voluntary dispute resolution process will be the County's preferred mechanism to bring closure in a timely manner to intergovernmental disputes among the various alternative procedures available to it.

New Policy 1R is proposed to address the recognition of campus development master plans prepared pursuant to Section 240.155,F.S. as required by Section 163.3177(6)(h)1.b, F.S. by referencing the Campus Development Agreement executed between the Board of Regents and Miami-Dade County in 1996.

New Policy 1S is proposed to address the requirements of Section 163.3177(6)(h)2, F.S. for establishing by interlocal or other formal agreement the joint processes for considering population projections and school siting.

New Policy 3B is proposed to address the requirements of Section 163.3177(6)(h)1.a, F.S. regarding joint planning areas for municipal incorporations.

Policy 3F is proposed for modification to address the requirements of Section 163.3177(6)(h)2, F.S. regarding the collaborative planning and decision making process on siting facilities of countywide significance, including locally unwanted land uses, especially in municipalities.

New Policy 3G is proposed to foster compatible and consistent boundaries between municipalities and the unincorporated area, establish a planning process to identify, review and address issues of mutual interest relating to municipal boundaries, and to enter into agreements with municipalities, as appropriate, regarding compatible boundaries.

New Policy 4F is proposed to express County policy regarding coordination between County's adopted comprehensive plan and the water supply and management planning conducted by the South Florida Water Management District (SFWMD) as required in Section 163.3177(6)(h)2, F.S.

New Policy 5C is proposed to add coordination mechanisms with adjacent counties and municipalities addressing such areas as regional resource planning and management activities as required in Section 163.3177(6)(h)1, F.S.

New Policy 5D is proposed to add coordination mechanisms with adjacent counties and municipalities in adjacent counties for infrastructure and service planning and development functions for such areas as transportation, water, sewer, and solid waste disposal functions as required in Section 163.3177(6)(h)1, F.S.

Policy 7B is proposed for modification to further address coordination of strategies with adjacent counties concerning international trade and business that promotes socially and environmentally sound development of the region.

The ICE monitoring measures are proposed for modification as necessary to reflect the proposed policy changes.

**Group 1. Part B. Educational Element**

Policy 1.7 is proposed for modification to address the requirements of Section 235.193(2), F.S., that states school boards must use Department of Education enrollment projections when preparing the 5-year district facilities work program, and that a school board shall demonstrate consideration of local governments' population projections to ensure that the 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. This revision encourages the school system to use the higher of either projections provided by the Department of Education or the County in their capital facilities planning to help ensure that the County's needs are not underestimated.

New Policy 1.8 is recommended to promote improved conditions in urban infill areas to make them as attractive to prospective home buyers and investors as suburban areas.

Policy 2.1 is proposed for modification to provide more flexibility to the Miami-Dade Public School System to allow the siting of new public schools closer to the Urban Development Boundary (UDB) and to require private schools to be subject to the same siting criteria as public schools.

New Policy 2.7 is proposed to improve coordination between the County and Miami-Dade Public Schools by promoting mechanisms to address school siting issues early in the Educational Facilities Review process.

New Policy 6.5 is proposed to ensure that the impact fee structure in the Educational Facilities Impact Fees Ordinance is periodically reviewed to reflect the full cost of developing new schools and expansions of existing ones.

New Policy 6.6 is proposed to improve coordination between the County and Miami-Dade Public Schools to provide more specific criteria for assessing off-site public facility improvements.

**AMENDMENT GROUP 2. Part A. Intergovernmental Coordination Element (ICE)**

New Policy 1T is proposed to address the requirement of Section 163.3177(6)(a), F.S. for local governments to coordinate with school boards and consider all opportunities to collocate parks, libraries and other public facilities with public schools.

**Group 2. Part B. Educational Element**

Policy 2.3 is proposed for modification to expand the current policy of encouraging the joint-use of public recreation areas between the County and the School Board to include the collocation of public schools with libraries and other facilities as required by Section 163.3177(6)(a), F.S.

**Group 2. Part C. Land Use Element**

New Policy 1R is recommended to incorporate into the Land Use Element the school siting criteria in Policy 2.1, and to add policy that private as well as public school siting should be guided by these policies.

New Policy 9Q is to direct that the County's zoning regulations be revised to restrict the location of new private schools or the expansion of existing private schools in areas outside the UDB.

Local Planning Agency
CDMP Amendment
September 22, 1999

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners in November 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the Florida Statutes and Administrative Code referenced above; and

WHEREAS, local governments are required to incorporate the provisions described in Section 163.3177 (6) (h), F.S., into the Intergovernmental Coordination Element (ICE) of their comprehensive plans; and

WHEREAS, the schedule established by the Florida Department of Community Affairs (DCA) for Miami-Dade County to adopt such ICE amendments to the CDMP required transmittal of proposed amendments in May 1999 and requires adoption of amendment in October 1999; and

WHEREAS, by October 1999, local governments are required to incorporate into local comprehensive plans the provisions described in Section 163.3177 (h)(a), F.S., addressing the

location of public schools proximate to urban residential areas and the collocation of schools with public facilities such as parks, libraries and community centers; and

WHEREAS, the adopted CDMP as amended through April 27, 1999, substantially addresses the requirements of Section 163.3177 (6)(a) and (6)(h), F.S., and has previously been found to be in compliance by DCA; and

WHEREAS, a CDMP amendment application titled "Application Requesting Amendments to the Comprehensive Development Master Plan Addressing Intergovernmental Coordination and Location of Public Schools" was filed by the Miami-Dade County Department of Planning and Zoning (DP&Z) on March 30, 1999, which contains proposed amendments to further enhance and refine the CDMP provisions addressing Sections 163.3177 (6)(a) and (6)(h), F.S.; and

WHEREAS, on April 28, 1999, prior to transmittal of the application to the Florida Department of Community Affairs (DCA), the Planning Advisory Board acting in its capacity as the Local Planning Agency (LPA) conducted a duly noticed public hearing, to receive public comments on the amendment application and the initial recommendations of the Department of Planing and Zoning, and the question of transmittal of the application to State agencies for review; and

WHEREAS, on May 25, 1999, the Board of County Commissioners voted to instruct the County Manager to transmit the amendment application, with changes, to the DCA ("Transmittal Application"); and

WHEREAS, the "Transmittal Application" was transmitted, reviewed and subject to the issuance of a written Objects, Recommendations and Comments (ORC) Report by the DCA, dated September 3, 1999; and

WHEREAS, after receipt of the ORC Report the DP&Z issued revised recommendations to approve the "Transmittal Application" with additional changes.

WHEREAS, on September 22, 1999, the Miami-Dade County Planning Advisory Board acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing to receive public comments on the amendment application, on the Department of Planning and Zoning's revised recommendations, on objections, recommendations and comments issued by the DCA, and on the question of adoption of the amendment application by the Board of County Commissioners, and has acted in accord with the referenced State and County procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:

This Agency hereby adopts the following as its final recommendations to the Board of County Commissioners:

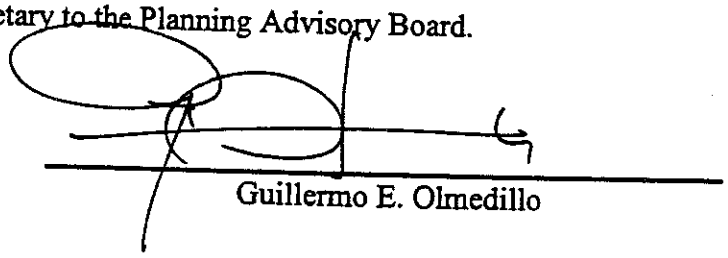
| AMENDMENT GROUP 1<br>Addressing Intergovernmental Coordination | Final LPA Recommendation |
|---|---|
| Application Part A: Modify ICE Policy 1I and Add New Policies 1R, 1S, 3G and 4F; Modify Figure 1, Table 1, Monitoring Measures, and names of County, County departments and incorporated municipalities in text.<br><br>Application Part B: Modify Educational Element Policies 1.7 and 2.1 and Add New Policies 1.8, 2.7, 6.5 and 6.6. | Approve the "Transmittal Application" with additional changes as recommended by the DP&Z in its Revised Recommendations dated September 13, 1999. |
| AMENDMENT GROUP 2<br>Addressing School Location | |
| Application Part A: Add New ICE Policy 1T<br>Application Part B: Modify Educational Element Policy 2.3 | |

The foregoing resolution was offered by Mr. Fraga who moved its adoption. The motion was seconded by Mr. Rolle and upon being put to vote, it passed 6 to 1 as follows:

| | | | |
|---|---|---|---|
| Antonio Fraga | -Yes | Anthony A. Rolle | -Yes |
| Charles George | -Yes | Gonzalo Sanabria | -Absent |
| Rod Jude | -Yes | Georgina Santiago | -Yes |
| Shirlyon McWhorter | -No | Christi Sherouse | -Yes |
| Alicio Piña | -Absent | Carlos M. Sires | -Absent |
| Jose Rojas | -Absent | Jay Sosna | -Absent |

Dorothy Cook, Chair - Absent

The above action was taken by the Planning Advisory Board acting as the Local Planning Agency at the conclusion of its public hearing on September 22, 1999, and is certified correct by Guillermo E. Olmedillo, Executive Secretary to the Planning Advisory Board.



Guillermo E. Olmedillo

**Miami-Dade County Planning Advisory Board**
**Acting as the Local Planning Agency**

**Public Hearing to Formulate Final Recommendations Regarding Special Application to Amend the CDMP Addressing Intergovernmental Coordination and Location of Public Schools**

Commission Chambers
111 NW 1st Street
Miami, Florida 33128

PAB Members Present
Rod Jude, Vice Chair
Antonio Fraga
Charles George
Shirlyon McWhorter
Anthony A. Rolle
Georgina Santiago
Christi Sherouse

PAB Members Absent
Dorothy Cook, Chair
Alicio Piña
Jose Rojas
Gonzalo Sanabria
Carlos M. Sires
Jay Sosna

Department of Planning and Zoning
Carey Lee Rawlinson, Acting Assistant Director for Planning
Barbara Falsey, Chief, Community Planning Section
Robert Usherson, Chief, Metropolitan Planning Section
Howard Williams, Section Supervisor, CDMP Administration Unit
Mark R. Woerner, Section Supervisor, Long Range Planning Unit
Jerry Bell, Principal Planner
Michael Bregman, Senior Planner
Lynne Akulin, Administrative Officer II

Other County Staff Present
Jay Williams, Assistant County Attorney

Others
Karen Esty
Sally Osborne, Miami-Dade County Public Schools
Pat Wade

Mr. Rod Jude, Chair of the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA), convened the public hearing at approximately 5:55 PM to receive public comments regarding the pending Application Requesting Amendments to the Comprehensive Development Master Plan (CDMP) Addressing Intergovernmental Coordination and Location of Public Schools ("Transmittal Application")

dated May 25, 1999; the revised recommendations of the Department of Planning & Zoning; and the Florida Department of Community Affairs (DCA) Objections, Recommendations and Comments (ORC) Report. He welcomed the new member from District 7, Christi Sherouse, and asked staff to describe the revised Application.

Mr. Carey L. Rawlinson noted that the purpose of the hearing was for the PAB to hear public comments and formulate and adopt a final recommendation regarding adoption of the proposed Application by the Board of County Commissioners (BCC). He asked Mr. Mark Woerner to provide an overview of the revised Application and agenda materials.

Mr. Woerner directed the PAB's attention to the six items in their agenda kit: the September 13, 1999 memorandum containing the Department's Revised Recommendations on the Application; the draft Resolution of the PAB issuing recommendations to the BCC regarding final disposition of the Application; the Application as revised to incorporate the Department's Revised Recommendations; the Department of Community Affairs' (DCA) September 3, 1999 Objections, Recommendations and Comments (ORC) Report; the May 25, 1999 "Transmittal Application" incorporating changes made to the originally filed Application at the time of transmittal by the BCC; and the Supporting Information document for the Application, dated April 1999. He noted that the Application was filed to address several changes in State law, and that this would be the final hearing of the PAB regarding the Application. He further advised that since this Application was filed in response to new State requirements, it was not subject to the twice per year statutory limit on plan amendments.

Mr. Woerner provided an overview of the Application. New Intergovernmental Policy 3B is recommended to address DCA's objection that the CDMP does not address joint planning areas for municipal incorporations. Intergovernmental Policy 3F is recommended for modification in order to address DCA's objection that the CDMP does not address collaborative planning on the siting of facilities of countywide significance. Modified Intergovernmental policies 1G and 7B and new Intergovernmental policies 5C and 5D are recommended to address DCA's objection that the CDMP does not contain adequate policies addressing coordination with adjacent counties. New Land Use policies 1R and 1Q are recommended to address the BCC's directive that the school siting criteria in Educational Policy 2.1 be applied to private schools as well. He advised that private schools are more appropriately addressed in the Land Use Element, as the Educational Element only addresses public schools. Educational Policy 1.7 is recommended for further modification to acknowledge that the School District may be limited by the State as to the enrollment projections that it may use. Finally, Educational Policy 2.1 is recommended for further modification to delete the provision allowing the School District to acquire and hold land in designated CDMP Urban Expansion Areas. This recommendation is made in response to the South Florida Regional Planning Council's (SFRPC) finding that such an allowance is inconsistent with the Strategic Regional Policy Plan.

Vice Chair Jude asked if staff had additional comments, and Mr. Rawlinson answered no. Mr. Jude then called for speakers.

Ms. Karen Esty, 14445 SW 200 Street, expressed concern that the January 1, 2001 deadline for implementation of recommended new Land Use Policy 9Q gives private schools too much time to begin construction outside the UDB, and asked if this timeframe could be shortened. She further expressed

concern that the language in Educational Policy 2.1 could result in a school abutting the UDB, raising the likelihood of conflicts with adjacent agricultural uses.

Vice Chair Jude asked staff to address Ms. Esty's concerns. Mr. Woerner noted that the timeframe in new Land Use Policy 9Q is recommended to allow the County the necessary time to secure a compliance determination from the DCA and to revise its land development regulations which entails a substantial public hearing process. He further noted that the proposed modification to Educational Policy 2.1 is intended to allow the School District the flexibility to acquire sites in substantially developed fringe areas where few suitably sized sites remain.

Ms. Pat Wade, 20925 SW 187 Avenue, reiterated Ms. Esty's concerns. She asked if there was any way to push up proposed Land Use Policy 9Q's January 1, 2001 implementation date, and expressed concern over safety issues that may result from siting schools on the UDB.

Ms. Sally Osborne, speaking on behalf of Miami-Dade County Public Schools, noted that County and School Board staff have coordinated on the revised Application, which has been forwarded to the School Board for their comment. She noted that School Board staff's only concern is that proposed New Educational Policy 1.8 calls for the prioritization of resources to the Urban Infill Area, which conflicts with policies prohibiting such prioritization of resources. She hoped to have the School Board's comments prior to the BCC's adoption hearing.

Ms. Sherouse asked staff if it would be possible to shorten the timeframe for implementation of Land Use Policy 1Q. Mr. Rawlinson advised that staff would move as quickly as possible to prepare the necessary amendments to the County's land development regulations, but that it is desirable to write in leeway for unforeseen complications. Mr. Woerner noted that any timeframe has to ensure the County has sufficient time for the Application to be found in compliance by DCA.

Mr Rolle asked what logic was behind the UDB distance criteria in Educational Policy 2.1. Mr. Rawlinson advised that this criteria was based on the "McAliley line", a policy indicated by a former School Board member regarding distance from the UDB. The 1-mile policy began with large senior high schools service areas, and was later refined to reflect the smaller service areas of smaller schools. He further advised that there is an intensive coordination effort between County and School Board staff regarding the location of public schools, and that many of the safety concerns expressed by the speakers could be addressed at that level. Vice Chair Jude noted that there have been problems in the past, citing a case in North Dade in which a school was located near a solid waste facility. Mr. Rawlinson noted that the school was there first in that case.

Mr. Rawlinson, in response to Ms. Osborne's comments regarding Educational Policy 1.8, noted that it is imperative for the County to support urban infill efforts.

With no further comments, Vice Chair Jude closed the public hearing.

Dr. Barbara Falsey directed the PAB's attention to the proposed resolution included in their agenda kits. Mr. Fraga made a motion to recommend approval of the Transmittal Application with additional changes

recommended by the Department of Planning and Zoning in their September 13 memorandum; seconded by Mr. Rolle. Upon being put to a vote, the vote was 6 to 1 as follows:

| | | | |
|---|---|---|---|
| Antonio Fraga | Yes | Anthony A. Rolle | Yes |
| Charles George | Yes | Gonzalo Sanabria | Absent |
| Rod Jude | Yes | Georgina Santiago | Yes |
| Shirlyon McWhorter | No | Christi Sherouse | Yes |
| Alicio Piña | Absent | Carlos M. Sires | Absent |
| Jose Rojas | Absent | Jay Sosna | Absent |
| | Dorothy Cook, Chair | | |

The hearing concluded at approximately 6:30 PM.

STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Helping Floridians create safe, vibrant, sustainable communities"*

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

September 3, 1999

RECEIVED
SEP 15 1999
MIAMI-DADE COUNTY
DEPT. OF PLANNING AND ZONING
METROPOLITAN PLANNING SECTION

The Honorable Alexander Penelas
Mayor, Miami-Dade County
111 N.W. First Street
Miami, Florida 33128

Dear Mayor Penelas:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Miami-Dade County (DCA No. 99-1ICE), which was submitted on June 24, 1999. Copies of the proposed amendment have been distributed to the appropriate state, regional and local agencies for their review and their comments are enclosed.

I am enclosing the Department's ORC Report, issued pursuant to Rule 9J-11.010, Florida Administrative Code, for Amendment 99-1ICE. The issues identified in this Objections, Recommendations and Comments Report include adding mechanisms which address municipal incorporations, coordination with adjacent counties, and siting countywide facilities and locally unwanted land uses. It is very important that the adopted plan amendment address these issues and all of the objections in the Department's ORC Report. My staff is available to work with your staff to resolve these issues.

We have also reviewed the County's policies regarding the school siting and collocation requirements intended to address Section 163.3177(6)(a), F.S. The Department has reviewed these policies and does not have any objections.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, Florida Administrative Code. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
Internet address: http://www.state.fl.us/comaff/

FLORIDA KEYS
Area of Critical State Concern Field Office

GREEN SWAMP
Area of Critical State Concern Field Office

A listing of finding by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment to the Executive Director of the South Florida Regional Planning Council.

If you have any questions, please contact Ken Metcalf, Community Program Administrator, or Paul DiGiuseppe, Planning Manager at (850) 487-4545.

Sincerely,

Charles Gauthier, AICP
Chief, Bureau of Local Planning

CG/pd

Enclosure

cc: Bob Usherson, Miami-Dade County
Carolyn Dekle, South Florida Regional Planning Council

# DEPARTMENT OF COMMUNITY AFFAIRS

## OBJECTIONS, RECOMMENDATIONS AND COMMENTS

## FOR

## MIAMI-DADE COUNTY

## Amendment 99-1ICE

September 3, 1999
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010

## INTRODUCTION

The following objections, recommendations and comments are based upon the Department of Community Affairs' (Department) review of Miami-Dade County proposed amendment to their comprehensive plan pursuant to s. 163.3184, Florida Statutes (F.S.).

Objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS
for
MIAMI-DADE COUNTY
PROPOSED AMENDMENT 99-1ICE

**Intergovernmental Coordination Element**

1. Objection: While the County has demonstrated that there is a local mechanism to address municipal incorporations pursuant to the Home Rule Charter and the Code of Miami-Dade County, the Comprehensive Development Master Plan (CDMP) does not contain provisions addressing joint planning areas for municipal incorporations. [Section 163.3177(6)(h)1.a., F.S.]

Recommendation: The County must establish procedures to identify and implement joint planning areas for municipal incorporation. These policies should specifically address coordination of land use and public facilities and services within these joint planning areas. In meeting these requirements, the policies can include those provisions of the Home Rule Charter, the Code of Miami-Dade County, and those recommendations to the County Commission which apply to municipal incorporations.

2. Objection: The CDMP does not have any policies regarding the collaborative planning and decisionmaking on siting facilities with countywide significance and locally unwanted land uses. The County states that existing ICE Policy 3C, which states that the County will encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services, addresses the statutory provision. In addition, the County states that ICE Policy 3F, which state that the County will continue to maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct, and operate public facilities in incorporated and unincorporated areas of the County, also meets the provision. These policies do not specifically address locally unwanted land uses and facilities with countywide significance. Instead, these policies generally discuss coordination. ICE Policies 3C and 3F do not address how services will be coordinated. [Section 163.3177(6)(h)2, F.S.]

Recommendation: Add new policies which specifically address locally unwanted land uses and countywide facilities and how services will be coordinated, especially with municipalities. The County may want to add policies which specifically identify countywide land uses such as major pipelines, airports, and wastewater treatment facilities. With regard to locally unwanted land uses (LULU), the County may want to add policies regarding the coordination with municipalities and other entities to develop, review and recommend efficient countywide guidelines to coordinate the location of LULU's. The County may also want to establish policies which require the review of the County's locational standards and determine whether these standards are consistent with the policies of the municipalities.

3. Objection: The plan does not have adequate policies which call for coordinating with the adjacent counties of Broward, Monroe, and Collier. The County states that existing ICE Policy 1J, which states that the County shall increase interaction between its MPO and those of Broward, Monroe, and Palm Beach Counties and with Miami-Dade municipalities to improve intraregional and intracounty transportation coordination and international trade, satisfies the requirement. While this policy addresses transportation and economic coordination, it does not address other areas such as, but not limited to, potable water and sanitary sewer service, the East Coast Buffer, and Everglades protection. [Section 163.3177(6)(h)1, F.S.]

Recommendation: Add policies identifying coordination mechanisms with the adjacent counties addressing the areas identified above as well as others that would apply.

4. Comment: Education Element Policy 2.1 applies to both public and private schools. However, the Education Element only applies to public schools. The County should also adopt this policy in the Land Use Element in order that the policy become effective for private schools.

Consistency with the State Comprehensive Plan

The above cited amendments do not further and are not consistent with the following goals and policies of the State Comprehensive Plan (Rule 9J-5.021 and 9J-11.006(3), F.A.C.):

a. Chapter 187.201(16)(b)4 (Land Use)
b. Chapter 187.201(18)(b)4 (Public Facilities)
c. Chapter 187.201(21)(b)1 (Governmental Efficiency)

Recommendation

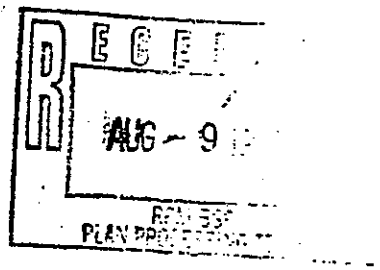
Revise the above cited amendments as recommended for the objections raised above.

# South Florida Water Management District

GOV 08-06

August 3, 1999

OK KM 8/10




Ray Eubanks, Planning Manager
Plan Review and DRI Processing Team
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject:** Proposed Amendment Comments
**Local Government:** Miami-Dade County
**DCA Amendment #:** 99-1ICE

Staff has reviewed the subject document and we have no water resource related comments. Please call us if you have any questions or require more information.

Sincerely,

Murray Miller

Murray Miller, AICP
Senior Planner
Lower East Coast Planning Division
Planning Department

MM/mh

c: Mark Woerner, Miami-Dade County Department of Planning and Zoning
Carolyn Dekle, SFRPC
Ken Metcalf, FDCA

*Governing Board:*
Michael Collins, *Chairman*
Michael D. Minton, *Vice Chairman*
Mitchell W. Berger
Vera M. Carter
Gerardo B. Fernandez
Patrick J. Gleason
Nicolas J. Gutierrez, Jr.
Harkley R. Thornton
Trudi K. Williams
Frank R. Finch, P.E., *Executive Director*
Michael Slayton, *Deputy Executive Director*
Trevor Campbell, *Deputy Executive Director*

# Florida Department of Transportation

JEB BUSH
GOVERNOR

OFFICE OF PLANNING - DISTRICT SIX
602 SOUTH MIAMI AVENUE, MIAMI, FLORIDA 33130
PHONE: (305) 377-5910 (SC) 452-5910
FAX: (305) 377-5684 (SC) 452-5684

THOMAS F. BARRY, JR.
SECRETARY

August 4, 1999

Mr. Ray Eubanks, Planning Manager
Florida Department of Community Affairs
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399-2100

RECEIVED

Dear Mr. Eubanks:

**SUBJECT: Miami-Dade County Comprehensive Plan Amendment Review; DCA ref.# 99-1-ICE**

In accordance with your request, and the provisions of Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code, this office has completed a review of the plan amendment documents for Miami-Dade County (DCA ref.# 99-1-ICE) which were forwarded to our office on June 30, 1999. The District has no objections, recommendations, or comments.

Please contact Phil Steinmiller if you have any questions concerning our response.

Sincerely,

Gary L. Donn, P.E.
District Director of Planning and Programs

GD/pjs

cc: Rob Magee, Office of Policy Planning
Guillermo Olmedillo, Department of Planning and Zoning





RECYCLED

**From:** Bob Hall TAL 850/487-2231 <Bob.Hall@dep.state.fl.us>
**To:** paul digiuseppe <paul.digiuseppe@dca.state.fl.us>
**Date:** 8/6/99 2:05pm
**Subject:** Miami 99-I ICE

Paul,

Can you accept a no comment electronically? If so, I have no comment on Miami 99-1 ICE.

Bob

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
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Katherine Harris
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DIVISION OF HISTORICAL RESOURCES

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PLANNING

July 7, 1999

(11)Km
7/12

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Miami-Dade County (99-1ICE) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Miami-Dade County Comprehensive Plan.

Proposed text amendments regarding intergovernmental coordination and public school siting were reviewed to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the city's/county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Miami-Dade County. In particular, changes involving increased density or intensity of existing land uses of tracts should be checked to see if any known or potential historic resources, both archaeological sites or historic structures, would be affected by these actions.

In sum, it is our opinion that the amended comprehensive plan meets (although known and potential historic resources need to be carefully considered in the planning phases of proposed land use changes) the state of Florida's requirements as promulgated in sections 163.3177 and 163.3178, F.S., and Chapter 9J-5, F.A.C., regarding the identification of known historical resources within their specified area of jurisdiction, and for the establishment of policies, goals and objectives for addressing known and potentially significant historical resources in Miami-Dade County.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp or Laura Kammerer of the Division's Compliance Review staff at (850) 487-2333.

Sincerely,

Laura A. Kammerer

for George W. Percy, Director
Division of Historical Resources

45

South Florida Regional Planning Council

# MEMORANDUM

AGENDA ITEM #9d

DATE: JULY 12, 1999

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: MIAMI-DADE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On June 25, 1999, Council staff received proposed amendment package #99-1-ICE to the Miami-Dade County Comprehensive Plan for review of consistency with the *Strategic Regional Policy Plan for South Florida*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and Rules 9J-5 and 9J-11, Florida Administrative Code.

Community Profile

Miami-Dade County was formed in 1836 though settlement did not ensue until after the Civil War. In 1896, Henry Flagler extended the Florida East Coast Railroad from West Palm Beach to Miami. In the early part of this century, developers sought a means to obtain additional land for development. Before this time, the swamps of the Everglades extended to within three miles of Biscayne Bay. Developers dredged canals and drained land to make way for subsequent building.

With its current population of approximately 2.1 million, Miami-Dade County is the most populous county in Florida. The County now has 31 municipalities. Its population is expected to increase by approximately one million over the next 20 years. Immigrants from Central and South America continue to choose Miami-Dade County and the rest of South Florida as their new home. Approximately 56% of the County's population are of Hispanic origin. The percentage of the population working age or younger is larger in Miami-Dade County than the state average. For nearly two decades, the County has had higher unemployment rates as well as a higher percent of families with incomes below the poverty level than the state average.

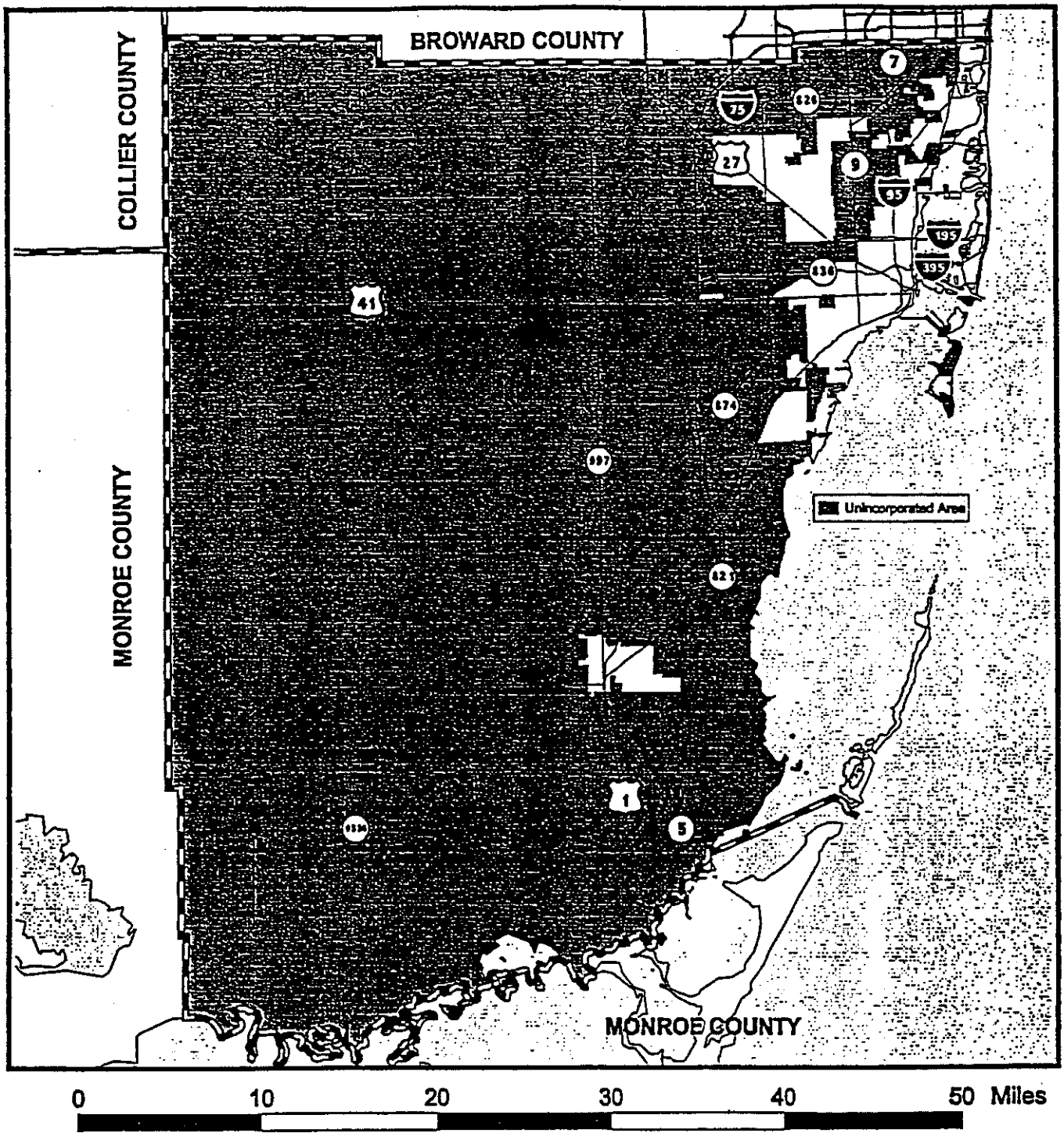
The structure of the County's economy is heavily service and trade oriented. Approximately 57% of total employment is in either the service or trade sectors. The County has established itself as a wholesaling and financial center and major tourist destination. Miami-Dade County ranks No.9 in export sales among all metropolitan areas in the country. Almost a quarter of the state's total employment in transportation is located in the County. The Port of Miami is the largest cruise ship port in the world.

4/6

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, Area Codes 305, 407 and 561 (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, SunCom FAX 473-4417

Council Action

The Council found proposed amendment #99-1-ICE to the Miami-Dade County Comprehensive Plan generally consistent with the *Strategic Regional Policy Plan for South Florida* with the exception of policy 2.1 of the educational element. The Council recommended that the proposed revisions to that policy be deleted except for the last sentence which states, "the same criteria of this paragraph that apply to public schools also pertain to private schools."




South Florida Regional Planning Council

# COMPREHENSIVE PLAN AMENDMENTS

General Location Map

Miami-Dade County
Proposed Amendment Package #99-1-ICE

48

Sources: Broward County, Miami-Dade County, SFWMD

Attachment 1

N

Attachment 2

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Proposed Text Amendment to Miami-Dade County

*Comprehensive Development Master Plan*

Intergovernmental Coordination Element and Educational Element

"TRANSMITTAL APPLICATION" INCORPORATING CHANGES MADE BY
THE BOARD OF COUNTY COMMISSIONERS
MAY 25, 1999

# APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

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:**

Guillermo E. Olmedillo, Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972

By: _____ March 30, 1999
Guillermo E. Olmedillo

3. **DESCRIPTION OF RECOMMENDED CHANGES:**

It is recommended that the CDMP Intergovernmental Coordination and Educational Elements be amended as follows:

**Part A. Intergovernmental Coordination Element (ICE)**

1. On page VIII-6, modify Policy 1I, and add new Policies and 1R, 1S and 1T; on page VIII-8 add new Policy 3G; and on page VIII-9, add new Policy 4F as follows: [1]

1I. Miami-Dade County shall utilize ~~increase the use of he informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary ~~to continually facilitate intraregional coordination and~~ to mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies, ~~as needed~~. The County may use alternative procedures whenever

[1] Underlined words are proposed additions to the CDMP as amended through March 16, 1999. Words ~~dashed through~~ are proposed deletions to the CDMP all other words exist in the Plan and will remain unchanged.

B) Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:

- Status of off-site improvements completed pursuant to executed Campus Development Agreements.

3. Throughout the Element, change the County's name to "Miami-Dade County" wherever it appears; and change the name of the Department of "Planning, Development and Regulation" to the "Department of Planning and Zoning" wherever it appears. Also, update Figure 1 and Table 1 to update the list and locations of incorporated municipalities in Miami-Dade County.

**Part B. Educational Element**

1. On page X-2, modify Policies 1.7, 2.1 and 2.3 and add new Policies 1.8, 2.7 and 2.8; and on page X-4, insert new Policies 6.5 and 6.6 and renumber the remaining policies:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis, in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections.

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools, except as provided in this policy, nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as possible from the UDB. Further, the Miami-Dade County Public School System may acquire and hold sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP-designated Residential Communities to help ensure that well-located school sites will be available if and when such areas are

appropriate for the matter of imminent dispute, including agreements authorized by Section 163.3171(4), F. S., or other non-judicial approaches.

1R. Miami-Dade County and the Florida Board of Regents, on behalf of Florida International University, shall abide by the Campus Development Agreement executed between the Florida Board of Regents and Miami-Dade County on October 24, 1996, implementing the requirements of Section 240.155(11)-(15), F. S., regarding campus master plans. The Campus Development Agreement may be amended from time to time pursuant to Sections 240.155(19), F.S.

1S. By November 2000, Miami-Dade County shall enter into an interlocal agreement with the Miami-Dade County Public School System as required by Section 163.3177(6)(h)2, F. S., to ratify future enrollment projection guidelines established in Educational Element Policy 1.7.

1T. During pre-development program planning and site selection activities, Miami-Dade County General Services Administration and other facility and service providers shall coordinate with the Dade County Public School System to consider all reasonable opportunities to collocate new libraries, parks, and other public facilities with public schools, where compatible and the potential exists to create logical focal points for community activity. Early review and coordination activities will be modified as necessary to timely consider these potentials.

3G. Miami-Dade County will maintain, as a particular area of attention in its planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Formal agreements to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.

4F. It is the policy of Miami-Dade County that the South Florida Water Management District (SFWMD) shall recognize in its water supply and management planning and permitting processes, Miami-Dade County's adopted population projections, spatial characteristics of the CDMP Land Use Plan map, and policies of the CDMP Land Use, Conservation and Coastal Management Elements. It is further County policy to accommodate future population and economic growth by utilizing the range of water supply technologies outlined under CDMP Water and Sewer Element Objective 6, including traditional sources from expanded and/or new Biscayne Aquifer wellfields, Floridian Aquifer storage and recovery (ASR) techniques, and other alternatives including advanced technologies.

2. A) In the ICE Element Monitoring Program, page VIII-11, under the "Biennially" heading, modify monitoring measure as follows:

- Use ~~Usage~~ of ~~informal or formal mediation~~ dispute resolution process when necessary to resolve disputes (Objective 1).

"TRANSMITTAL APPLICATION" INCORPORATING CHANGES MADE BY
THE BOARD OF COUNTY COMMISSIONERS
MAY 25, 1999

# APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

## 1. APPLICANT:

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111 NW 1 Street, Suite 1110
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## 2. APPLICANT'S REPRESENTATIVE:

Guillermo E. Olmedillo, Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972

By: _____ March 30, 1999
Guillermo E. Olmedillo

## 3. DESCRIPTION OF RECOMMENDED CHANGES:

It is recommended that the CDMP Intergovernmental Coordination and Educational Elements be amended as follows:

**Part A. Intergovernmental Coordination Element (ICE)**

1. On page VIII-6, modify Policy 1I, and add new Policies and 1R, 1S and 1T; on page VIII-8 add new Policy 3G; and on page VIII-9, add new Policy 4F as follows: [1]

1I. Miami-Dade County shall utilize ~~increase the use of he informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary ~~to continually facilitate intraregional coordination and~~ to mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies~~, as needed~~. The County may use alternative procedures whenever

[1] Underlined words are proposed additions to the CDMP as amended through March 16, 1999. Words ~~dashed through~~ are proposed deletions to the CDMP all other words exist in the Plan and will remain unchanged.

B) Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:

- Status of off-site improvements completed pursuant to executed Campus Development Agreements.

3. Throughout the Element, change the County's name to "Miami-Dade County" wherever it appears; and change the name of the Department of "Planning, Development and Regulation" to the "Department of Planning and Zoning" wherever it appears. Also, update Figure 1 and Table 1 to update the list and locations of incorporated municipalities in Miami-Dade County.

**Part B. Educational Element**

1. On page X-2, modify Policies 1.7, 2.1 and 2.3 and add new Policies 1.8, 2.7 and 2.8; and on page X-4, insert new Policies 6.5 and 6.6 and renumber the remaining policies:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis- in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections.

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools, except as provided in this policy, nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as possible from the UDB. Further, the Miami-Dade County Public School System may acquire and hold sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP-designated Residential Communities to help ensure that well-located school sites will be available if and when such areas are

brought into the UDB. This should occur only after the school siting needs of areas inside the UDB are satisfied, and any site purchased and held outside the UDB for future elementary schools should be located at least ¼ mile inside the outer boundary of the UEA; sites held for future middle schools should be located at least ½ mile inside the UEA boundary; and sites held for future senior high schools should be located substantially at least 1 mile inside the UEA boundary. The same criteria of this paragraph that apply to public schools also pertain to private schools.

2.3 Where possible, the Public School District should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.

2.7 Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public School System in their effort to update the "Process/Procedures Manual" for public school siting reviews to help accomplish the objectives and policies of this and other elements of the CDMP. The County shall cooperate with the Public School System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

6.5 The County and Miami-Dade Public School System shall periodically review the Educational Facilities Impact Fee Ordinance to ensure that the full costs associated with the development of public school capacity (new schools and expansion of existing ones) are properly reflected in the impact fee structure. The next review shall occur no later than December 31, 2002.

6.6 The County shall coordinate with the Miami-Dade County Public School System in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.

## 4. REASON FOR AMENDMENTS:

The requested amendments are required to bring the CDMP in compliance with two recent changes to Florida's comprehensive planning law. The first changes are in Section 163.3177(6)(h), Florida Statutes (F. S.), pertaining to the Intergovernmental Coordination Element (ICE), which was amended by the Florida Legislature in 1996. The second change to the comprehensive planning law was adopted by the Legislature in 1998. These changes amended Section 163.3177(6)(a) to require all comprehensive plans to include policies providing for schools proximate to urban residential areas and encouraging the collocation of schools with other public facilities such as parks, libraries and community centers. The latter changes are intended to ensure sufficient compatible location of schools in urban areas and to reduce land acquisition and construction costs for new schools.

In late 1998, the Florida Department of Community Affairs (DCA) established a submittal schedule, in accordance with Section 163.3177(6)(h), F.S., which requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999. The 1998 legislative amendment to Section 163.3177(6)(a), F.S., also requires the school-related provisions to be adopted by October 1, 1999. In order to meet these statutory and administrative deadlines, proposed CDMP amendments must be transmitted to DCA for review and comment approximately five months in advance of their adoption, in this instance May 1999, preceded by a recommendation by the Local Planning Agency (Planning Advisory Board) in April 1999.

In essence, the proposed amendments will modify and supplement existing CDMP policies addressing location of public schools, and intergovernmental coordination procedures. To address possible deficiencies in the existing body of CDMP policies, amendments to both the Intergovernmental Coordination and Educational Elements of the CDMP are proposed.

Following are reasons for the particular proposed policy changes and additions:

**Part A. Intergovernmental Coordination Element (ICE)**

Policy 1I is proposed to clarify that the use of the South Florida Regional Planning Council voluntary dispute resolution process will be the County's preferred mechanism to bring closure in a timely manner to intergovernmental disputes among the various alternative procedures available to it.

New Policy 1R is proposed to address the recognition of campus development master plans prepared pursuant to Section 240.155,F.S. as required by Section 163.3177 (6)(h) 1.b., F.S. by referencing the Campus Development Agreement executed between the Board of Regents and Miami-Dade County in 1996.

New Policy 1S is proposed to address the requirements of Section 163.3177 (6)(h) 2., F.S. for establishing by interlocal or other formal agreement the joint processes for considering population projections and school siting.

New Policy 1T is proposed to address the requirement of Section 163.3177 (6)(a), F.S. for local governments to coordinate with school boards and consider all opportunities to collocate parks, libraries and other public facilities with public schools.

New Policy 3G is proposed to foster compatible and consistent boundaries between municipalities and the unincorporated area, establish a planning process to identify, review and address issues of mutual interest relating to municipal boundaries, and to enter into agreements with municipalities, as appropriate, regarding compatible boundaries.

New Policy 4F is proposed to express County policy regarding coordination between County's adopted comprehensive plan and the water supply and management planning

conducted by the South Florida Water Management District (SFWMD) as required in Section 163.3177 (6)(h) 2., F.S.

Modify or add monitoring measures as necessary to evaluate success in the use of the dispute resolution process as proposed in revised Policy 1I, and to evaluate implementation of the Campus Development Agreement between the County and the Board of Regents.

Revise any figure, table and text to update the location and list of incorporated municipalities in Miami-Dade County, and general corrections to the name of the County and to the name of the County departments.

**Part B. Educational Element**

Policy 1.7 is proposed for modification to address the requirements of Section 235.193 (2), F.S., that states school boards must use Department of Education enrollment projections when preparing the 5-year district facilities work program, and that a school board shall demonstrate consideration of local governments' population projections to ensure that the 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. This revision encourages the school system to use the higher of either projections provided by the Department of Education or the County in their capital facilities planning to help ensure that the County's needs are not underestimated.

Policy 2.1 is proposed for modification to provide more flexibility to the Miami-Dade Public School System to allow the siting of new public schools closer to the Urban Development Boundary (UDB), and to allow the school system to purchase and "land bank" sites for future schools in the Urban Expansion Area (UEA) under certain conditions.

Policy 2.3 is proposed for modification to expand the current policy of encouraging the joint-use of public recreation areas between the County and the School Board to include the collation of public schools with libraries and other facilities as required by Section 163.3177 (6)(a), F.S.

New Policy 2.7 is proposed to improve coordination between the County and Miami-Dade Public Schools by promoting mechanisms to address school siting issues early in the Educational Facilities Review process.

New Policy 6.5 is proposed to ensure that the impact fee structure in the Educational Facilities Impact Fees Ordinance is periodically reviewed to reflect the full cost of developing new schools and expansions of existing ones.

New Policy 6.6 is proposed to improve coordination between the County and Miami-Dade Public Schools to provide more specific criteria for assessing off-site public facility improvements.

## 5. ADDITIONAL MATERIAL SUBMITTED:

Report titled "Supporting Information For Application Requesting Amendments to the CDMP Addressing Intergovernmental Coordination and Location of Public Schools".

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# SUPPORTING INFORMATION
## FOR THE APPLICATION REQUESTING AMENDMENTS TO THE CDMP ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

**April 1999**

Miami-Dade County Department of Planning and Zoning
1220 Stephen P. Clark Center
111 NW First Street
Miami, Florida 33128-1972
(305) 375-2835

## Preface

This report presents background information on which the recommended amendments to the Comprehensive Development Master Plan (CDMP) are based. In recent years related, but separate, amendments to State statutes were adopted by the Florida Legislature. The first set of changes occurred in 1996 when the legislature revised provisions of the Intergovernmental Coordination Element (ICE) in Section 163.3177(6)(h), Florida Statutes (F. S.). These include requirements for the ICE to address the following: 1) Establish procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas; 2) Recognize university campus master plans; 3) The ICE may provide for a voluntary dispute resolution process for bringing closure to intergovernmental disputes; and 4) Provide for establishment, by interlocal agreement or other formal agreement, of joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities of countywide significance including locally unwanted land uses. The Florida Department of Community Affairs (DCA) has established a schedule for all local governments to submit the necessary plan amendments and accomplish their adoption. The schedule established late this year by DCA requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999.

The second set of changes occurred in 1998 and added requirements that local government comprehensive plans must include certain criteria providing for the location schools proximate to urban residential areas and encouraging the collocation of schools with public facilities, such as parks, libraries, and community centers. Failure of local governments to address these provisions by October 1999 may result in a prohibition to future plan amendments until the requirements are met.

In order to enable compliance with the foregoing statutory revisions and statutory provisions that authorize the processing of CDMP amendments outside the County's normal April and October CDMP application filing periods, the Board of County Commissioners amended the County's Codified CDMP amendment procedures by adopting Ordinance No. 99-30 on March 18, 1999, to enable special applications to be filed in these instances. Additionally, by Resolution No. R-239-99, the Board authorized the filing of a special amendment to address the ICE element requirements. The following schedule of activities was adopted by the Board for the filing and processing of a special amendment application addressing the ICE requirements. Because of the overlapping subject matter and deadlines for addressing the new school siting criteria requirements, the subject special application was expanded to address both sets of legislative requirements.

## Special Amendment Schedule

| Activity | Date |
|---|---|
| Publish ICE Amendment Application and Initial Recommendation of the Department of Planning and Zoning | March 30, 1999 |
| Planning Advisory Board (Local Planning Agency) Transmittal Public Hearing | April 1999 |
| Board of County Commissioners Transmittal Public Hearing | May 1999 |
| DCA Issuance of Objections, Recommendations and Comments (ORC) Report | August 1999 |
| Department of Planning and Zoning Recommendation | (2 weeks prior to Final PAB Public Hearing) Revised |
| Planning Advisory Board (Local Planning Agency) Public Hearing and Final Recommendations | September 1999 |
| Board of County Commissioners Public Hearing and Final Action | October 1999 |



(a)

## Introduction

This report reviews the requirements of the revised sections of Florida's comprehensive planning Statutes, specifically Section 163.3177(6)(h), F.S., pertaining to the Intergovernmental Coordination Element (ICE) and Section 163.3177(h)(a), F.S., concerning requirements in the Land Use Element for criteria addressing location of schools. It also identifies existing Comprehensive Development Master Plan (CDMP) provisions that may address these requirements and describes the amendments to the CDMP proposed to satisfy the statutory requirements.

The report is organized as follows. First, each ICE statutory paragraph or subparagraph is cited (e.g. s.163.3177(6)(h)1, 1a., 1b., 1c. and 2, F.S.), followed by the verbatim text of that paragraph, including a brief legislative history of that paragraph, if relevant, or other pertinent background information. This is followed by a subsection addressing "County Relevant Issues" which briefly identifies local issues currently relevant to the particular statutory provision. The next subsection titled "CDMP Status" identifies and recites existing CDMP objectives and policies which already address the particular statutory provision. The next subheading titled "Relevant County Initiatives/Activities" identifies whether or not the County is currently engaged in an activity that may address the particular statutory provision or paragraph, even though the CDMP may not reference this activity. The final subsection titled "Required Action," identifies specifically what amendments are proposed to the CDMP ICE and other elements to address possible deficiencies.

## ICE Statutory Provision s.163.3177(6)(h)1, F.S.

This section of the statute requires "an intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region or the state comprehensive plan, as the case may require."

The statutory language cited above is identical to the language in the original 1985 Growth Management legislation amending Chapter 163, F.S. In 1993, this paragraph was amended to remove references to "school boards and other local governments providing services but not having regulatory authority over the use of land." In 1996, the language was amended back to the original 1985 version (shown above). Therefore, this paragraph is considered unchanged since the 1988 update of the CDMP.

The existing ICE Element of the CDMP was written and found in compliance with the provisions of this paragraph. Since the language in this paragraph is nearly identical to paragraph

s.163.3177(6)(h)2, the provisions of this paragraph will be addressed later in this report along with paragraph (6)(h)2.

**ICE Statutory Provision s.163.3177(6)(h)1.a., F.S.**

This section requires that "the intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially, but not exclusively, for the purpose of annexation, municipal incorporation, and joint infrastructure service areas." Paragraph 1.a. originated from the 1993 amendments to ICE statute. In 1996 this paragraph was amended to add "municipal incorporation".

**Relevant County Issues**

Miami-Dade County has a Home Rule Charter which grants certain authority in local affairs to the County which are usually reserved to the State. For example, pursuant to the Miami-Dade County Home Rule Charter, the County has the authority to change the boundaries of municipal corporations, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within the county, whether such governmental units are created by the Constitution or the Legislature.

Section 20-1 through 20-9 of the Code of Miami-Dade County outlines the specific formal procedures for municipal annexations. These procedures apply to boundary changes initiated by the Planning Advisory Board (PAB), the Board of County Commissioners (BCC), by a governing body of municipality, and by individuals or groups. Also identified are procedures concerning consideration of proposed boundary changes by the PAB and BCC after public hearing and election addressing boundary changes, if required. Also, Chapter Section 20-20 through 20-24 of the Code of Miami-Dade County outlines the specific formal procedures for municipal incorporations. The procedures include the petition for incorporation initiated by an individual or group, the initial consideration of the petition, the PAB's and Board of County Commissioner's consideration of the petition, and call for election of electors if required by the Commission, and appointment of a charter commission.

Interest in incorporation in Miami-Dade County has changed since the ICE was originally adopted in 1988. From only three petitions for new cities in Miami-Dade's first thirty-six years, the number of requests for incorporation or studies for incorporation has grown to ten in the last seven years.

**CDMP Status**

In the current ICE, the following objective and policy encourages the use of formal agreements and states the guidelines for analyzing annexations, or municipal boundary changes:

ICE Objective 3. Encourage the use of interlocal agreements and municipal boundary changes to provide coordination of local development and the effective and efficient delivery of local services.

ICE Policy 3B. - Utilize the following guidelines in analyzing the appropriateness of municipal boundary change proposals:

- Comparative ability of County and city to provide adopted or proposed levels of service within the proposed area of change, apace with projected development.
- Comparative County and city governmental cost to owners of typical properties within the entire jurisdiction.
- Comparative County and city net fiscal impacts based on analysis of estimates of facilities and services expenditures and major sources of revenue associated with the subject area.
- Consistency of development proposed for the area with County and city comprehensive plans.
- Geographical contiguity and logic of existing and proposed jurisdictional boundaries.

There are no policies in the CDMP which address the establishment of procedures regarding municipal incorporation.

The following policies discuss joint planning areas and coordination with non-County regional agencies providing services to Miami-Dade County; and encourage the use of formal agreements for coordinated planning of public facilities and services.

ICE Policy 2C. - Dade County shall coordinate with the following non-County entities having services planning and provision responsibilities in Dade County with respect to refining and adjusting areawide and unincorporated area local Levels of Service:

- State and federal roadways - Florida Department of Transportation
- Drainage - South Florida Water Management District
- Potable water supply - South Florida Water Management District
- Regional policies - South Florida Regional Planning Council

ICE Policy 3C. - Encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services.

ICE Policy 5B. - Dade County shall work with the South Florida Water Management District to coordinate Surface Water Improvement Management plans with Dade County plans and programs.

**Relevant County Initiatives/Activities**

As previously noted, Section 5.04 and 5.05 of the Miami-Dade County Home Rule Charter authorizes the Board of County Commissioners the power to change boundaries and create new municipalities. Also, Chapter 20 of the Code of Miami-Dade County outlines specific formal procedures for annexations, and municipal incorporations.

Miami-Dade County is continuing to deal with the issue of incorporation and annexation. The County Manager has recommended to the Board of County Commissioners that the impact of piecemeal incorporations in the unincorporated area be addressed. The County Manager has proposed that all new cities continue to receive certain services from the County (e.g. specialized police; solid waste; fire-rescue; library) and that methods be developed to mitigate any adverse fiscal impact that would occur to the remaining unincorporated area revenue base if the new city is created.

Over the past few years, several matters have warranted the need for joint planning review by various impacted jurisdictions and agencies. Several working groups/committees have been formed to review these certain issues. Some of these groups include the Key Biscayne Area working group involving several jurisdictions, established by the legislature, and the Lake Belt Committee, also established by the Legislature, administered by the South Florida Water Management District.

**Required Action**

No amendments to the CDMP are proposed addressing this subsection. The Miami-Dade County Home Rule Charter and the Code of Miami-Dade County outline the procedures established for annexations and municipal incorporations. The Board of County Commissioners is currently reviewing these procedures, among other fundamental governance issues, outside of the CDMP process as authorized by the Charter. It is not necessary that new procedures be established in the comprehensive plan.

**ICE Statutory Provision s.163.3177(6)(h)1.b, F.S.**

This provision states that "The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155." This paragraph was appended to the statute in 1993, and was modified in 1996 to make the recognition of campus master plans mandatory. Campus master plans apply to all universities in Florida's State University System. In Miami-Dade County there is one state university, Florida International University (FIU), with two campus sites. The Board of Regents is required to prepare and adopt

a master plan for the campus of each institution. The master plan must identify general land uses and address the need for, and plan for, provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water and recreation and open space for a 10 to 20 year period. The FIU 1994-2004 Master Plan was adopted 1994 for both the University Park and North Miami campuses.

**CDMP Status**

The CDMP currently does not address the specific recognition of campus master plans. However, there is a reference to the Florida Board of Regents in ICE Table 2, which lists them as an intergovernmental coordination participant among regional, state and federal agencies.

**Relevant County Initiatives/Activities**

Miami-Dade County and the Board of Regents, for FIU, entered into a Campus Development Agreement on October 24, 1996 pursuant to s. 240.155, F.S.. The campus plan in effect covers a ten-year period, from 1994 until 2004. The Campus Plan was reviewed and accepted by the Development Impact Committee, the Planning Advisory Board by resolution on September 12, 1996, and the Board of County Commissioners on October 8, 1996 pursuant to Resolution R-1171-96. The agreement is intended to implement the concurrency requirements contained in the CDMP and s. 240.155 (11)-(15), F.S.; ensure that adequate public facilities such as potable water, sanitary sewer, solid waste, parks and recreation, roads, and public transportation are available consistent with the levels of service established in the CDMP; and to mitigate the proposed campus development impacts reasonably expected over the term of the campus development agreement on public facilities and services, including the concurrency services. The agreement essentially recognizes the FIU 1994-2004 Master Plan, and finds that the proposed development in the Master Plan is consistent with the CDMP.

**Required Action**

Since the CDMP does not specifically acknowledge campus master plans, a new policy is proposed. This new policy recognizes campus development master plans prepared pursuant to Section 240.155, F.S., as required by Section 163.3177 (6)(h) 1.b, F.S., by referencing the Campus Development Agreement executed between the Board of Regents and Miami-Dade County in 1996.

The proposed policy is as follows:[1]

1R. Miami-Dade County and the Florida Board of Regents, on behalf of Florida International University, shall abide by the Campus Development Agreement, executed between the Florida Board of Regents and Miami-Dade County on

[1] Underlined words are proposed additions to the CDMP as amended through March 16, 1999. Words ~~dashed-through~~ are proposed deletions to the CDMP all other words exist in the Plan and will remain unchanged.

October 24, 1996, implementing the requirements of Section 240.155(11)-(15), F.S., regarding campus master plans. The Campus Development Agreement may be amended from time to time pursuant to Section 240.155(19), F.S.

It is also proposed that a new monitoring measure be added evaluate implementation of the Campus Development Agreement between the County and the Board of Regents.

Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:

Status of off-site improvements completed pursuant to executed Campus Development Agreements.

**ICE Statutory Provision s.163.3177(6)(h)1.c., F.S.**

This provision states that "The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose."

The language above replaced the previous 1993 provision in 1996 which made local government's use of the South Florida Regional Planning Council's (SFRPC) dispute resolution process mandatory. The current language is now permissive, or optional, in its approach.

The dispute resolution process was created by Section 186.509, F.S., to establish an approach for dispute resolution and mediation in reconciling differences related to planning and growth management issues between local governments, regional and private interests. The SFRPC Dispute Resolution Process can be used to resolve disputes involving extra jurisdictional impacts, inconsistencies between port master plans and local comprehensive plans; siting of community residential homes; and any other matters covered by statutes that reference this process. This collaborative process consists of the basic components of initiation/response letters and a settlement meeting and the optional components of pre-initiation meeting, situation assessment, mediation, advisory decision making and reference to other dispute resolution processes, such as, judicial, administrative, or arbitration proceedings. The intent of this Statute is to provide an approach for reconciling differences that will clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; facilitate a flexible use of procedures; allow the appropriate involvement of affected and responsible parties; and provide as much certainty as possible. The SFRPC has adopted Chapter 29J-3 which establishes a voluntary regional dispute resolution process for use in Broward, Miami-Dade and Monroe Counties.

**CDMP Status**

The CDMP ICE currently contains the following two policies which generally address mediation and dispute resolution of intergovernmental disputes:

> ICE Policy 1I. Dade County shall increase the use of the informal coordination mechanisms of the South Florida Regional Planning Council to continually facilitate intra regional coordination and to mediate the resolution of regional conflicts, as needed.
>
> ICE Policy 1L. Make use of formal and informal mediation processes when possible to resolve disputes arising from amendments to the Miami-Dade County Comprehensive Development Master Plan.

**Relevant County Initiatives/Activities**

None.

**Required Action**

A revision to Policy 1I is proposed to clarify that the use of the SFRPC voluntary dispute resolution process will be the County's preferred mechanism to bring closure in a timely manner to intergovernmental disputes among the various alternative procedures available to it.

The policy is proposed for revision as follows:

> 1I. Miami-Dade County shall utilize ~~increase the use of the informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary to ~~continually facilitate intraregional coordination and~~ mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies~~, as needed~~. The County may use alternative procedures whenever appropriate for the matter of imminent dispute, including agreements authorized by Section 163.3171(4), F.S., or other non-judicial approaches.

It is also proposed that the following monitoring measure be modified:

> In the ICE Element Monitoring Program, page VIII-11, under the "Biennially" heading, modify monitoring measure as follows:
>
> Use ~~Usage~~ of ~~informal or formal mediation~~ dispute resolution process when necessary to resolve disputes (Objective 1).

## ICE Statutory Provision s.163.3177(6)(h)2, F.S.

Section 163.3177(6)(h)2 states that "the intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements." This paragraph was added in 1993 and amended in 1996 to add the one year provision for establishing interlocal/formal agreements.

## CDMP Status

**Coordination with Miami-Dade Public School System (School Board).** The CDMP contains a number of existing policies addressing coordination of the CDMP with the School Board's plans, including collaborative planning and decision-making on population projections and public school siting. Of particular note is the Educational Element in general, and Educational Element Policy 1.7 in particular, which calls for the School Board's use of the CDMP's population projections as a basis for projecting school enrollment. The CDMP policies addressing coordination with the plans of the School Board include:

> ICE Policy 1H. Continue coordination with the Dade County School Board (DCSB) through the implementation of the Educational Element of the Comprehensive Development Master Plan, the Joint DCSB/BCC School Overcrowding Working Group, the Public Schools Impact Fee, school site acquisition reviews and other appropriate means.
>
> Educational Policy 1.6. School Board comments shall be sought and considered on comprehensive plan amendments and other land use decisions which could impact the school district, as provided for in Chapter 235.193(2), F.S.
>
> Educational Policy 1.7. Capital improvement programming by the Dade County Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis.
>
> Educational Policy 2.1. It is the policy of Metro-Dade County that the Dade County Public School System should not purchase sites for schools nor build new schools outside

of the Urban Development Boundary (UDB), and that new elementary schools should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located one mile inside the UDB.

Educational Policy 2.2. In the selection of sites for future educational facility development, the County encourages the district to consider whether a school in that location would provide a logical focal point for community activities.

Educational Policy 2.5. When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services.

Educational Policy 2.6. When considering a site for possible use as an educational facility the district should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility.

Educational Objective 6. The establishment and implementation of mechanism(s) for ongoing coordination and communication between the School Board, the County, and other appropriate jurisdictions, to ensure the adequate provision of public educational facilities.

Educational Policy 6.1. The County shall coordinate and cooperate with Dade County Public Schools, the State, municipalities and other appropriate agencies to develop or modify rules and regulations in order to simplify and expedite proposed new educational facility developments and renovations.

Educational Policy 6.2. The location of future educational facilities should occur where capacity of other public facilities and services is available to accommodate the infrastructure needs of the educational facility.

Educational Policy 6.3. The Dade County Public School System should coordinate school capital improvement plans with the planned capital improvement projects of other County and municipal agencies.

Educational Policy 6.4. The County shall cooperate with the Dade County Public School System in their efforts to ensure that they are not obligated to pay for off-site infrastructure in excess of their fair share of the costs.

Educational Policy 6.5. The County shall coordinate with the Dade County Public School System and local governments to eliminate infrastructure deficiencies surrounding existing school sites.

Educational Policy 6.6. The County and the Dade County Public School System shall coordinate efforts to ensure the availability of adequate sites for the required educational facilities.

Educational Policy 6.7. The County and the Dade County Public School System shall coordinate the appropriate roles and responsibilities of affected governmental jurisdictions in ensuring the timely, orderly and efficient provision of adequate educational facilities.

Educational Policy 6.8. Metro-Dade County will account for the infrastructure needs of new, planned or expanded educational facilities when formulating and implementing its own capital improvement plans.

**Coordination Between County Service Providers and Local Jurisdictions and Other Governmental Entities.** In the Introduction of the Intergovernmental Coordination Element (ICE), Table 1 lists all municipalities within Miami-Dade County, and the three adjacent counties and the adjacent municipalities within these counties, and Table 2 lists the major regional, State and federal entities with which Miami-Dade County must coordinate its planning and growth management. Two Districts are mentioned herein, the South Florida Management District and the Florida Inland Navigation District.

ICE Objective 1. Maintain and improve coordination of planning, development and impact assessment among governmental entities with applicable responsibilities within Dade County's area of concern.

ICE Objective 3. Encourage the use of interlocal agreements and municipal boundary changes to improve coordination of local development and the effective and efficient delivery of local services.

ICE Policy 3A. Promote the use of county-city interlocal agreements to provide for extrajurisdictional service deliveries where efficiency and effectiveness can be enhanced.

ICE Policy 3D. Development activities shall adhere to the guidelines, policies and provisions of applicable interlocal agreements.

ICE Policy 3E. Encourage the creation or development of a State and/or regional finance corporation that is empowered to enter into interlocal agreements with cities and counties to increase available credit for new and expanding businesses.

Regarding the siting of local facilities, including locally unwanted land uses (LULUs), the following CDMP policies are relevant:

ICE Policy 3C. Encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services.

ICE Policy 3F. Continue to maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County.

**CDMP Statement of Legislative Intent Par. B.** It is the further intent of the Board of County Commissioners that the right of all municipalities in Dade County to enact and administer comprehensive planning and land development regulation programs to govern development-related activities solely within their respective incorporated jurisdictional boundaries as provided by Chapter 163, Part 2, Florida Statutes, is generally reserved and preserved to the municipalities. The CDMP shall not supersede authority of incorporated municipalities to exercise all powers relating solely to their local affairs as provided by the Metro-Dade County Charter, provided that the following fundamental growth management components of the CDMP that are necessary to carry on a central metropolitan government in Dade County shall serve as minimum standards for zoning, service, and regulation to be implemented through all municipal comprehensive plans and land development regulations:

1. The Urban Development Boundary (UDB), Urban Expansion Area (UEA) Boundaries, and the CDMP provisions which prescribe allowable land uses and public services and facilities outside the UDB;

2. The Policies for Development of Urban Centers contained in the text of the Land Use Element;

3. The Population Estimates and Distributions as mapped in the Land Use Element; and

4. Policies which provide that the County shall maintain and utilize its authority provided by the Metro-Dade County Charter to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County.

**Relevant County Initiatives/Activities**

The relevant County initiatives and activities pertaining to the statutory requirements of this paragraph are described hereafter:

**Coordination with Miami-Dade County Public Schools (School Board).** Despite such efforts as a 1988 $980 million bond issue for the construction of new public schools, and more recent developments such as the adoption of the School Impact Fee Ordinance in 1995, many of Miami-Dade County's public schools remain overcrowded. Such factors as Hurricane Andrew in 1992 and continued high rates of school-aged population growth have slowed progress in achieving overcrowding reduction goals. In response, Miami-Dade County and Miami-Dade County Public Schools have increased coordination efforts and are committed to cooperatively seek solutions to the overcrowding problem.

Ensuring that public school facilities are sited in a manner that conforms with other planning objectives is also 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 often limits the School Board's ability to site new schools in optimum locations. In addition, the impacts of new schools on other public facilities and infrastructure must be considered as well.

Miami-Dade County and Miami-Dade County Public Schools have increased coordination efforts and are committed to cooperatively seek solutions to the overcrowding problem. On April 18, 1995, Miami-Dade County adopted an ordinance imparting an impact fee on all new residential development to fund the additional educational facilities required by continued growth and development. Further, the two entities have adopted the Educational Element, which has been included in the CDMP. This Element lays the groundwork for increased intergovernmental coordination between the County and the School Board. In addition, the Miami-Dade Board of County Commissioners and School Board have established the Joint School Overcrowding Working Group to facilitate intergovernmental coordination efforts and identify strategies to reduce school overcrowding. This Group, established in 1996, continues to meet on an as-needed basis. For many years now, the School Board has contracted with the County to provide school enrollment projections based on Countywide population projections consistent with the CDMP. The School Board and the County are currently in the process of renewing another contract to update the projections.

**Coordination between County Service Providers and Local Jurisdictions and Other Governmental Entities.** The Miami-Dade County Charter grants the County broad authority to provide and regulate, among others, roadways; water supply; sewage collection and disposal; solid waste collection and disposal; and parks, recreation and preservation areas. These services, most of which are subject to concurrency, are provided to unincorporated Miami-Dade as well as to local jurisdictions located within the County by the following Miami-Dade County agencies: Department of Environmental Resources Management (DERM), Park and Recreation Department, Public Works Department, the Water and Sewer Department, and the Solid Waste Management Department. Not all local jurisdictions choose to utilize the County-provided services. Those that do, usually enter into interlocal agreements or other types of contractual arrangements with the County. As described in the following sections, these arrangements also serve as the primary mechanism of coordination between the County service providers and the participating local jurisdictions. In addition, the subject of facility siting, including locally unwanted land uses (LULUs), is addressed in the following sections when applicable.

- **Department of Environmental Resources Management (DERM)**

  Miami-Dade DERM is responsible for drainage permitting in local jurisdictions, unincorporated areas and for all schools. The Department also oversees water and sewer concurrency and the preservation of

warranted areas. To effectively and responsibly fulfill these functions, the Department uses the following intergovernmental mechanisms:

a. Miami-Dade County Home Rule Charter, in particular, sections of Article 1, Powers, and Article 6, Parks, Aquatic Preserves, and Preservation of Lands, apply to DERM;

b. Miami-Dade County Code provisions, including stormwater management provisions of Chapter 24 of the Code; and

c. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (DERM) and other units of local government. The following are the pertinent types of interlocal agreements that have been executed to date:

- Master operating agreement with the SFWMD, through the Board of Governors, delegating to DERM/Miami-Dade County control over the surface water management program, including the surface water permitting process.

- Utility agreements used when local jurisdictions wish to join the County's stormwater management utility.

- Interlocal agreements with local jurisdictions contracting with the County for canal maintenance.

- National Pollutant Discharge Elimination System (NPDES) agreements with local jurisdictions allow the cost sharing of the mandated NPDES monitoring program. Thus far, 22 local jurisdictions and the Florida Department of Transportation (FDOT) have joined in.

- A service oriented interlocal agreement with FDOT that allows DERM to perform certain professional duties for the local FDOT district office. Some of the duties include, but are not limited to, stormwater management and inspection and GIS mapping.

♦ **Park and Recreation Department**

The Miami-Dade County Park and Recreation Department is primarily responsible for the management of parks and recreation areas and activities in unincorporated Miami-Dade County. In addition and as noted below, the Department may, through contractual arrangements or agreements, also be responsible for the operation and maintenance of related facilities within local jurisdictions. To effectively and

responsibly fulfill these functions, the Department uses the following intergovernmental mechanisms:

a. Miami-Dade County Home Rule Charter, in particular, Article 1, Policy 1.01(7), Powers, states that the County has the authority to "provide parks, preserves, playgrounds, recreation areas...and other recreational and cultural facilities and programs".

b. Certain contracts are used for matters that do not require formal interlocal agreements. Examples include, among others: (1) contracts for the operation of municipal facilities by the County; and (2) contracts for the provision of professional and technical assistance to the municipalities by the County.

c. The State Management Transfers for CARL properties provides the management of some of these properties may be delagated/tranferred to Miami-Dade County.

d. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Park and Recreation Department) and other units of local government and the Miami-Dade County Public Schools. The following are the pertinent types of interlocal agreements that have been executed to date:

- Joint Use Agreements such as the one with the Miami-Dade County Public Schools allows the execution of the following additional type of agreements:
  - Lease Agreements for schools adjacent to park property.
  - Agreements for construction of public parks and recreation areas on school properties or vice versa.
- Agreements of Conveyance are used by the County to convey park property to local jurisdictions.

◆ **Public Works Department**

Miami-Dade Public Works Department is primarily responsible for the construction and maintenance of County roads throughout Miami-Dade County and the administration of the County's roadway impact fee program. The Department also has countywide jurisdiction on the issuance of permits for traffic-related signs, signals and pavement

markings. To effectively and responsibly fulfill these functions, the Department uses to the following intergovernmental mechanisms:

a. The Miami-Dade County Home Rule Charter, in particular, Section 1.01(9), Powers, states that the County has the authority to "provide and regulate arterial, toll, and other roads, bridges, tunnels and related facilities..."

b. Miami-Dade County Code provisions, including those related to road impact fees and the regulating and permitting of signals, signs and paving marking.

c. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Public Works Department) and participating units of local government. The following are the pertinent types of interlocal agreements that have been executed to date:

   - Construction and reimbursement agreements.

   - Agreements with new local jurisdictions for the transferring of County roads.

d. Resolutions of the Miami-Dade Board of County Commissioners related to the transfer of County maintained roads to municipalities (e.g.. NE 10 Avenue within the Village of Miami Shores).

◆ **Solid Waste Management Department**

Miami-Dade Solid Waste Management Department is primarily responsible for the provision of solid waste disposal services for unincorporated Miami-Dade County and for participating local jurisdictions. To effectively and responsibly fulfill these functions, the Department uses to the following intergovernmental mechanisms:

a. The Miami-Dade County Home Rule Charter, in particular, Section 1.01(9), Powers, states that the County has the authority to "provide and regulate waste...collection and disposal..."

b. Miami-Dade County Code, Section 15-13, authorizes the Department to continue collecting and disposing of all residential waste from any area incorporated after February 16, 1996. In addition, for areas annexed to municipalities after February 16, 1996, the Code authorizes the Department to continue collection and disposal or enter into an agreement.

c. Contracts for collection and disposal such as the one with the City of Sweetwater.

d. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Solid Waste Department) and participating units of local government. The following are the pertinent types of interlocal agreements that have been executed to date:

- Twenty-year interlocal agreements with the municipalities for the provision of solid waste disposal (until October 1, 2015). This "standard agreement", which was drafted with the assistance of the Miami-Dade League of Cities, has, until now, been duly executed between the County and eighteen (18) of its local jurisdictions, including the City of Miami.

- Interlocal agreements for collection and disposal of recently municipally annexed areas and new municipalities (i.e. interlocal agreement with the City of Coral Gables for the annexed area, commonly referred to as Snapper Creek Lakes).

- Interlocal agreements to supplement municipal curb recycling program (i.e. interlocal agreement with the City of South Miami).

- Lease agreements (i.e. interlocal agreement with the City of Coral Gables, landlord, for facility located at 2800 SW 72 Avenue.).

- Grant agreements such as the following:

  - Remediation and Closure of municipal solid waste facilities grant agreements (i.e. interlocal agreement with the City of North Miami for the Munisport Landfill).

  - Implementation of mandated monitoring program of closed solid waste facilities grants (i.e.. interlocal agreement with the City of Homestead to monitor a closed Class II Landfill).

  - Joint application for recycling education grant agreement (signed by Miami-Dade County and 25 municipalities).

All municipalities entering into disposal agreement with Miami-Dade County get assurances that capacity will always be available for them to meet any concurrency requirement.

Given the size and available capacity of its own facilities, the Department is not contemplating the construction of any new facilities which, by nature, are commonly viewed as LULUs. The Department will instead focus on a series of improvements to the existing facilities at their current location.

- **Miami-Dade Water and Sewer Department**

  The Miami-Dade Water and Sewer Department is the primary provider of potable water and wastewater treatment and disposal service in the County. It provides potable water and sewer collection to all municipalities with the exception of those that have their own facilities and can satisfy their internal demand, and is primarily responsible for the treatment disposal of wastewater for unincorporated Miami-Dade County and most local jurisdictions. To effectively and responsibly fulfill these functions, the Department uses to the following intergovernmental mechanisms:

  a. The Miami-Dade County Charter, in particular, Section 1.01(9), Powers, states that the County that the County has the authority to "provide and regulate...sewage collection and disposal and water supply..."

  b. Conditional Release of Service Area, which is done on a case (property) by case basis, consists of the County conditionally releasing a property from County service area so that it could be served by a geographically closer facility belonging to a local jurisdiction.

  c. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Water and Sewer Department) and participating units of local government. Please note that the County is not required to enter into an agreement with a municipality, if the city lies within the Department's service area. The following are the pertinent types of interlocal agreements that have been executed to date:

     - The following are the two types of service agreements/contracts with local jurisdictions:

       - A service agreement/contract for the provision of potable water (e.g. service contract between Miami-Dade County and City of Hialeah Gardens providing for the rendition of potable water service by WASD).

       - A service agreement/contact for the provision of sewer service (e.g. sewage service contract between Miami-Dade County and City of Opa Locka).

- Lease agreements (e.g. lease agreement entered with the City of Hialeah Gardens to use the City's water main system).
- Interlocal agreements are also used under special circumstances such as the expansion of the sewage system of the Village of Key Biscayne and the expansion of the municipal facility in Homestead.

Regarding County facilities, the County is embarking in an authorized expansion plan of its water and sewer facilities, including the addition of an already permitted regional plant in south Miami-Dade, with the goal of meeting future projected needs. The expansion and addition of facilities by the Department follow the rigorous permitting and coordination processes primarily mandated by the South Florida Water Management District and Miami-Dade DERM. In addition, the Department adheres to the language of exiting ICE Policies 3C and 3F.

**Required Action**

**Amendments to the Educational Element of the CDMP.** While Section 163.3177(6)(h), F.S., calls for collaborative planning between local governments and public schools related to population projections, Section 235.193(2), F.S. was also amended in 1998 which references enrollment projections. This section states that the School Board shall use Department of Education enrollment projections when preparing the 5-year district facilities work program while also demonstrating consideration of local government population projections. In recognition of this statutory provision, the following amendments to the Educational Element are proposed. Additional amendments to the ICE are described in the following section.

Revise Policy 1.7 under Objective 1 to read as follows:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections.

Further revisions to the Educational Element are proposed to ensure that the location of new public school facilities conforms with other County planning objectives while providing the School Board with the flexibility necessary to ensure the availability of adequate sites.

Add a new Policy 1.8 under Objective 1 to read as follows:

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1),

followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

Revise Policy 2.1 under Objective 2 to read as follows:

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools, except as provided in this policy, nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as possible from the UDB. Further, the Miami-Dade County Public School System may acquire and land bank sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP-designated Residential Communities to help ensure that well-located school sites will be available if and when such areas are brought into the UDB. This should occur only after the school siting needs of areas inside the UDB are satisfied, and any site purchased and banked outside the UDB for future elementary schools should be located ¼ mile inside the outer boundary of the UEA; sites banked for future middle schools should be located ½ mile inside the UEA boundary; and sites banked for future senior high schools should be located substantially 1 mile inside the UEA boundary.

Add a new Policy 2.7 under Objective 2 to read as follows:

2.7 Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public School System in their effort to update the "Process/Procedures Manual" for public school siting reviews to help accomplish the objectives and policies of this and other elements of the CDMP. The County shall cooperate with the Public School System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

Add new Policy 6.5 under Objective 6 to read as follows:

6.5 The County and Miami-Dade Public School System shall periodically review the Educational Facilities Impact Fee Ordinance to ensure that the full costs associated with the development of public school capacity (new schools and expansion of existing ones) are properly reflected in the impact fee structure. The next review shall occur no later than December 31, 2002.

Add new Policy 6.6 under Objective 6 to read as follows:

6.6 The County shall coordinate with the Miami-Dade County Public School System in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.

**Intergovernmental Coordination Element (ICE) of the CDMP.** Consistent with the proposed revision to Education Policy 1.7, and to address the requirements of Section 163.3177 (6)(h) 2, F.S., for establishing interlocal or other formal agreement joint processes for considering population projections, the following new policy is proposed for the ICE.

Add a new Policy 1S under Objective 1 as follows:

1S. By November 2000, Miami-Dade County shall enter into an interlocal agreement with the Miami-Dade County Public School System as required by Section 163.3177(6)(h)2, F. S., to ratify future enrollment projection guidelines established in Educational Element Policy 1.7.

A new policy is proposed to foster compatible development character along boundaries between municipalities and unincorporated areas through an ongoing planning process to review and address issues of mutual interest along municipal boundaries.

Add a new Policy 3G under Objective 3 as follows:

3G. Miami-Dade County will maintain, as a particular area of attention in its planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Formal agreements to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.

A new policy is proposed to express County policy regarding coordination between the County's adopted comprehensive plan and the water supply and management planning conducted by the South Florida Water Management District pursuant to Section 163.3177(6)(h) 2, F.S.

Add new Policy 4F under Objective 4 to read as follows:

4F. It is the policy of Miami-Dade County that the South Florida Water Management District (SFWMD) shall recognize in its water supply and management planning and permitting processes, Miami-Dade County's adopted population projections, spatial characteristics of the CDMP Land Use Plan map, and policies of the CDMP Land Use, Conservation and Coastal Management Elements. It is further County policy to accommodate future population and economic growth by utilizing the range of water supply technologies outlined under CDMP Water and

Sewer Element Objective 6, including traditional sources from expanded and/or new Biscayne Aquifer wellfields, Floridian Aquifer storage and recovery (ASR) techniques, and other alternatives including advanced technologies.

### ICE Statutory Provision s.163.3177(6)(h)3, F.S.

Section 163.3177(6)(h)3 states that "to foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415."

This provision does not require a change or amendment to the CDMP ICE; it is simply declaring that to foster cooperation between special districts and local government, special districts must submit a public facilities report to appropriate local governments as is already required in s. 189.415, F.S. It requires no County action.

### Future Land Use Element Statutory Provisions s.163.3177(6)(a), F.S.

Section 163.3177(6)(a), F.S. requires that the "future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the category sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use."

In 1998, this Section was amended to additionally require that the "future land use element shall include criteria which encourages the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible."

### Relevant County Issues

State acreage requirements, high land costs, and the scarcity of adequate sites all serve as constraints in the location of new public schools. Miami-Dade County and Miami-Dade County Public Schools currently coordinate efforts to ensure the compatible location of schools in urban residential areas, and to collocate schools and parks in order to reduce land acquisition costs and site size requirements.

**CDMP Status**

In accordance with Section 163.3177(6)(a), F.S., the CDMP's Future Land Use Element currently provides that "neighborhood-or-community-serving uses...including schools...may be approved when compatible in all urban land use categories" (CDMP, Interpretation of the Land Use Plan Map, page I-43). Additionally, the CDMP contains the following several policies calling for the location of schools proximate to urban residential areas, and the collocation of schools and parks:

> Land Use Policy 1F. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities., house of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.
>
> Recreation and Open Space Policy 4B. The Park and Recreation Department shall seek to improve the Joint Park/School Agreement to increase the benefits to residents by: 1) negotiating with the School Board for the use of school facilities by programming providers after normal school hours; 2) working closely with School Board planners, designers, and construction staff to ensure that park-school facilities are better designed to maximize open space and support community use, and; 3) developing shared-use facilities on both park and school sites for the benefit of the community.
>
> Educational Policy 2.3. Where possible, the District shall seek sites which are adjacent to existing or planned public recreation areas for the purpose of encouraging joint-use facilities.

**Relevant County Initiatives/Activities**

Since adoption of the original Park/School Board Joint Use Agreement in 1961, Miami-Dade County and Miami-Dade County Public Schools have collocated parks and schools where appropriate. More recent initiatives such as the 1995 Public School Impact Fee Ordinance and developer donations facilitate efforts to include public school facilities in new residential developments.

**Required Action**

In order to further address the requirement of Section 163.3177 (6)(a), F.S., and to coordinate with the School Board to consider all opportunities to collocate parks, libraries and other public facilities with public schools, the following policy is proposed under ICE Objective 1:

> 1T <u>During pre-development program planning and site selection activities, Miami-Dade County General Services Administration and other facility and service providers shall coordinate with the Dade County Public School System to</u>

consider all reasonable opportunities to collocate new libraries, parks, and other public facilities with public schools, where compatible and the potential exists to create logical focal points for community activity. Early review and coordination activities will be modified as necessary to timely consider these potentials.

As stated above, the CDMP Educational Element lays the groundwork for increased intergovernmental coordination between the County and the School Board. It is therefore appropriate to also address the collocation of public schools and facilities requirement in the Educational Element, as follows.

It is proposed that Educational Element Policy 2.3 be revised as follows:

2.3 Where possible, the Public School District should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.



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**MEMORANDUM**

Substitute
Agenda Item No. 4(I)

**To:** Honorable Chairperson and Members
Board of County Commissioners

**Date:** October 5, 1999

**From:** M. R. Stierheim
County Manager

**Subject:** Ordinance Providing Disposition of Application to Amend the Comprehensive Development Master Plan

This substitute item differs from the original in that, 1) it reflects a reorganization of the proposed amendments embodied in the subject Application to readily distinguish the amendments proposed to address intergovernmental coordination requirements contained in Section 163.3144(6)(h), F.S., from the amendments proposed to address the school location requirements contained in Section 163.3177(6)(a), F.S.; 2) the preamble is modified to eliminate a redundant clause, and to reflect transmittal of the application with changes to the Florida Department of Community Affairs ("Transmittal Application"), receipt of an Objections Recommendations and Comments (ORC) Report from the Florida Department of Community Affairs, and County responses to it including the referenced reorganization of the proposed amendments and the issuance of revised recommendations by the Department of Planning and Zoning; and 3) the substitute clarifies that different parts of this plan amendment may become effective on different dates.

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which provides for adoption, adoption with change, or denial of a pending application to amend the Comprehensive Development Master Plan (CDMP). The Board authorized transmittal of the referenced application with changes to the Florida Department of Community Affairs (DCA) for review and comment on May 25, 1999. It is recommended that final action be taken on the ordinance at the conclusion of the public hearing scheduled to occur on Tuesday, October 5, 1999.

## BACKGROUND

The attached ordinance provides for final action on an application requesting amendments to the Comprehensive Development Master Plan. The application was filed by the Department of Planning and Zoning on March 30, 1999, in accordance with the procedures established in Section 2-116.1 of the Code of Miami-Dade County for special amendments and is not subject to the twice-per-year limitation on CDMP amendments. At the conclusion of its public hearing on May 25, 1999, the Board of

"Exhibit" 10-5-99 4I Sub-

County Commissioners, by resolution, authorized transmittal of the application with changes to the DCA for review and comment.

These amendments are proposed to address recent changes to Florida's comprehensive planning law. The first changes pertain to the Intergovernmental Coordination Element (ICE), and a submittal schedule issued by the DCA requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999. The second change, adopted by the Legislature in 1998, requires local government comprehensive plans to include criteria providing for schools to be located proximate to urban residential areas and encouraging the co-location of schools with other public facilities such as parks, libraries and community centers. Chapter 163, Part 2, Florida Statutes, provide that all comprehensive plans must provide these school-related provisions by October 1, 1999, or the local government will not be permitted to adopt other comprehensive plan amendments until these provisions are adopted. The statutes do not provide similar prohibition for failing to adopt the ICE-related policies.

The DCA coordinated the State agency review and comment on the transmitted application, and issued an Objections, Recommendations and Comments (ORC) Report on September 3, 1999. The County is required to take final action on transmitted applications within 60 days after receipt of the DCA comments.

After receipt of the ORC report from the DCA, the Department of Planning and Zoning (DP&Z) issued revised recommendations and the Planning Advisory Board (PAB) acting as the Local Planning Agency issued its final recommendation after conducting a public hearing on September 22, 1999. The revised recommendations of the DP&Z, the PAB Resolution containing it recommendations, and minutes of the PAB public hearing are contained in your agenda materials.

This ordinance follows the same general format used in previous CDMP amendment proposals. It contains blank space for recording your final action on Amendment Group 1 addressing Intergovernmental Coordination requirements, and Amendment Group 2 addressing School Location provisions. After the Board adopts its entries indicating its final action on each Group of proposed amendments, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. Section 2-116.1 of the County Code requires a minimum of seven affirmative votes to amend the CDMP.

FISCAL IMPACT

Adoption of this ordinance to amend the CDMP will not have an impact on the County's budget.

HOUSING IMPACT

Adoption of this ordinance to amend the CDMP will not have an impact on housing costs.

Attachments

Approved _____ Mayor

Veto _____

Override _____

Substitute
Agenda Item No. 4(I)
10-5-99

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION FILED TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has provided procedures (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes (F.S.); and

WHEREAS, the Code and Statutes authorize the Board of County Commissioners to initiate applications to amend the CDMP on a special schedule when necessary to address certain statutory requirements; and

WHEREAS, local governments are required to incorporate the provisions described in Section 163.3177 (6)(h), F.S., into the Intergovernmental Coordination Element (ICE) of their comprehensive plans; and

WHEREAS, the schedule established by the Florida Department of Community Affairs (DCA) for Miami-Dade County to adopt such amendments to the CDMP requires transmittal of proposed amendments in May 1999 and adoption of amendments in October 1999; and

WHEREAS, by October 1999, local governments are required to incorporate into local comprehensive plans the provisions described in Section 163.3177 (6)(a), F.S., addressing the location of public schools proximate to urban residential areas and the collocation of schools with public facilities such as parks, libraries and community centers; and

WHEREAS, the adopted CDMP as amended through April 27, 1999, substantially addresses the requirements of Sections 163.3177(6)(a) and (6)(h), F.S., and has previously been found in to be compliance by DCA; and

WHEREAS, on March 4, 1999, following a public hearing, this Board adopted Resolution No. R-239-99 authorizing the filing of a special application to amend the CDMP for the purpose of addressing the ICE requirements set forth in Section 163.3177 (6)(h), F.S., and

WHEREAS, a CDMP amendment application titled "Application Requesting Amendments to the Comprehensive Development Master Plan Addressing Intergovernmental Coordination and Location of Public Schools" was filed by the Miami-Dade County Department of Planning and Zoning on March 30, 1999, containing proposed amendments to further enhance and refine CDMP provisions addressing Sections 163.3177(6)(a) and (6)(h), F.S.; and

WHEREAS, on May 25, 1999, this Board, by Resolution, instructed the County Manager to transmit the amendment application with changes to the DCA pursuant to Section 163.3184(3), F.S.; and

WHEREAS, Amendment Group 1, embodied in the "Transmittal Application", is proposed to enhance and refine CDMP contents addressing Section 163.3177(6)(h), F.S., pertaining to the ICE, and is comprised of the following proposed new and modified provisions, as transmitted to the DCA for review and comment pursuant to Section 163.3184, F.S.: ICE Policies 1I, 1R, 1S, 3G and 4F, Figure 1, Table 1, certain monitoring measures and text updates; and Educational Element Policies 1.7, 1.8, 2.1, 2.7, 6.5 and 6.6; and

WHEREAS, Amendment Group 2, embodied in the "Transmittal Application", is proposed to enhance and refine CDMP contents addressing Section 163.3177(6)(a), F.S., pertaining to the location of public schools, and is comprised of the following proposed new and modified policies as transmitted to the DCA for review and comment pursuant to Section 163.3184, F.S.: ICE Policy 1T, and Educational Element Policy 2.3; and

WHEREAS, the Planning Advisory Board and the Department of Planning and Zoning have acted in accordance with the referenced State and County procedures and have held public hearings and transmitted recommendations for disposition of the subject amendment application to this Board, including the issuance of revised recommendations after receipt of the ORC report from the DCA; and

WHEREAS, the application titled "Transmittal Application" incorporating changes made by the Board of County Commissioners was transmitted, reviewed and subject to the issuance of a written Objections, Recommendations and Comments (ORC) Report by the DCA, dated September 3, 1999, pursuant to Section 163.3184 F.S.; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change or Not Adopt the proposed amendments contained in the application not later than sixty (60) days after receipt of written comments from DCA addressing the application; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the proposed amendments contained in the pending application filed for modification, addition, or change to the Miami-Dade County Comprehensive Development Master Plan, as transmitted to the DCA for review and comment ("Transmittal Application"), as follows:

| AMENDMENT GROUP 1<br>Addressing Intergovernmental Coordination | FINAL COMMISSION ACTION |
|---|---|
| Application Part A: Modify ICE Policy 1I, and Add New Policies 1R, 1S, 3G and 4F; modify Figure 1, Table 1, Monitoring Measures, and names of County, County departments and incorporated municipalities in text.<br><br>Application Part B: Modify Educational Element Policies 1.7, and 2.1, and Add New Policies 1.8, 2.7, 6.5 and 6.6. | |

| AMENDMENT GROUP 2<br>Addressing School Location | FINAL COMMISSION ACTION |
|---|---|
| Application Part A: Add New ICE Policy 1T<br><br>Application Part B: Modify Educational Element Policy 2.3 | |

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any amendment, group, or portion thereof, is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the amendments shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; however, the effective date of any plan amendment or part thereof shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any plan amendment [or part thereof] approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs

or Administration Commission finding the amendment [or part thereof] in compliance in accordance with Section 163.3184(1)(b), F.S., whichever occurs earlier. No development orders, development permits, or land uses dependent on such amendment [or part thereof] may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective [in which or in part] by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment [or part thereof] in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. GAC

Prepared by:

RUICEordamnd.doc

**REVISED RECOMMENDATION**
**OF THE**
**DEPARTMENT OF PLANNING AND ZONING**
**ADDRESSING THE CDMP AMENDMENT APPLICATION ADDRESSING**
**INTERGOVERNMENTAL COORDINATION AND**
**LOCATION OF PUBLIC SCHOOLS**

**Revised Recommendation:**

Adopt the Application as approved for transmittal by the Board of County Commissioners on May 25, 1999 ("Transmittal Application") with the following Additional Changes:

> In Group 1 of the amendments addressing Intergovernmental Coordination requirements (Section 163.3177[6][h], F.S.): Modify ICE Policies 1G, 3F, and 7B; add additional new ICE Policies 3B, 5C, and 5D; and further modify Educational Element Policies 1.7 and 2.1.; and
>
> In Group 2 of the amendments addressing location of schools (Section 163.3177[6][a], F.S., to the extent that such issues are not otherwise addressed by satisfaction of referenced section [6][h]): Add additional new Policies 1R and 9Q to the Land Use Element.

These additions and modifications are presented on pages 2 to 6 in the attached memorandum to the Miami-Dade County Planning Advisory Board dated September 13, 1999.

# MEMORANDUM

**To:** Chairman and Members
Planning Advisory Board

**From:** Guillermo E. Olmedillo, Director
Department of Planning and Zoning

**Date:** September 13, 1999

**Subject:** Revised Recommendations on the Application to Amend the CDMP Addressing Intergovernmental Coordination and Location of Public Schools, including Response to the DCA ORC Report

This memorandum contains the revised recommendations of the Miami-Dade County Department of Planning and Zoning (DP&Z) on the pending Application requesting amendments to the Miami-Dade County Comprehensive Development Master Plan (CDMP) addressing Intergovernmental Coordination and the Location of Public Schools. The Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) is scheduled to conduct a public hearing to address this Application and formulate its final recommendations on Wednesday, September 22, 1999, at 5:30 P.M. in the County Commission Chamber. Your agenda materials are attached and transmitted with this memorandum. These include an updated *Application...Incorporating the Revised Recommendations of the DP&Z* which reorganizes the proposed amendments and includes the new proposals introduced in this memorandum, the *Objections Recommendations and Comments (ORC) Report* issued by the Florida Department of Community Affairs (DCA), the "Transmittal Application" that was subject to the DCA review and ORC, the Agenda for the public hearing, and a draft Resolution with which to issue your final recommendations.

The subject Application was filed by the DP&Z on March 30, 1999, to address intergovernmental coordination-related requirements recently added to Section 163.3177(6)(h), Florida Statutes (F.S.), and school location-related requirements added to Section 163.3177(6)(a), F.S. While the CDMP already contained policies addressing these paragraphs, to timely adopt additional policies to address these requirements the Application was initiated as a "special" amendment application outside of the standard twice-per-year amendment cycles, in accordance with the procedures established in Section 2-116.1 of the Code of Miami-Dade County and associated State Statutes. On April 28, 1999, the PAB conducted a public hearing and issued a recommendation to the Board of County Commissioners that the Application be transmitted to the Florida Department of Community Affairs (DCA) with changes pertaining to Educational Element Policy 2.1. Minutes to that meeting were previously issued to the Board and approved with change. On May 25, 1999, the Commission conducted its first public hearing and approved transmittal of the Application, with changes to Educational Element Policy 2.1 to incorporate the PAB-recommended changes, other language changes, and a request for consistency in siting policy for private and public schools ("Transmittal Application").



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The DCA subsequently issued an Objections Recommendations and Comments (ORC) Report under cover letter dated September 3, 1999, containing three objections and one additional comment. In brief summary, the ORC report finds that the CDMP and transmitted amendments lack the following: 1) provisions addressing joint planning areas for municipal incorporations; 2) policies regarding the collaborative planning and decision-making on siting facilities with countywide significance including locally unwanted land uses; 3) policies which call for coordinating with the adjacent counties of Broward, Monroe, and Collier; and 4) policies applying to the siting of private, as well as, public schools.

**Organization of Recommended Amendments**

It is important to note that there is considerable overlap between the requirements in Chapter 163, F.S., pertaining to the location of public schools and those pertaining to intergovernmental coordination between general purpose local governments and public school districts. Many of the Statute's requirements pertaining to location of schools are already contained in the CDMP either in the Land Use, Intergovernmental Coordination, or (optional) Educational Elements. Similarly, many of the recommended amendments addressing public schools are included in the ICE because the issues relate largely to coordination between the County and the School District and the Statute lists the issue as such, or in the Educational Element because the CDMP places many of these coordination policies there.

In order to more clearly distinguish the amendments proposed to further address requirements of Section 163.3177(6)(h), F.S., relating to intergovernmental coordination, from those proposed to further address requirements of Section 163.3177(6)(a) relating to location of public schools, in the attachments and companion documents to this Revised Recommendations memorandum, including the public hearing agenda materials, the various amendments proposed in the Application are reorganized into two "Groups," each of which relates to one of the two Statute paragraphs noted above.

**REVISED RECOMMENDATIONS:**

Adopt the Application as approved for transmittal by the Board of County Commissioners on May 25, 1999 ("Transmittal Application") with the following Additional Changes:

In Group 1 of the amendments addressing Intergovernmental Coordination requirements (Section 163.3177[6][h], F.S.): Modify ICE Policies 1G, 3F, and 7B; add additional new ICE Policies 3B, 5C, and 5D; and further modify Educational Element Policies 1.7 and 2.1.; and

In Group 2 of the amendments addressing location of schools (Section 163.3177[6][a], F.S., to the extent that such issues are not otherwise addressed by satisfaction of referenced section [6][h]): Add additional new Policies 1R and 9Q to the Land Use Element.

These recommended Changes are presented below, followed by the reasons for these recommended changes, and responses to the DCA ORC Report.

Revised Recommendation Number

1. Add the following additional new Intergovernmental Coordination Element (ICE) Policy 3B, and renumber the existing and proposed policies under ICE Objective 3, accordingly[1]:

   3B. Miami-Dade County shall maintain procedures in the Code of Miami-Dade County providing for initiation and consideration of proposals for municipal incorporation, annexation, and other boundary changes, in accordance with provisions of the Miami-Dade County Charter. This Plan hereby adopts and incorporates by reference provisions of the Miami-Dade County Charter regarding municipal incorporation, annexation and boundary changes, as authorized by Article VIII, Section 6 of the Florida Constitution. Moreover, with regard to municipalities newly created or approved for boundary change, the County shall seek to establish mutually acceptable arrangements with the municipality for the planning area, which may include contractual or other agreements regarding the delivery of public services, conduct or coordination of land use planning or development regulatory activities, or other governmental functions, consistent with the County Charter.

2. Modify ICE Policy 3F as follows:

   3F. Continue to maintain and utilize the authority provided in the ~~Metro~~Miami-Dade Charter for the County to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County. While the County reserves all rights provided by the Miami-Dade County Charter, when siting facilities of countywide significance within the boundaries of an incorporated municipality, the County will consider the municipal comprehensive plan and development regulations, as well as the need for the public facility and suitable alternative locations.

[1] Underlined words are recommended additions to the amendment Application as approved for transmittal by the Board of County Commissioners on May 25, 1999 ("Transmittal Application"). Words ~~dashed through~~ are recommended for deletion from the amendments proposed in the Transmittal Application. Words that are both ~~underlined and dashed through~~ were proposed for addition in the Transmittal Application and are now recommended for deletion. All other words existed in the Transmittal Application and are not recommended for change.

Revised
Recommendation
Number

3. Modify ICE Policy 1G, as follows:

1G. Provide for County-city exchange of notification and information ~~of~~ regarding requests for change of zoning within the vicinity of unincorporated area municipal boundaries. Notice of requested zone changes and applications to amend the CDMP Land Use Plan map shall be provided to owners of record of real property and adjacent local governments in accordance with applicable County procedures without regard to County boundaries.

4. Add the following additional new policies under ICE Objective 5:

5C. Miami-Dade County shall continue to participate in regional resource planning and management activities undertaken by State, federal and regional agencies addressing natural resources such as water supply, and fish and wildlife, and economic development and service delivery functions, as such activities may be initiated from time to time. These include, but are not limited to resource planning and management activities of the Governor's Commission for the Everglades, water management and supply plans prepared by the South Florida Water Management District, the Central and Southern Florida Flood Control Project Comprehensive Review Study conducted by the U.S. Army Corps of Engineers, and periodic updates and refinements; and the County will cooperate with adjacent counties and municipalities in similar activities that they may initiate.

5D. In the conduct of its infrastructure and service planning and development function, including transportation, water, sewer and solid waste disposal functions, Miami-Dade County shall consider entering into cooperative agreements with adjacent counties and municipalities in adjacent counties where such arrangements are operationally, financially or environmentally beneficial.

5. Modify existing ICE Policy 7B, as follows:

7B. Encourage the development of a South Florida Regional International Affairs Consortium to address regional issues concerned with international trade and business~~.~~ and other cooperative arrangements with south Florida local and regional governmental entities to promote socially and environmentally sound economic development of the region.

Revised
Recommendation
Number

6. In the Land Use Element, add the following additional new policies addressing location of schools:

1R. It is the policy of Miami-Dade County that the siting of both public and private schools throughout the County shall conform with the school siting policies adopted under CDMP Educational Element Objective 2.

9Q. By January 1, 2001, Miami-Dade County shall revise its Zoning regulations as necessary to provide that new private schools and expansion of existing private schools outside the Urban Development Boundary may be approved only if they are demonstrated to be necessary to support the rural residential community of the affected Agriculture or Open Land area.

7. Further modify Educational Element Policies 1.7 and 2.1 as follows:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections, where authorized by State law.

2.1 It is the policy of Miami-Dade County that the Miami-Dade Public School System should not purchase sites for schools~~, except as provided in this policy,~~ nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary school constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as ~~possible~~ functionally practical from the UDB. ~~Further, the Miami-Dade County Public School System may acquire and hold sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP designated Residential Communities to help ensure that well located school sites will be available if and when such areas are brought into the UDB. This should occur only after the school siting needs of areas inside the UDB are satisfied, and any site purchased and held outside the UDB for future elementary schools should be located at least ¼ mile inside the outer boundary of the UEA; sites held for future middle~~

~~schools should be located at least ½ mile inside the UEA boundary; and sites held for future senior high schools should be located substantially at least 1 mile inside the UEA boundary.~~ The same criteria of this paragraph that apply to public schools also pertain to private schools.

**REASONS FOR RECOMMENDATIONS:**

In the presentation of the complete *Application...Incorporating the Revised Recommendations of the Department of Planning and Zoning*, which is attached to this memorandum, the various amendments proposed in the pending Application as now recommended for approval with changes by the DPD&R are reorganized into Groups 1 and 2 to more clearly differentiate the amendments proposed to address requirements of Section 163.3177(6)(h), F.S., relating to intergovernmental coordination requirements, from those proposed to address requirements of Section 163.3177(6)(a) relating to location of public schools to the extent that they are not otherwise satisfied in response to Section (6)(h). The two "Groups" relate respectively to the requirements of the two referenced Statute paragraphs.

Revised Recommendation 1, concerning proposed new ICE Policy 3B, is recommended to address the DCA objection that the CDMP does not currently contain provisions addressing joint planning areas for municipal incorporations. [Section 163.3177(6)(h)1.a, F.S.] While other areas of the state rely on the legislature to resolve such issues, the Miami-Dade County Charter provides direction in this County.

Revised Recommendation 2 which proposes modification to existing ICE Policy 3F is recommended to address the DCA objection that the CDMP does not have policies regarding collaborative planning and decision making on siting facilities of countywide significance and locally unwanted land uses, especially within municipalities. [Section 163.3177(6)(h)2, F.S.] This recommended policy amendment preserves the County's unique Charter authority while agreeing to consider municipal comprehensive plans and development regulations when searching for sites for facilities of countywide significance.

Revised Recommendations 3, 4, and 5 which propose to modify ICE Policies 1G and 7B, and to add new ICE Policies 5C and 5D, are recommended to address the DCA objection that the CDMP does not contain adequate policies addressing coordination with the adjacent counties of Broward, Monroe and Collier. [Section 163.3177(6)(h)1, F.S.]

Revised Recommendation 6, adding new Land Use Element Policies 1R and 9Q, is recommended to respond to direction received from the Board of County Commissioners at the transmittal public hearing, and to respond to a comment issued in the ORC by the DCA that private schools were addressed by policy 2.1 in the Educational Element, which addresses only public schools; the Land Use Element appropriately should address the location of private schools.

Revised Recommendation 7, relates to additional recommended modifications to Educational Element Policies 1.7 and 2.1, previously transmitted with changes to DCA. It is recommended that Policy 1.7 be further modified to add the phrase "where permitted by State law" to acknowledge that the School District may be limited by the State as to the enrollment projections that they may use. Policy 2.1 is recommended for additional modification to delete previously proposed changes to allow Miami-Dade County Public Schools to acquire and hold land in Urban Expansion Areas (UEA) outside the UDB adjacent to CDMP-designated Residential Communities, and subject to location criteria relative to UEA boundaries. The South Florida Regional Planning Council found the proposed allowance of school site acquisition outside the UDB to be inconsistent with the Strategic Regional Policy Plan and recommended that it be deleted.

**DEPARTMENT OF PLANNING AND ZONING RESPONSE TO DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) REPORT:**

**Intergovernmental Coordination Element:**

1. Objection: While the County has demonstrated that there is a local mechanism to address municipal incorporations pursuant to the Home Rule Charter and the Code of Miami-Dade County, the Comprehensive Development Master Plan (CDMP) does not contain provisions addressing joint planning areas for municipal incorporations. [Section 163.3177(6)(h)l.a.,F.S.]

   Response: As staff indicated in the "Supporting Information", April 1999, document, no amendments to the CDMP were initially proposed to address this subsection regarding municipal incorporations. The Miami-Dade County Home Rule Charter exclusively provides the County with the authority to create municipalities, while other areas of the State must rely on the Legislature to resolve such matters. While staff maintains that the procedures established in the Charter and Code of Miami-Dade County are appropriately dealt with outside the CDMP process, staff has proposed a new ICE Policy 3B which calls for maintaining municipal incorporation procedures in the code in accordance with the Miami-Dade County Charter.

2. Objection: The CDMP does not have any policies regarding the collaborative planning and decisionmaking on siting facilities with countywide significance and locally unwanted land uses. The County states that existing ICE Policy 3C, which states that the County will encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services, addresses the statutory provision. In addition, the County states that ICE Policy 3F, which state that the County will continue to maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct, and operate public facilities in incorporated and. unincorporated areas of the County, also meets the provision. These policies do

not specifically address locally unwanted land uses and facilities with countywide significance. Instead, these policies generally discuss coordination. ICE Policies 3C and 3F do not address how services will be coordinated. [Section 163.3177(6)(h)2, F.S.)

Response: Staff had cited in the "Supporting Information" document references to other ICE policies (specifically ICE Policies 3C and 3F as well as the CDMP Statement of Legislative Intent) that addressed the authority of the County, through the Home Rule Charter to site, construct, maintain and operate public facilities in incorporated and unincorporated areas of the County. To address DCA's objection it is recommended that ICE Policy 3F be amended to agree to consider municipal comprehensive plans and development regulations when selecting and siting sites for facilities of county-wide significance.

3. Objection: The plan does not have adequate policies which call for Coordinating with the adjacent counties of Broward, Monroe, and Collier. The County states that existing ICE Policy 1J, which states that the County shall increase interaction between its MPO and those of Broward; Monroe, and Palm Beach Counties and with Miami-Dade municipalities to improve interregional and intracounty transportation coordination and international trade, satisfies the requirement. While this policy addresses transportation and economic coordination, it does not address other areas such as, but not limited to, potable water and sanitary sewer service the East Coast Buffer, and Everglades protection. [Section 163.3177(6.)(h)1,F.S.]

   Response: Staff recommends modifying ICE Policies 1G and 7B and adding new ICE Policies 5C and 5D, to address DCA's objection concerning the need for additional policies providing for coordination with adjacent counties in the areas of resource, infrastructure and services planning activities.

4. Comment: Comment: Education Element Policy 2.1 applies to both public and private schools. However, the Education Element only applies to public, schools. The County should also adopt this policy in the Land Use Element in order that the policy become effective for private Schools.

   Response: While DCA's comment is advisory in nature, staff recommends adding new Land Use Element Policies 1R and 9Q to appropriately address the location of private schools.

Attachments:
1. Application...Incorporating the Revised Recommendations of the Department of Planning and Zoning.
2. DCA ORC Report, September 3, 1999
3. "Transmittal Application" dated May 25, 1999
4. "Supporting Information..." dated April 1999

# APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

## INCORPORATING THE REVISED RECOMMENDATIONS OF THE DEPARTMENT OF PLANNING AND ZONING

September 13, 1999

**APPLICANT:**

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

**NOTE:** This version of the application incorporates the revised recommendations of the Department of Planning and Zoning issued September 13, 1999 as well as the changes incorporated into the originally filed application approved for transmittal to the Department of Community Affairs by the Board of County Commissioners on May 25, 1999.

**DESCRIPTION OF RECOMMENDED CHANGES[1]:**

It is recommended that the CDMP Intergovernmental Coordination, Educational and Land Use Elements be amended as follows:

**AMENDMENT GROUP 1 (Addressing Intergovernmental Coordination)**

**Group 1. Part A. Intergovernmental Coordination Element (ICE)**

1. Modify Policies 1G, 1I, 3F and 7B, and add new policies 1R, 1S, 3B, 3G, 4F, 5C and 5D, as follows:

   1G. Provide for County-city exchange of notification and information ~~of~~ regarding requests for change of zoning within the vicinity of unincorporated area municipal boundaries. Notice of requested zone changes and applications to amend the CDMP Land Use Plan map shall be provided to owners of record of real property and adjacent local governments, in accordance with applicable County procedures without regard to County boundaries.

[1] Underlined words are recommended additions to the CDMP as amended through March 16, 1999. Words ~~dashed-through~~ are recommended deletions to the CDMP. All other words exist in the CDMP and are recommended to remain unchanged.

1I. Miami-Dade County shall utilize ~~increase the use of he informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary ~~to continually facilitate intraregional coordination and~~ to mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies~~, as needed~~. The County may use alternative procedures whenever appropriate for the matter of imminent dispute, including agreements authorized by Section 163.3171(4), F. S., or other non-judicial approaches.

1R. Miami-Dade County and the Florida Board of Regents, on behalf of Florida International University, shall abide by the Campus Development Agreement executed between the Florida Board of Regents and Miami-Dade County on October 24, 1996, implementing the requirements of Section 240.155(11)-(15), F. S., regarding campus master plans. The Campus Development Agreement may be amended from time to time pursuant to Sections 240.155(19), F.S.

1S. By November 2000, Miami-Dade County shall enter into an interlocal agreement with the Miami-Dade County Public School System as required by Section 163.3177(6)(h)2, F. S., to ratify future enrollment projection guidelines established in Educational Element Policy 1.7.

3B. Miami-Dade County shall maintain procedures in the Code of Miami-Dade County providing for initiation and consideration of proposals for municipal incorporation, annexation, and other boundary changes, in accordance with provisions of the Miami-Dade County Charter. This Plan hereby adopts and incorporates by reference provisions of the Miami-Dade County Charter regarding municipal incorporation, annexation and boundary changes, as authorized by Article VIII, Section 6 of the Florida Constitution. Moreover, with regard to municipalities newly created or approved for boundary change, the County shall seek to establish mutually acceptable arrangements with the municipality for the planning area, which may include contractual or other agreements regarding the delivery of public services, conduct or coordination of land use planning or development regulatory activities, or other governmental functions, consistent with the County Charter.

3F. Continue to maintain and utilize the authority provided in the ~~Metro~~Miami-Dade Charter for the County to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County. While the County reserves all rights provided by the Miami-Dade County Charter, when siting facilities of countywide significance within the boundaries of an incorporated municipality, the County will consider the municipal comprehensive plan and development regulations, as well as the need for the public facility and suitable alternative locations.

3G. Miami-Dade County will maintain, as a particular area of attention in its planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Formal agreements to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.

4F. It is the policy of Miami-Dade County that the South Florida Water Management District (SFWMD) shall recognize in its water supply and management planning and permitting processes, Miami-Dade County's adopted population projections, spatial characteristics of the CDMP Land Use Plan map, and policies of the CDMP Land Use, Conservation and Coastal Management Elements. It is further County policy to accommodate future population and economic growth by utilizing the range of water supply technologies outlined under CDMP Water and Sewer Element Objective 6, including traditional sources from expanded and/or new Biscayne Aquifer wellfields, Floridian Aquifer storage and recovery (ASR) techniques, and other alternatives including advanced technologies.

5C. Miami-Dade County shall continue to participate in regional resource planning and management activities undertaken by State, federal and regional agencies addressing natural resources such as water supply, and fish and wildlife, and economic development and service delivery functions, as such activities may be initiated from time to time. These include, but are not limited to resource planning and management activities of the Governor's Commission for the Everglades, water management and supply plans prepared by the South Florida Water Management District, the Central and Southern Florida Flood Control Project Comprehensive Review Study conducted by the U.S. Army Corps of Engineers, and periodic updates and refinements; and the County will cooperate with adjacent counties and municipalities in similar activities that they may initiate.

5D. In the conduct of its infrastructure and service planning and development function, including transportation, water, sewer and solid waste disposal functions, Miami-Dade County shall consider entering into cooperative agreements with adjacent counties and municipalities in adjacent counties where such arrangements are operationally, financially or environmentally beneficial.

7B. Encourage the development of a South Florida Regional International Affairs Consortium to address regional issues concerned with international trade and business and other cooperative arrangements with south Florida local and regional governmental entities to promote socially and environmentally sound economic development of the region.

2. In the ICE Element Monitoring Program, page VIII-11, under the "Biennially" heading, modify monitoring measure as follows:

- Use ~~Usage~~ of ~~informal or formal mediation~~ dispute resolution process when necessary to resolve disputes (Objective 1).
- Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:
- Status of off-site improvements completed pursuant to executed Campus Development Agreements.

3. Throughout the ICE Element, change the County's name to "Miami-Dade County" wherever it appears; and change the name of the Department of "Planning, Development and Regulation" to the "Department of Planning and Zoning" wherever it appears. Also, update Figure 1 and Table 1 to update the list and locations of incorporated municipalities in Miami-Dade County.

**Group 1. Part B. Educational Element**

In the Educational Element, modify Policies 1.7 and 2.1 and add new Policies 1.8, 2.7, 6.5 and 6.6, and renumber the remaining policies under Objective 6:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis. in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections, where authorized by State law.

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools~~, except as provided in this policy,~~ nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as ~~possible~~ functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

2.7 Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public School System in their effort to update the "Process/Procedures Manual" for public school siting reviews to help accomplish the objectives and policies of this and other elements of the CDMP. The County shall cooperate with the Public School System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

6.5 The County and Miami-Dade Public School System shall periodically review the Educational Facilities Impact Fee Ordinance to ensure that the full costs associated with the development of public school capacity (new schools and expansion of existing ones) are properly reflected in the impact fee structure. The next review shall occur no later than December 31, 2002.

6.6 The County shall coordinate with the Miami-Dade County Public School System in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.

**AMENDMENT GROUP 2 (Addressing Location of Public Schools)**

**Group 2. Part A. Intergovernmental Coordination Element (ICE)**

In the ICE Element, modify Policy 1T as follows:

1T. During pre-development program planning and site selection activities, Miami-Dade County General Services Administration and other facility and service providers shall coordinate with the Dade County Public School System to consider all reasonable opportunities to collocate new libraries, parks, and other public facilities with public schools, where compatible and the potential exists to create logical focal points for community activity. Early review and coordination activities will be modified as necessary to timely consider these potentials.

**Group 2. Part B. Educational Element**

In the Educational Element, modify Policy 2.3 as follows:

2.3 Where possible, the Public School District should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.

**Group 2. Part C. Land Use Element**

In the Land Use Element, add new Policies 1R and 9Q as follows:

1R. It is the policy of Miami-Dade County that the siting of both public and private schools throughout the County shall conform with the school siting policies adopted under CDMP Educational Element Objective 2.

9Q. By January 1, 2001, Miami-Dade County shall revise its Zoning regulations as necessary to provide that new private schools and expansion of existing private schools outside the Urban Development Boundary may be approved

only if they are demonstrated to be necessary to support the rural residential community of the affected Agriculture or Open Land area.

**REASONS FOR RECOMMENDED AMENDMENTS:**

This amendment Application was filed to bring the CDMP in compliance with two recent changes to Florida's comprehensive planning law. The first changes are in Section 163.3177(6)(h), Florida Statutes (F. S.), pertaining to the Intergovernmental Coordination Element (ICE), which was amended by the Florida Legislature in 1996. Group 1 of the recommended amendments addresses these requirements. The second change to the comprehensive planning law was adopted by the Legislature in 1998. These changes amended Section 163.3177(6)(a) to require all comprehensive plans to include policies providing for schools proximate to urban residential areas and encouraging the collocation of schools with other public facilities such as parks, libraries and community centers. The latter changes are intended to ensure sufficient compatible location of schools in urban areas and to reduce land acquisition and construction costs for new schools. Group 2 of the recommended amendments addresses this requirement to the extent that the existing CDMP policies or other recommended amendments do not sufficiently address this. (The overlap between these two sets of requirements is noteworthy. The Statutes establish requirements for policies in the Land Use Element and ICE element relating to County – School District coordination of their planning. The CDMP also addresses these issues in the (optional) Educational Element.)

In late 1998, the Florida Department of Community Affairs (DCA) established a submittal schedule, in accordance with Section 163.3177(6)(h), F.S., which requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999. The 1998 legislative amendment to Section 163.3177(6)(a), F.S., also requires the school-related provisions to be adopted by October 1, 1999. In order to meet these statutory and administrative deadlines, proposed CDMP amendments were approved for transmittal to the DCA for review and comment on May 1999, preceded by an initial recommendation by the Local Planning Agency (Planning Advisory Board) in April 1999.

The recommended amendments will modify and supplement existing CDMP policies addressing location of public and private schools, and intergovernmental coordination procedures. To address possible deficiencies in the existing body of CDMP policies, amendments to both the Intergovernmental Coordination and Educational Elements of the CDMP are proposed.

Following are reasons for the particular proposed policy changes and additions:
(See also the "Supporting Information for the Application ..." dated April 1999.)

**AMENDMENT GROUP 1. Part A. Intergovernmental Coordination Element (ICE)**

Policy 1G is proposed for modification to address the requirements of Section 163.3177(6)(h)2, F.S., regarding the collaborative planning and decision making process on siting facilities of countywide significance, especially as it relates to how coordination with municipalities will be provided.

Policy 1I is proposed to clarify that the use of the South Florida Regional Planning Council voluntary dispute resolution process will be the County's preferred mechanism to bring closure in a timely manner to intergovernmental disputes among the various alternative procedures available to it.

New Policy 1R is proposed to address the recognition of campus development master plans prepared pursuant to Section 240.155,F.S. as required by Section 163.3177(6)(h)1.b, F.S. by referencing the Campus Development Agreement executed between the Board of Regents and Miami-Dade County in 1996.

New Policy 1S is proposed to address the requirements of Section 163.3177(6)(h)2, F.S. for establishing by interlocal or other formal agreement the joint processes for considering population projections and school siting.

New Policy 3B is proposed to address the requirements of Section 163.3177(6)(h)1.a, F.S. regarding joint planning areas for municipal incorporations.

Policy 3F is proposed for modification to address the requirements of Section 163.3177(6)(h)2, F.S. regarding the collaborative planning and decision making process on siting facilities of countywide significance, including locally unwanted land uses, especially in municipalities.

New Policy 3G is proposed to foster compatible and consistent boundaries between municipalities and the unincorporated area, establish a planning process to identify, review and address issues of mutual interest relating to municipal boundaries, and to enter into agreements with municipalities, as appropriate, regarding compatible boundaries.

New Policy 4F is proposed to express County policy regarding coordination between County's adopted comprehensive plan and the water supply and management planning conducted by the South Florida Water Management District (SFWMD) as required in Section 163.3177(6)(h)2, F.S.

New Policy 5C is proposed to add coordination mechanisms with adjacent counties and municipalities addressing such areas as regional resource planning and management activities as required in Section 163.3177(6)(h)1, F.S.

New Policy 5D is proposed to add coordination mechanisms with adjacent counties and municipalities in adjacent counties for infrastructure and service planning and development functions for such areas as transportation, water, sewer, and solid waste disposal functions as required in Section 163.3177(6)(h)1, F.S.

Policy 7B is proposed for modification to further address coordination of strategies with adjacent counties concerning international trade and business that promotes socially and environmentally sound development of the region.

The ICE monitoring measures are proposed for modification as necessary to reflect the proposed policy changes.

**Group 1. Part B. Educational Element**

Policy 1.7 is proposed for modification to address the requirements of Section 235.193(2), F.S., that states school boards must use Department of Education enrollment projections when preparing the 5-year district facilities work program, and that a school board shall demonstrate consideration of local governments' population projections to ensure that the 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. This revision encourages the school system to use the higher of either projections provided by the Department of Education or the County in their capital facilities planning to help ensure that the County's needs are not underestimated.

New Policy 1.8 is recommended to promote improved conditions in urban infill areas to make them as attractive to prospective home buyers and investors as suburban areas.

Policy 2.1 is proposed for modification to provide more flexibility to the Miami-Dade Public School System to allow the siting of new public schools closer to the Urban Development Boundary (UDB) and to require private schools to be subject to the same siting criteria as public schools.

New Policy 2.7 is proposed to improve coordination between the County and Miami-Dade Public Schools by promoting mechanisms to address school siting issues early in the Educational Facilities Review process.

New Policy 6.5 is proposed to ensure that the impact fee structure in the Educational Facilities Impact Fees Ordinance is periodically reviewed to reflect the full cost of developing new schools and expansions of existing ones.

New Policy 6.6 is proposed to improve coordination between the County and Miami-Dade Public Schools to provide more specific criteria for assessing off-site public facility improvements.

**AMENDMENT GROUP 2. Part A. Intergovernmental Coordination Element (ICE)**

New Policy 1T is proposed to address the requirement of Section 163.3177(6)(a), F.S. for local governments to coordinate with school boards and consider all opportunities to collocate parks, libraries and other public facilities with public schools.

**Group 2. Part B. Educational Element**

Policy 2.3 is proposed for modification to expand the current policy of encouraging the joint-use of public recreation areas between the County and the School Board to include the collocation of public schools with libraries and other facilities as required by Section 163.3177(6)(a), F.S.

**<u>Group 2.</u> Part C. Land Use Element**

New Policy 1R is recommended to incorporate into the Land Use Element the school siting criteria in Policy 2.1, and to add policy that private as well as public school siting should be guided by these policies.

New Policy 9Q is to direct that the County's zoning regulations be revised to restrict the location of new private schools or the expansion of existing private schools in areas outside the UDB.

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners in November 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the Florida Statutes and Administrative Code referenced above; and

WHEREAS, local governments are required to incorporate the provisions described in Section 163.3177 (6) (h), F.S., into the Intergovernmental Coordination Element (ICE) of their comprehensive plans; and

WHEREAS, the schedule established by the Florida Department of Community Affairs (DCA) for Miami-Dade County to adopt such ICE amendments to the CDMP required transmittal of proposed amendments in May 1999 and requires adoption of amendment in October 1999; and

WHEREAS, by October 1999, local governments are required to incorporate into local comprehensive plans the provisions described in Section 163.3177 (h)(a), F.S., addressing the

location of public schools proximate to urban residential areas and the collocation of schools with public facilities such as parks, libraries and community centers; and

WHEREAS, the adopted CDMP as amended through April 27, 1999, substantially addresses the requirements of Section 163.3177 (6)(a) and (6)(h), F.S., and has previously been found to be in compliance by DCA; and

WHEREAS, a CDMP amendment application titled "Application Requesting Amendments to the Comprehensive Development Master Plan Addressing Intergovernmental Coordination and Location of Public Schools" was filed by the Miami-Dade County Department of Planning and Zoning (DP&Z) on March 30, 1999, which contains proposed amendments to further enhance and refine the CDMP provisions addressing Sections 163.3177 (6)(a) and (6)(h), F.S.; and

WHEREAS, on April 28, 1999, prior to transmittal of the application to the Florida Department of Community Affairs (DCA), the Planning Advisory Board acting in its capacity as the Local Planning Agency (LPA) conducted a duly noticed public hearing, to receive public comments on the amendment application and the initial recommendations of the Department of Planing and Zoning, and the question of transmittal of the application to State agencies for review; and

WHEREAS, on May 25, 1999, the Board of County Commissioners voted to instruct the County Manager to transmit the amendment application, with changes, to the DCA ("Transmittal Application"); and

WHEREAS, the "Transmittal Application" was transmitted, reviewed and subject to the issuance of a written Objects, Recommendations and Comments (ORC) Report by the DCA, dated September 3, 1999; and

WHEREAS, after receipt of the ORC Report the DP&Z issued revised recommendations to approve the "Transmittal Application" with additional changes.

WHEREAS, on September 22, 1999, the Miami-Dade County Planning Advisory Board acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing to receive public comments on the amendment application, on the Department of Planning and Zoning's revised recommendations, on objections, recommendations and comments issued by the DCA, and on the question of adoption of the amendment application by the Board of County Commissioners, and has acted in accord with the referenced State and County procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI–DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:

This Agency hereby adopts the following as its final recommendations to the Board of County Commissioners:

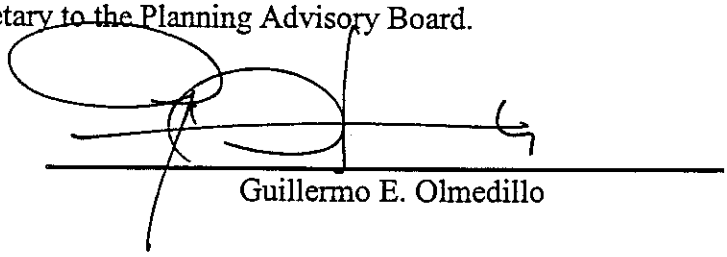
| AMENDMENT GROUP 1<br>Addressing Intergovernmental Coordination | Final LPA Recommendation |
|---|---|
| Application Part A: Modify ICE Policy 1I and Add New Policies 1R, 1S, 3G and 4F; Modify Figure 1, Table 1, Monitoring Measures, and names of County, County departments and incorporated municipalities in text.<br><br>Application Part B: Modify Educational Element Policies 1.7 and 2.1 and Add New Policies 1.8, 2.7, 6.5 and 6.6. | Approve the "Transmittal Application" with additional changes as recommended by the DP&Z in its Revised Recommendations dated September 13, 1999. |
| AMENDMENT GROUP 2<br>Addressing School Location | |
| Application Part A: Add New ICE Policy 1T<br>Application Part B: Modify Educational Element Policy 2.3 | |

The foregoing resolution was offered by Mr. Fraga who moved its adoption. The motion was seconded by Mr. Rolle and upon being put to vote, it passed 6 to 1 as follows:

| | | | |
|---|---|---|---|
| Antonio Fraga | -Yes | Anthony A. Rolle | -Yes |
| Charles George | -Yes | Gonzalo Sanabria | -Absent |
| Rod Jude | -Yes | Georgina Santiago | -Yes |
| Shirlyon McWhorter | -No | Christi Sherouse | -Yes |
| Alicio Piña | -Absent | Carlos M. Sires | -Absent |
| Jose Rojas | -Absent | Jay Sosna | -Absent |

Dorothy Cook, Chair - Absent

The above action was taken by the Planning Advisory Board acting as the Local Planning Agency at the conclusion of its public hearing on September 22, 1999, and is certified correct by Guillermo E. Olmedillo, Executive Secretary to the Planning Advisory Board.



Guillermo E. Olmedillo

**Miami-Dade County Planning Advisory Board**
**Acting as the Local Planning Agency**

**Public Hearing to Formulate Final Recommendations Regarding Special Application to Amend the CDMP Addressing Intergovernmental Coordination and Location of Public Schools**

Commission Chambers
111 NW 1st Street
Miami, Florida 33128

PAB Members Present
Rod Jude, Vice Chair
Antonio Fraga
Charles George
Shirlyon McWhorter
Anthony A. Rolle
Georgina Santiago
Christi Sherouse

PAB Members Absent
Dorothy Cook, Chair
Alicio Piña
Jose Rojas
Gonzalo Sanabria
Carlos M. Sires
Jay Sosna

Department of Planning and Zoning
Carey Lee Rawlinson, Acting Assistant Director for Planning
Barbara Falsey, Chief, Community Planning Section
Robert Usherson, Chief, Metropolitan Planning Section
Howard Williams, Section Supervisor, CDMP Administration Unit
Mark R. Woerner, Section Supervisor, Long Range Planning Unit
Jerry Bell, Principal Planner
Michael Bregman, Senior Planner
Lynne Akulin, Administrative Officer II

Other County Staff Present
Jay Williams, Assistant County Attorney

Others
Karen Esty
Sally Osborne, Miami-Dade County Public Schools
Pat Wade

Mr. Rod Jude, Chair of the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA), convened the public hearing at approximately 5:55 PM to receive public comments regarding the pending Application Requesting Amendments to the Comprehensive Development Master Plan (CDMP) Addressing Intergovernmental Coordination and Location of Public Schools ("Transmittal Application")

dated May 25, 1999; the revised recommendations of the Department of Planning & Zoning; and the Florida Department of Community Affairs (DCA) Objections, Recommendations and Comments (ORC) Report. He welcomed the new member from District 7, Christi Sherouse, and asked staff to describe the revised Application.

Mr. Carey L. Rawlinson noted that the purpose of the hearing was for the PAB to hear public comments and formulate and adopt a final recommendation regarding adoption of the proposed Application by the Board of County Commissioners (BCC). He asked Mr. Mark Woerner to provide an overview of the revised Application and agenda materials.

Mr. Woerner directed the PAB's attention to the six items in their agenda kit: the September 13, 1999 memorandum containing the Department's Revised Recommendations on the Application; the draft Resolution of the PAB issuing recommendations to the BCC regarding final disposition of the Application; the Application as revised to incorporate the Department's Revised Recommendations; the Department of Community Affairs' (DCA) September 3, 1999 Objections, Recommendations and Comments (ORC) Report; the May 25, 1999 "Transmittal Application" incorporating changes made to the originally filed Application at the time of transmittal by the BCC; and the Supporting Information document for the Application, dated April 1999. He noted that the Application was filed to address several changes in State law, and that this would be the final hearing of the PAB regarding the Application. He further advised that since this Application was filed in response to new State requirements, it was not subject to the twice per year statutory limit on plan amendments.

Mr. Woerner provided an overview of the Application. New Intergovernmental Policy 3B is recommended to address DCA's objection that the CDMP does not address joint planning areas for municipal incorporations. Intergovernmental Policy 3F is recommended for modification in order to address DCA's objection that the CDMP does not address collaborative planning on the siting of facilities of countywide significance. Modified Intergovernmental policies 1G and 7B and new Intergovernmental policies 5C and 5D are recommended to address DCA's objection that the CDMP does not contain adequate policies addressing coordination with adjacent counties. New Land Use policies 1R and 1Q are recommended to address the BCC's directive that the school siting criteria in Educational Policy 2.1 be applied to private schools as well. He advised that private schools are more appropriately addressed in the Land Use Element, as the Educational Element only addresses public schools. Educational Policy 1.7 is recommended for further modification to acknowledge that the School District may be limited by the State as to the enrollment projections that it may use. Finally, Educational Policy 2.1 is recommended for further modification to delete the provision allowing the School District to acquire and hold land in designated CDMP Urban Expansion Areas. This recommendation is made in response to the South Florida Regional Planning Council's (SFRPC) finding that such an allowance is inconsistent with the Strategic Regional Policy Plan.

Vice Chair Jude asked if staff had additional comments, and Mr. Rawlinson answered no. Mr. Jude then called for speakers.

Ms. Karen Esty, 14445 SW 200 Street, expressed concern that the January 1, 2001 deadline for implementation of recommended new Land Use Policy 9Q gives private schools too much time to begin construction outside the UDB, and asked if this timeframe could be shortened. She further expressed

concern that the language in Educational Policy 2.1 could result in a school abutting the UDB, raising the likelihood of conflicts with adjacent agricultural uses.

Vice Chair Jude asked staff to address Ms. Esty's concerns. Mr. Woerner noted that the timeframe in new Land Use Policy 9Q is recommended to allow the County the necessary time to secure a compliance determination from the DCA and to revise its land development regulations which entails a substantial public hearing process. He further noted that the proposed modification to Educational Policy 2.1 is intended to allow the School District the flexibility to acquire sites in substantially developed fringe areas where few suitably sized sites remain.

Ms. Pat Wade, 20925 SW 187 Avenue, reiterated Ms. Esty's concerns. She asked if there was any way to push up proposed Land Use Policy 9Q's January 1, 2001 implementation date, and expressed concern over safety issues that may result from siting schools on the UDB.

Ms. Sally Osborne, speaking on behalf of Miami-Dade County Public Schools, noted that County and School Board staff have coordinated on the revised Application, which has been forwarded to the School Board for their comment. She noted that School Board staff's only concern is that proposed New Educational Policy 1.8 calls for the prioritization of resources to the Urban Infill Area, which conflicts with policies prohibiting such prioritization of resources. She hoped to have the School Board's comments prior to the BCC's adoption hearing.

Ms. Sherouse asked staff if it would be possible to shorten the timeframe for implementation of Land Use Policy 1Q. Mr. Rawlinson advised that staff would move as quickly as possible to prepare the necessary amendments to the County's land development regulations, but that it is desirable to write in leeway for unforeseen complications. Mr. Woerner noted that any timeframe has to ensure the County has sufficient time for the Application to be found in compliance by DCA.

Mr Rolle asked what logic was behind the UDB distance criteria in Educational Policy 2.1. Mr. Rawlinson advised that this criteria was based on the "McAliley line", a policy indicated by a former School Board member regarding distance from the UDB. The 1-mile policy began with large senior high schools service areas, and was later refined to reflect the smaller service areas of smaller schools. He further advised that there is an intensive coordination effort between County and School Board staff regarding the location of public schools, and that many of the safety concerns expressed by the speakers could be addressed at that level. Vice Chair Jude noted that there have been problems in the past, citing a case in North Dade in which a school was located near a solid waste facility. Mr. Rawlinson noted that the school was there first in that case.

Mr. Rawlinson, in response to Ms. Osborne's comments regarding Educational Policy 1.8, noted that it is imperative for the County to support urban infill efforts.

With no further comments, Vice Chair Jude closed the public hearing.

Dr. Barbara Falsey directed the PAB's attention to the proposed resolution included in their agenda kits. Mr. Fraga made a motion to recommend approval of the Transmittal Application with additional changes

recommended by the Department of Planning and Zoning in their September 13 memorandum; seconded by Mr. Rolle. Upon being put to a vote, the vote was 6 to 1 as follows:

| | | | |
|---|---|---|---|
| Antonio Fraga | Yes | Anthony A. Rolle | Yes |
| Charles George | Yes | Gonzalo Sanabria | Absent |
| Rod Jude | Yes | Georgina Santiago | Yes |
| Shirlyon McWhorter | No | Christi Sherouse | Yes |
| Alicio Piña | Absent | Carlos M. Sires | Absent |
| Jose Rojas | Absent | Jay Sosna | Absent |
| | Dorothy Cook, Chair | Absent | |

The hearing concluded at approximately 6:30 PM.

STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Helping Floridians create safe, vibrant, sustainable communities"*

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

September 3, 1999

RECEIVED
SEP 15 1999
MIAMI-DADE COUNTY
DEPT. OF PLANNING AND ZONING
METROPOLITAN PLANNING SECTION

The Honorable Alexander Penelas
Mayor, Miami-Dade County
111 N.W. First Street
Miami, Florida 33128

Dear Mayor Penelas:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Miami-Dade County (DCA No. 99-1ICE), which was submitted on June 24, 1999. Copies of the proposed amendment have been distributed to the appropriate state, regional and local agencies for their review and their comments are enclosed.

I am enclosing the Department's ORC Report, issued pursuant to Rule 9J-11.010, Florida Administrative Code, for Amendment 99-1ICE. The issues identified in this Objections, Recommendations and Comments Report include adding mechanisms which address municipal incorporations, coordination with adjacent counties, and siting countywide facilities and locally unwanted land uses. It is very important that the adopted plan amendment address these issues and all of the objections in the Department's ORC Report. My staff is available to work with your staff to resolve these issues.

We have also reviewed the County's policies regarding the school siting and collocation requirements intended to address Section 163.3177(6)(a), F.S. The Department has reviewed these policies and does not have any objections.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, Florida Administrative Code. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
Internet address: http://www.state.fl.us/comaff/

FLORIDA KEYS
Area of Critical State Concern Field Office
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

GREEN SWAMP
Area of Critical State Concern Field Office
205 East Main Street, Suite 104
Bartow, Florida 33830-4641

A listing of finding by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment to the Executive Director of the South Florida Regional Planning Council.

If you have any questions, please contact Ken Metcalf, Community Program Administrator, or Paul DiGiuseppe, Planning Manager at (850) 487-4545.

Sincerely,

Charles Gauthier, AICP
Chief, Bureau of Local Planning

CG/pd

Enclosure

cc: Bob Usherson, Miami-Dade County
Carolyn Dekle, South Florida Regional Planning Council

# DEPARTMENT OF COMMUNITY AFFAIRS

## OBJECTIONS, RECOMMENDATIONS AND COMMENTS

## FOR

## MIAMI-DADE COUNTY

## Amendment 99-1ICE

September 3, 1999
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010

# INTRODUCTION

The following objections, recommendations and comments are based upon the Department of Community Affairs' (Department) review of Miami-Dade County proposed amendment to their comprehensive plan pursuant to s. 163.3184, Florida Statutes (F.S.).

Objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS
for
MIAMI-DADE COUNTY
PROPOSED AMENDMENT 99-1ICE

**Intergovernmental Coordination Element**

1. Objection: While the County has demonstrated that there is a local mechanism to address municipal incorporations pursuant to the Home Rule Charter and the Code of Miami-Dade County, the Comprehensive Development Master Plan (CDMP) does not contain provisions addressing joint planning areas for municipal incorporations. [Section 163.3177(6)(h)1.a., F.S.]

Recommendation: The County must establish procedures to identify and implement joint planning areas for municipal incorporation. These policies should specifically address coordination of land use and public facilities and services within these joint planning areas. In meeting these requirements, the policies can include those provisions of the Home Rule Charter, the Code of Miami-Dade County, and those recommendations to the County Commission which apply to municipal incorporations.

2. Objection: The CDMP does not have any policies regarding the collaborative planning and decisionmaking on siting facilities with countywide significance and locally unwanted land uses. The County states that existing ICE Policy 3C, which states that the County will encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services, addresses the statutory provision. In addition, the County states that ICE Policy 3F, which state that the County will continue to maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct, and operate public facilities in incorporated and unincorporated areas of the County, also meets the provision. These policies do not specifically address locally unwanted land uses and facilities with countywide significance. Instead, these policies generally discuss coordination. ICE Policies 3C and 3F do not address how services will be coordinated. [Section 163.3177(6)(h)2, F.S.]

Recommendation: Add new policies which specifically address locally unwanted land uses and countywide facilities and how services will be coordinated, especially with municipalities. The County may want to add policies which specifically identify countywide land uses such as major pipelines, airports, and wastewater treatment facilities. With regard to locally unwanted land uses (LULU), the County may want to add policies regarding the coordination with municipalities and other entities to develop, review and recommend efficient countywide guidelines to coordinate the location of LULU's. The County may also want to establish policies which require the review of the County's locational standards and determine whether these standards are consistent with the policies of the municipalities.

3. Objection: The plan does not have adequate policies which call for coordinating with the adjacent counties of Broward, Monroe, and Collier. The County states that existing ICE Policy 1J, which states that the County shall increase interaction between its MPO and those of Broward, Monroe, and Palm Beach Counties and with Miami-Dade municipalities to improve intraregional and intracounty transportation coordination and international trade, satisfies the requirement. While this policy addresses transportation and economic coordination, it does not address other areas such as, but not limited to, potable water and sanitary sewer service, the East Coast Buffer, and Everglades protection. [Section 163.3177(6)(h)1, F.S.]

Recommendation: Add policies identifying coordination mechanisms with the adjacent counties addressing the areas identified above as well as others that would apply.

4. Comment: Education Element Policy 2.1 applies to both public and private schools. However, the Education Element only applies to public schools. The County should also adopt this policy in the Land Use Element in order that the policy become effective for private schools.

Consistency with the State Comprehensive Plan

The above cited amendments do not further and are not consistent with the following goals and policies of the State Comprehensive Plan (Rule 9J-5.021 and 9J-11.006(3), F.A.C.):

a. Chapter 187.201(16)(b)4 (Land Use)
b. Chapter 187.201(18)(b)4 (Public Facilities)
c. Chapter 187.201(21)(b)1 (Governmental Efficiency)

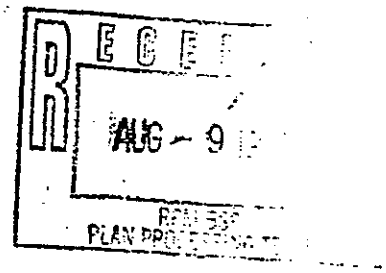
Recommendation

Revise the above cited amendments as recommended for the objections raised above.

# South Florida Water Management District

GOV 08-06

August 3, 1999




Ray Eubanks, Planning Manager
Plan Review and DRI Processing Team
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject:** Proposed Amendment Comments
**Local Government:** Miami-Dade County
**DCA Amendment #:** 99-1ICE

Staff has reviewed the subject document and we have no water resource related comments. Please call us if you have any questions or require more information.

Sincerely,

Murray Miller

Murray Miller, AICP
Senior Planner
Lower East Coast Planning Division
Planning Department

MM/mh

c: Mark Woerner, Miami-Dade County Department of Planning and Zoning
Carolyn Dekle, SFRPC
Ken Metcalf, FDCA

*Governing Board:*
Michael Collins, *Chairman*
Michael D. Minton, *Vice Chairman*
Mitchell W. Berger
Vera M. Carter
Gerardo B. Fernandez
Patrick J. Gleason
Nicolas J. Gutierrez, Jr.
Harkley R. Thornton
Trudi K. Williams
Frank R. Finch, P.E., *Executive Director*
Michael Slayton, *Deputy Executive Director*
Trevor Campbell, *Deputy Executive Director*

# Florida Department of Transportation

JEB BUSH
GOVERNOR

OFFICE OF PLANNING - DISTRICT SIX
602 SOUTH MIAMI AVENUE, MIAMI, FLORIDA 33130
PHONE: (305) 377-5910 (SC) 452-5910
FAX: (305) 377-5684 (SC) 452-5684

THOMAS F. BARRY, JR.
SECRETARY

August 4, 1999

Mr. Ray Eubanks, Planning Manager
Florida Department of Community Affairs
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399-2100

RECEIVED

Dear Mr. Eubanks:

**SUBJECT: Miami-Dade County Comprehensive Plan Amendment Review; DCA ref.# 99-1-ICE**

In accordance with your request, and the provisions of Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida Administrative Code, this office has completed a review of the plan amendment documents for Miami-Dade County (DCA ref.# 99-1-ICE) which were forwarded to our office on June 30, 1999. The District has no objections, recommendations, or comments.

Please contact Phil Steinmiller if you have any questions concerning our response.

Sincerely,

Gary L. Donn, P.E.
District Director of Planning and Programs

GD/pjs

cc: Rob Magee, Office of Policy Planning
Guillermo Olmedillo, Department of Planning and Zoning





RECYCLED

**From:** Bob Hall TAL 850/487-2231 <Bob.Hall@dep.state.fl.us>
**To:** paul digiuseppe <paul.digiuseppe@dca.state.fl.us>
**Date:** 8/6/99 2:05pm
**Subject:** Miami 99-I ICE

Paul,

Can you accept a no comment electronically? If so, I have no comment on Miami 99-1 ICE.

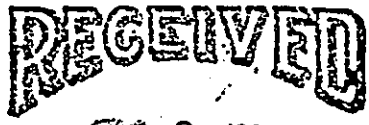
Bob

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting F
Division of Bond Fi
Department of Reve
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State

DIVISION OF HISTORICAL RESOURCES




July 7, 1999

(11)KM
7/12

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Miami-Dade County (99-1ICE) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Miami-Dade County Comprehensive Plan.

Proposed text amendments regarding intergovernmental coordination and public school siting were reviewed to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the city's/county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Miami-Dade County. In particular, changes involving increased density or intensity of existing land uses of tracts should be checked to see if any known or potential historic resources, both archaeological sites or historic structures, would be affected by these actions.

In sum, it is our opinion that the amended comprehensive plan meets (although known and potential historic resources need to be carefully considered in the planning phases of proposed land use changes) the state of Florida's requirements as promulgated in sections 163.3177 and 163.3178, F.S., and Chapter 9J-5, F.A.C., regarding the identification of known historical resources within their specified area of jurisdiction, and for the establishment of policies, goals and objectives for addressing known and potentially significant historical resources in Miami-Dade County .

If you have any questions regarding our comments, please feel free to contact Susan M. Harp or Laura Kammerer of the Division's Compliance Review staff at (850) 487-2333.

Sincerely,

Laura A. Kammerer

for George W. Percy, Director
Division of Historical Resources

4/4

South Florida Regional Planning Council

# MEMORANDUM

AGENDA ITEM #9d

DATE: JULY 12, 1999

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: MIAMI-DADE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On June 25, 1999, Council staff received proposed amendment package #99-1-ICE to the Miami-Dade County Comprehensive Plan for review of consistency with the *Strategic Regional Policy Plan for South Florida*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and Rules 9J-5 and 9J-11, Florida Administrative Code.

Community Profile

Miami-Dade County was formed in 1836 though settlement did not ensue until after the Civil War. In 1896, Henry Flagler extended the Florida East Coast Railroad from West Palm Beach to Miami. In the early part of this century, developers sought a means to obtain additional land for development. Before this time, the swamps of the Everglades extended to within three miles of Biscayne Bay. Developers dredged canals and drained land to make way for subsequent building.

With its current population of approximately 2.1 million, Miami-Dade County is the most populous county in Florida. The County now has 31 municipalities. Its population is expected to increase by approximately one million over the next 20 years. Immigrants from Central and South America continue to choose Miami-Dade County and the rest of South Florida as their new home. Approximately 56% of the County's population are of Hispanic origin. The percentage of the population working age or younger is larger in Miami-Dade County than the state average. For nearly two decades, the County has had higher unemployment rates as well as a higher percent of families with incomes below the poverty level than the state average.

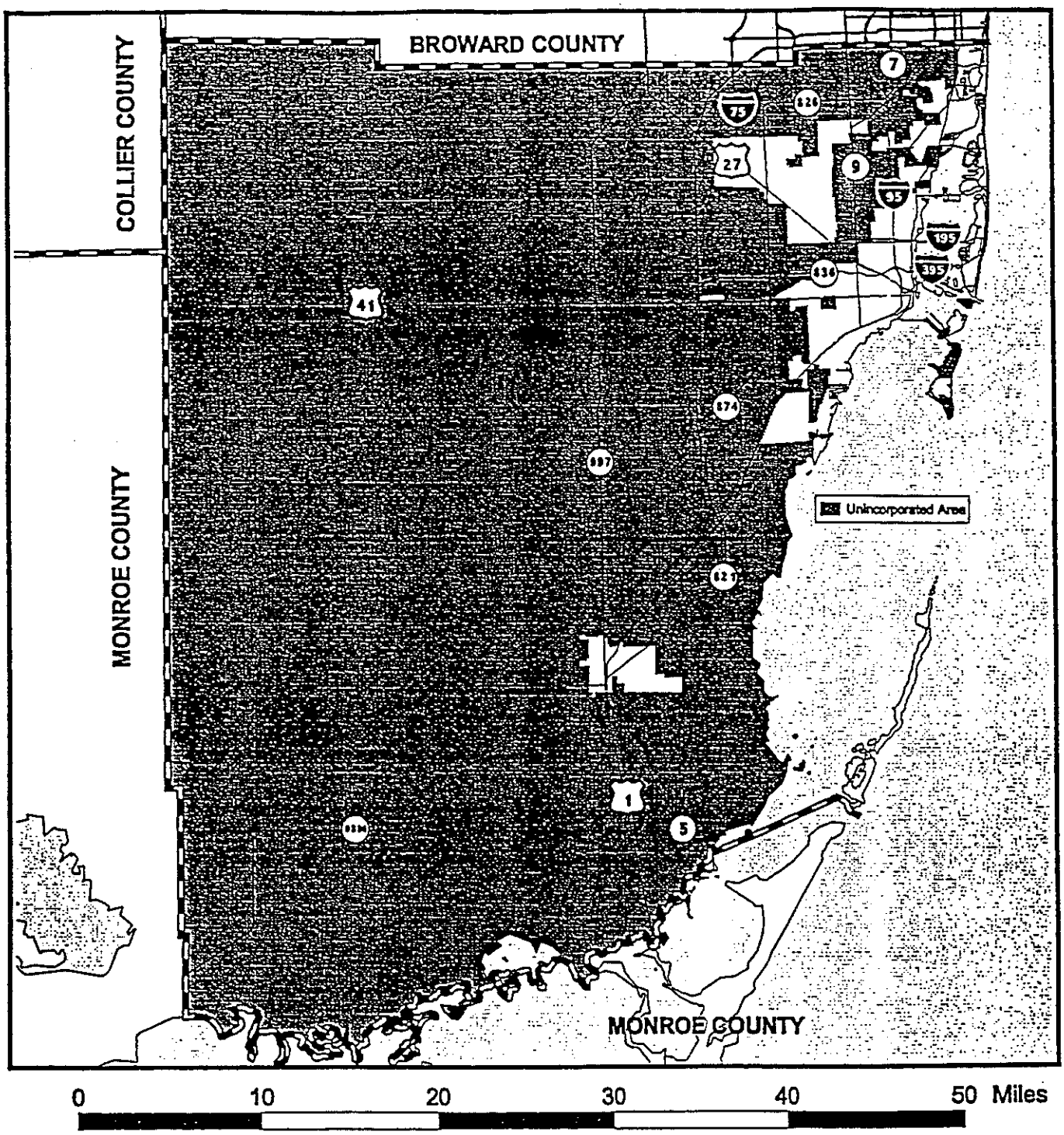
The structure of the County's economy is heavily service and trade oriented. Approximately 57% of total employment is in either the service or trade sectors. The County has established itself as a wholesaling and financial center and major tourist destination. Miami-Dade County ranks No.9 in export sales among all metropolitan areas in the country. Almost a quarter of the state's total employment in transportation is located in the County. The Port of Miami is the largest cruise ship port in the world.

4/5

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, Area Codes 305, 407 and 561 (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, SunCom FAX 473-4417

Council Action

The Council found proposed amendment #99-1-ICE to the Miami-Dade County Comprehensive Plan generally consistent with the *Strategic Regional Policy Plan for South Florida* with the exception of policy 2.1 of the educational element. The Council recommended that the proposed revisions to that policy be deleted except for the last sentence which states, "the same criteria of this paragraph that apply to public schools also pertain to private schools."




South Florida Regional Planning Council

# COMPREHENSIVE PLAN AMENDMENTS

General Location Map

Miami-Dade County
Proposed Amendment Package #99-1-ICE

47

Sources: Broward County, Miami-Dade County, SFWMD

Attachment 1

N

Attachment 2

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Proposed Text Amendment to Miami-Dade County

*Comprehensive Development Master Plan*

Intergovernmental Coordination Element and Educational Element

"TRANSMITTAL APPLICATION" INCORPORATING CHANGES MADE BY
THE BOARD OF COUNTY COMMISSIONERS
MAY 25, 1999

# APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

## 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:

Guillermo E. Olmedillo, Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972

By: _____ March 30, 1999
Guillermo E. Olmedillo

## 3. DESCRIPTION OF RECOMMENDED CHANGES:

It is recommended that the CDMP Intergovernmental Coordination and Educational Elements be amended as follows:

**Part A. Intergovernmental Coordination Element (ICE)**

1. On page VIII-6, modify Policy 1I, and add new Policies and 1R, 1S and 1T; on page VIII-8 add new Policy 3G; and on page VIII-9, add new Policy 4F as follows: [1]

1I. Miami-Dade County shall utilize ~~increase the use of the informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary ~~to continually facilitate intraregional coordination and~~ to mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies, ~~as needed~~. The County may use alternative procedures whenever

[1] Underlined words are proposed additions to the CDMP as amended through March 16, 1999. Words ~~deshed through~~ are proposed deletions to the CDMP all other words exist in the Plan and will remain unchanged.

B) Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:

- Status of off-site improvements completed pursuant to executed Campus Development Agreements.

3. Throughout the Element, change the County's name to "Miami-Dade County" wherever it appears; and change the name of the Department of "Planning, Development and Regulation" to the "Department of Planning and Zoning" wherever it appears. Also, update Figure 1 and Table 1 to update the list and locations of incorporated municipalities in Miami-Dade County.

**Part B. Educational Element**

1. On page X-2, modify Policies 1.7, 2.1 and 2.3 and add new Policies 1.8, 2.7 and 2.8; and on page X-4, insert new Policies 6.5 and 6.6 and renumber the remaining policies:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis; in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections.

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools, except as provided in this policy, nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as possible from the UDB. Further, the Miami-Dade County Public School System may acquire and hold sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP-designated Residential Communities to help ensure that well-located school sites will be available if and when such areas are

"TRANSMITTAL APPLICATION" INCORPORATING CHANGES MADE BY
THE BOARD OF COUNTY COMMISSIONERS
MAY 25, 1999

# APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ADDRESSING INTERGOVERNMENTAL COORDINATION AND LOCATION OF PUBLIC SCHOOLS

## 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:

Guillermo E. Olmedillo, Director
Miami-Dade County Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972

By: _____ March 30, 1999
Guillermo E. Olmedillo

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**Part A. Intergovernmental Coordination Element (ICE)**

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1I. Miami-Dade County shall utilize ~~increase the use of he informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary ~~to continually facilitate intraregional coordination and~~ to mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies~~, as needed~~. The County may use alternative procedures whenever

[1] Underlined words are proposed additions to the CDMP as amended through March 16, 1999. Words ~~dashed through~~ are proposed deletions to the CDMP all other words exist in the Plan and will remain unchanged.

appropriate for the matter of imminent dispute, including agreements authorized by Section 163.3171(4), F. S., or other non-judicial approaches.

1R. Miami-Dade County and the Florida Board of Regents, on behalf of Florida International University, shall abide by the Campus Development Agreement executed between the Florida Board of Regents and Miami-Dade County on October 24, 1996, implementing the requirements of Section 240.155(11)-(15), F. S., regarding campus master plans. The Campus Development Agreement may be amended from time to time pursuant to Sections 240.155(19), F.S.

1S. By November 2000, Miami-Dade County shall enter into an interlocal agreement with the Miami-Dade County Public School System as required by Section 163.3177(6)(h)2, F. S., to ratify future enrollment projection guidelines established in Educational Element Policy 1.7.

1T. During pre-development program planning and site selection activities, Miami-Dade County General Services Administration and other facility and service providers shall coordinate with the Dade County Public School System to consider all reasonable opportunities to collocate new libraries, parks, and other public facilities with public schools, where compatible and the potential exists to create logical focal points for community activity. Early review and coordination activities will be modified as necessary to timely consider these potentials.

3G. Miami-Dade County will maintain, as a particular area of attention in its planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Formal agreements to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.

4F. It is the policy of Miami-Dade County that the South Florida Water Management District (SFWMD) shall recognize in its water supply and management planning and permitting processes, Miami-Dade County's adopted population projections, spatial characteristics of the CDMP Land Use Plan map, and policies of the CDMP Land Use, Conservation and Coastal Management Elements. It is further County policy to accommodate future population and economic growth by utilizing the range of water supply technologies outlined under CDMP Water and Sewer Element Objective 6, including traditional sources from expanded and/or new Biscayne Aquifer wellfields, Floridian Aquifer storage and recovery (ASR) techniques, and other alternatives including advanced technologies.

2. A) In the ICE Element Monitoring Program, page VIII-11, under the "Biennially" heading, modify monitoring measure as follows:

- Use ~~Usage~~ of ~~informal or formal mediation~~ dispute resolution process when necessary to resolve disputes (Objective 1).

B) Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:

- Status of off-site improvements completed pursuant to executed Campus Development Agreements.

3. Throughout the Element, change the County's name to "Miami-Dade County" wherever it appears; and change the name of the Department of "Planning, Development and Regulation" to the "Department of Planning and Zoning" wherever it appears. Also, update Figure 1 and Table 1 to update the list and locations of incorporated municipalities in Miami-Dade County.

**Part B. Educational Element**

1. On page X-2, modify Policies 1.7, 2.1 and 2.3 and add new Policies 1.8, 2.7 and 2.8; and on page X-4, insert new Policies 6.5 and 6.6 and renumber the remaining policies:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis~~.~~ in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections.

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools, except as provided in this policy, nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as possible from the UDB. Further, the Miami-Dade County Public School System may acquire and hold sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP-designated Residential Communities to help ensure that well-located school sites will be available if and when such areas are

brought into the UDB. This should occur only after the school siting needs of areas inside the UDB are satisfied, and any site purchased and held outside the UDB for future elementary schools should be located at least ¼ mile inside the outer boundary of the UEA; sites held for future middle schools should be located at least ½ mile inside the UEA boundary; and sites held for future senior high schools should be located substantially at least 1 mile inside the UEA boundary. The same criteria of this paragraph that apply to public schools also pertain to private schools.

2.3 Where possible, the Public School District should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.

2.7 Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public School System in their effort to update the "Process/Procedures Manual" for public school siting reviews to help accomplish the objectives and policies of this and other elements of the CDMP. The County shall cooperate with the Public School System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

6.5 The County and Miami-Dade Public School System shall periodically review the Educational Facilities Impact Fee Ordinance to ensure that the full costs associated with the development of public school capacity (new schools and expansion of existing ones) are properly reflected in the impact fee structure. The next review shall occur no later than December 31, 2002.

6.6 The County shall coordinate with the Miami-Dade County Public School System in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.

## 4. REASON FOR AMENDMENTS:

The requested amendments are required to bring the CDMP in compliance with two recent changes to Florida's comprehensive planning law. The first changes are in Section 163.3177(6)(h), Florida Statutes (F. S.), pertaining to the Intergovernmental Coordination Element (ICE), which was amended by the Florida Legislature in 1996. The second change to the comprehensive planning law was adopted by the Legislature in 1998. These changes amended Section 163.3177(6)(a) to require all comprehensive plans to include policies providing for schools proximate to urban residential areas and encouraging the collocation of schools with other public facilities such as parks, libraries and community centers. The latter changes are intended to ensure sufficient compatible location of schools in urban areas and to reduce land acquisition and construction costs for new schools.

In late 1998, the Florida Department of Community Affairs (DCA) established a submittal schedule, in accordance with Section 163.3177(6)(h), F.S., which requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999. The 1998 legislative amendment to Section 163.3177(6)(a), F.S., also requires the school-related provisions to be adopted by October 1, 1999. In order to meet these statutory and administrative deadlines, proposed CDMP amendments must be transmitted to DCA for review and comment approximately five months in advance of their adoption, in this instance May 1999, preceded by a recommendation by the Local Planning Agency (Planning Advisory Board) in April 1999.

In essence, the proposed amendments will modify and supplement existing CDMP policies addressing location of public schools, and intergovernmental coordination procedures. To address possible deficiencies in the existing body of CDMP policies, amendments to both the Intergovernmental Coordination and Educational Elements of the CDMP are proposed.

Following are reasons for the particular proposed policy changes and additions:

**Part A. Intergovernmental Coordination Element (ICE)**

Policy 1I is proposed to clarify that the use of the South Florida Regional Planning Council voluntary dispute resolution process will be the County's preferred mechanism to bring closure in a timely manner to intergovernmental disputes among the various alternative procedures available to it.

New Policy 1R is proposed to address the recognition of campus development master plans prepared pursuant to Section 240.155,F.S. as required by Section 163.3177 (6)(h) 1.b., F.S. by referencing the Campus Development Agreement executed between the Board of Regents and Miami-Dade County in 1996.

New Policy 1S is proposed to address the requirements of Section 163.3177 (6)(h) 2., F.S. for establishing by interlocal or other formal agreement the joint processes for considering population projections and school siting.

New Policy 1T is proposed to address the requirement of Section 163.3177 (6)(a), F.S. for local governments to coordinate with school boards and consider all opportunities to collocate parks, libraries and other public facilities with public schools.

New Policy 3G is proposed to foster compatible and consistent boundaries between municipalities and the unincorporated area, establish a planning process to identify, review and address issues of mutual interest relating to municipal boundaries, and to enter into agreements with municipalities, as appropriate, regarding compatible boundaries.

New Policy 4F is proposed to express County policy regarding coordination between County's adopted comprehensive plan and the water supply and management planning

conducted by the South Florida Water Management District (SFWMD) as required in Section 163.3177 (6)(h) 2., F.S.

Modify or add monitoring measures as necessary to evaluate success in the use of the dispute resolution process as proposed in revised Policy 1I, and to evaluate implementation of the Campus Development Agreement between the County and the Board of Regents.

Revise any figure, table and text to update the location and list of incorporated municipalities in Miami-Dade County, and general corrections to the name of the County and to the name of the County departments.

**Part B. Educational Element**

Policy 1.7 is proposed for modification to address the requirements of Section 235.193 (2), F.S., that states school boards must use Department of Education enrollment projections when preparing the 5-year district facilities work program, and that a school board shall demonstrate consideration of local governments' population projections to ensure that the 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. This revision encourages the school system to use the higher of either projections provided by the Department of Education or the County in their capital facilities planning to help ensure that the County's needs are not underestimated.

Policy 2.1 is proposed for modification to provide more flexibility to the Miami-Dade Public School System to allow the siting of new public schools closer to the Urban Development Boundary (UDB), and to allow the school system to purchase and "land bank" sites for future schools in the Urban Expansion Area (UEA) under certain conditions.

Policy 2.3 is proposed for modification to expand the current policy of encouraging the joint-use of public recreation areas between the County and the School Board to include the collation of public schools with libraries and other facilities as required by Section 163.3177 (6)(a), F.S.

New Policy 2.7 is proposed to improve coordination between the County and Miami-Dade Public Schools by promoting mechanisms to address school siting issues early in the Educational Facilities Review process.

New Policy 6.5 is proposed to ensure that the impact fee structure in the Educational Facilities Impact Fees Ordinance is periodically reviewed to reflect the full cost of developing new schools and expansions of existing ones.

New Policy 6.6 is proposed to improve coordination between the County and Miami-Dade Public Schools to provide more specific criteria for assessing off-site public facility improvements.

## 5. ADDITIONAL MATERIAL SUBMITTED:

Report titled "Supporting Information For Application Requesting Amendments to the CDMP Addressing Intergovernmental Coordination and Location of Public Schools".

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# SUPPORTING INFORMATION

**FOR THE**
**APPLICATION REQUESTING AMENDMENTS**
**TO THE CDMP ADDRESSING**
**INTERGOVERNMENTAL COORDINATION AND**
**LOCATION OF PUBLIC SCHOOLS**

**April 1999**

Miami-Dade County Department of Planning and Zoning
1220 Stephen P. Clark Center
111 NW First Street
Miami, Florida 33128-1972
(305) 375-2835

## Preface

This report presents background information on which the recommended amendments to the Comprehensive Development Master Plan (CDMP) are based. In recent years related, but separate, amendments to State statutes were adopted by the Florida Legislature. The first set of changes occurred in 1996 when the legislature revised provisions of the Intergovernmental Coordination Element (ICE) in Section 163.3177(6)(h), Florida Statutes (F. S.). These include requirements for the ICE to address the following: 1) Establish procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas; 2) Recognize university campus master plans; 3) The ICE may provide for a voluntary dispute resolution process for bringing closure to intergovernmental disputes; and 4) Provide for establishment, by interlocal agreement or other formal agreement, of joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities of countywide significance including locally unwanted land uses. The Florida Department of Community Affairs (DCA) has established a schedule for all local governments to submit the necessary plan amendments and accomplish their adoption. The schedule established late this year by DCA requires Miami-Dade County to adopt any necessary ICE-related amendments by October 1999.

The second set of changes occurred in 1998 and added requirements that local government comprehensive plans must include certain criteria providing for the location schools proximate to urban residential areas and encouraging the collocation of schools with public facilities, such as parks, libraries, and community centers. Failure of local governments to address these provisions by October 1999 may result in a prohibition to future plan amendments until the requirements are met.

In order to enable compliance with the foregoing statutory revisions and statutory provisions that authorize the processing of CDMP amendments outside the County's normal April and October CDMP application filing periods, the Board of County Commissioners amended the County's Codified CDMP amendment procedures by adopting Ordinance No. 99-30 on March 18, 1999, to enable special applications to be filed in these instances. Additionally, by Resolution No. R-239-99, the Board authorized the filing of a special amendment to address the ICE element requirements. The following schedule of activities was adopted by the Board for the filing and processing of a special amendment application addressing the ICE requirements. Because of the overlapping subject matter and deadlines for addressing the new school siting criteria requirements, the subject special application was expanded to address both sets of legislative requirements.

Special Amendment Schedule

| Activity | Date |
|---|---|
| Publish ICE Amendment Application and Initial Recommendation of the Department of Planning and Zoning | March 30, 1999 |
| Planning Advisory Board (Local Planning Agency) Transmittal Public Hearing | April 1999 |
| Board of County Commissioners Transmittal Public Hearing | May 1999 |
| DCA Issuance of Objections, Recommendations and Comments (ORC) Report | August 1999 |
| Department of Planning and Zoning Recommendation | (2 weeks prior to Final Revised PAB Public Hearing) |
| Planning Advisory Board (Local Planning Agency) Public Hearing and Final Recommendations | September 1999 |
| Board of County Commissioners Public Hearing and Final Action | October 1999 |

## Introduction

This report reviews the requirements of the revised sections of Florida's comprehensive planning Statutes, specifically Section 163.3177(6)(h), F.S., pertaining to the Intergovernmental Coordination Element (ICE) and Section 163.3177(h)(a), F.S., concerning requirements in the Land Use Element for criteria addressing location of schools. It also identifies existing Comprehensive Development Master Plan (CDMP) provisions that may address these requirements and describes the amendments to the CDMP proposed to satisfy the statutory requirements.

The report is organized as follows. First, each ICE statutory paragraph or subparagraph is cited (e.g. s.163.3177(6)(h)1, 1a., 1b., 1c. and 2, F.S.), followed by the verbatim text of that paragraph, including a brief legislative history of that paragraph, if relevant, or other pertinent background information. This is followed by a subsection addressing "County Relevant Issues" which briefly identifies local issues currently relevant to the particular statutory provision. The next subsection titled "CDMP Status" identifies and recites existing CDMP objectives and policies which already address the particular statutory provision. The next subheading titled "Relevant County Initiatives/Activities" identifies whether or not the County is currently engaged in an activity that may address the particular statutory provision or paragraph, even though the CDMP may not reference this activity. The final subsection titled "Required Action," identifies specifically what amendments are proposed to the CDMP ICE and other elements to address possible deficiencies.

## ICE Statutory Provision s.163.3177(6)(h)1, F.S.

This section of the statute requires "an intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region or the state comprehensive plan, as the case may require."

The statutory language cited above is identical to the language in the original 1985 Growth Management legislation amending Chapter 163, F.S. In 1993, this paragraph was amended to remove references to "school boards and other local governments providing services but not having regulatory authority over the use of land." In 1996, the language was amended back to the original 1985 version (shown above). Therefore, this paragraph is considered unchanged since the 1988 update of the CDMP.

The existing ICE Element of the CDMP was written and found in compliance with the provisions of this paragraph. Since the language in this paragraph is nearly identical to paragraph

s.163.3177(6)(h)2, the provisions of this paragraph will be addressed later in this report along with paragraph (6)(h)2.

### ICE Statutory Provision s.163.3177(6)(h)1.a., F.S.

This section requires that "the intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially, but not exclusively, for the purpose of annexation, municipal incorporation, and joint infrastructure service areas." Paragraph 1.a. originated from the 1993 amendments to ICE statute. In 1996 this paragraph was amended to add "municipal incorporation".

### Relevant County Issues

Miami-Dade County has a Home Rule Charter which grants certain authority in local affairs to the County which are usually reserved to the State. For example, pursuant to the Miami-Dade County Home Rule Charter, the County has the authority to change the boundaries of municipal corporations, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within the county, whether such governmental units are created by the Constitution or the Legislature.

Section 20-1 through 20-9 of the Code of Miami-Dade County outlines the specific formal procedures for municipal annexations. These procedures apply to boundary changes initiated by the Planning Advisory Board (PAB), the Board of County Commissioners (BCC), by a governing body of municipality, and by individuals or groups. Also identified are procedures concerning consideration of proposed boundary changes by the PAB and BCC after public hearing and election addressing boundary changes, if required. Also, Chapter Section 20-20 through 20-24 of the Code of Miami-Dade County outlines the specific formal procedures for municipal incorporations. The procedures include the petition for incorporation initiated by an individual or group, the initial consideration of the petition, the PAB's and Board of County Commissioner's consideration of the petition, and call for election of electors if required by the Commission, and appointment of a charter commission.

Interest in incorporation in Miami-Dade County has changed since the ICE was originally adopted in 1988. From only three petitions for new cities in Miami-Dade's first thirty-six years, the number of requests for incorporation or studies for incorporation has grown to ten in the last seven years.

### CDMP Status

In the current ICE, the following objective and policy encourages the use of formal agreements and states the guidelines for analyzing annexations, or municipal boundary changes:

ICE Objective 3. Encourage the use of interlocal agreements and municipal boundary changes to provide coordination of local development and the effective and efficient delivery of local services.

ICE Policy 3B. - Utilize the following guidelines in analyzing the appropriateness of municipal boundary change proposals:

- Comparative ability of County and city to provide adopted or proposed levels of service within the proposed area of change, apace with projected development.
- Comparative County and city governmental cost to owners of typical properties within the entire jurisdiction.
- Comparative County and city net fiscal impacts based on analysis of estimates of facilities and services expenditures and major sources of revenue associated with the subject area.
- Consistency of development proposed for the area with County and city comprehensive plans.
- Geographical contiguity and logic of existing and proposed jurisdictional boundaries.

There are no policies in the CDMP which address the establishment of procedures regarding municipal incorporation.

The following policies discuss joint planning areas and coordination with non-County regional agencies providing services to Miami-Dade County; and encourage the use of formal agreements for coordinated planning of public facilities and services.

ICE Policy 2C. - Dade County shall coordinate with the following non-County entities having services planning and provision responsibilities in Dade County with respect to refining and adjusting areawide and unincorporated area local Levels of Service:

- State and federal roadways - Florida Department of Transportation
- Drainage - South Florida Water Management District
- Potable water supply - South Florida Water Management District
- Regional policies - South Florida Regional Planning Council

ICE Policy 3C. - Encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services.

ICE Policy 5B. - Dade County shall work with the South Florida Water Management District to coordinate Surface Water Improvement Management plans with Dade County plans and programs.

**Relevant County Initiatives/Activities**

As previously noted, Section 5.04 and 5.05 of the Miami-Dade County Home Rule Charter authorizes the Board of County Commissioners the power to change boundaries and create new municipalities. Also, Chapter 20 of the Code of Miami-Dade County outlines specific formal procedures for annexations, and municipal incorporations.

Miami-Dade County is continuing to deal with the issue of incorporation and annexation. The County Manager has recommended to the Board of County Commissioners that the impact of piecemeal incorporations in the unincorporated area be addressed. The County Manager has proposed that all new cities continue to receive certain services from the County (e.g. specialized police; solid waste; fire-rescue; library) and that methods be developed to mitigate any adverse fiscal impact that would occur to the remaining unincorporated area revenue base if the new city is created.

Over the past few years, several matters have warranted the need for joint planning review by various impacted jurisdictions and agencies. Several working groups/committees have been formed to review these certain issues. Some of these groups include the Key Biscayne Area working group involving several jurisdictions, established by the legislature, and the Lake Belt Committee, also established by the Legislature, administered by the South Florida Water Management District.

**Required Action**

No amendments to the CDMP are proposed addressing this subsection. The Miami-Dade County Home Rule Charter and the Code of Miami-Dade County outline the procedures established for annexations and municipal incorporations. The Board of County Commissioners is currently reviewing these procedures, among other fundamental governance issues, outside of the CDMP process as authorized by the Charter. It is not necessary that new procedures be established in the comprehensive plan.

**ICE Statutory Provision s.163.3177(6)(h)1.b, F.S.**

This provision states that "The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 240.155." This paragraph was appended to the statute in 1993, and was modified in 1996 to make the recognition of campus master plans mandatory. Campus master plans apply to all universities in Florida's State University System. In Miami-Dade County there is one state university, Florida International University (FIU), with two campus sites. The Board of Regents is required to prepare and adopt

a master plan for the campus of each institution. The master plan must identify general land uses and address the need for, and plan for, provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water and recreation and open space for a 10 to 20 year period. The FIU 1994-2004 Master Plan was adopted 1994 for both the University Park and North Miami campuses.

**CDMP Status**

The CDMP currently does not address the specific recognition of campus master plans. However, there is a reference to the Florida Board of Regents in ICE Table 2, which lists them as an intergovernmental coordination participant among regional, state and federal agencies.

**Relevant County Initiatives/Activities**

Miami-Dade County and the Board of Regents, for FIU, entered into a Campus Development Agreement on October 24, 1996 pursuant to s. 240.155, F.S.. The campus plan in effect covers a ten-year period, from 1994 until 2004. The Campus Plan was reviewed and accepted by the Development Impact Committee, the Planning Advisory Board by resolution on September 12, 1996, and the Board of County Commissioners on October 8, 1996 pursuant to Resolution R-1171-96. The agreement is intended to implement the concurrency requirements contained in the CDMP and s. 240.155 (11)-(15), F.S.; ensure that adequate public facilities such as potable water, sanitary sewer, solid waste, parks and recreation, roads, and public transportation are available consistent with the levels of service established in the CDMP; and to mitigate the proposed campus development impacts reasonably expected over the term of the campus development agreement on public facilities and services, including the concurrency services. The agreement essentially recognizes the FIU 1994-2004 Master Plan, and finds that the proposed development in the Master Plan is consistent with the CDMP.

**Required Action**

Since the CDMP does not specifically acknowledge campus master plans, a new policy is proposed. This new policy recognizes campus development master plans prepared pursuant to Section 240.155, F.S., as required by Section 163.3177 (6)(h) 1.b, F.S., by referencing the Campus Development Agreement executed between the Board of Regents and Miami-Dade County in 1996.

The proposed policy is as follows:[1]

1R. Miami-Dade County and the Florida Board of Regents, on behalf of Florida International University, shall abide by the Campus Development Agreement, executed between the Florida Board of Regents and Miami-Dade County on

[1] Underlined words are proposed additions to the CDMP as amended through March 16, 1999. Words ~~dashed-through~~ are proposed deletions to the CDMP all other words exist in the Plan and will remain unchanged.

October 24, 1996, implementing the requirements of Section 240.155(11)-(15), F.S., regarding campus master plans. The Campus Development Agreement may be amended from time to time pursuant to Section 240.155(19), F.S.

It is also proposed that a new monitoring measure be added evaluate implementation of the Campus Development Agreement between the County and the Board of Regents.

Under Monitoring Program, page VIII-12, under "Other Appropriate Intervals" heading, add a new monitoring measure as follows:

Status of off-site improvements completed pursuant to executed Campus Development Agreements.

**ICE Statutory Provision s.163.3177(6)(h)1.c., F.S.**

This provision states that "The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose."

The language above replaced the previous 1993 provision in 1996 which made local government's use of the South Florida Regional Planning Council's (SFRPC) dispute resolution process mandatory. The current language is now permissive, or optional, in its approach.

The dispute resolution process was created by Section 186.509, F.S., to establish an approach for dispute resolution and mediation in reconciling differences related to planning and growth management issues between local governments, regional and private interests. The SFRPC Dispute Resolution Process can be used to resolve disputes involving extra jurisdictional impacts, inconsistencies between port master plans and local comprehensive plans; siting of community residential homes; and any other matters covered by statutes that reference this process. This collaborative process consists of the basic components of initiation/response letters and a settlement meeting and the optional components of pre-initiation meeting, situation assessment, mediation, advisory decision making and reference to other dispute resolution processes, such as, judicial, administrative, or arbitration proceedings. The intent of this Statute is to provide an approach for reconciling differences that will clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; facilitate a flexible use of procedures; allow the appropriate involvement of affected and responsible parties; and provide as much certainty as possible. The SFRPC has adopted Chapter 29J-3 which establishes a voluntary regional dispute resolution process for use in Broward, Miami-Dade and Monroe Counties.

**CDMP Status**

The CDMP ICE currently contains the following two policies which generally address mediation and dispute resolution of intergovernmental disputes:

> ICE Policy 1I. Dade County shall increase the use of the informal coordination mechanisms of the South Florida Regional Planning Council to continually facilitate intra regional coordination and to mediate the resolution of regional conflicts, as needed.
>
> ICE Policy 1L. Make use of formal and informal mediation processes when possible to resolve disputes arising from amendments to the Miami-Dade County Comprehensive Development Master Plan.

**Relevant County Initiatives/Activities**

None.

**Required Action**

A revision to Policy 1I is proposed to clarify that the use of the SFRPC voluntary dispute resolution process will be the County's preferred mechanism to bring closure in a timely manner to intergovernmental disputes among the various alternative procedures available to it.

The policy is proposed for revision as follows:

> 1I. Miami-Dade County shall utilize ~~increase the use of the informal coordination mechanisms of~~ the South Florida Regional Planning Council's dispute resolution process when necessary to ~~continually facilitate intraregional coordination and~~ mediate the resolution of ~~regional~~ conflicts with other local governments and regional agencies~~, as needed~~. The County may use alternative procedures whenever appropriate for the matter of imminent dispute, including agreements authorized by Section 163.3171(4), F.S., or other non-judicial approaches.

It is also proposed that the following monitoring measure be modified:

> In the ICE Element Monitoring Program, page VIII-11, under the "Biennially" heading, modify monitoring measure as follows:
>
> Use ~~Usage~~ of ~~informal or formal mediation~~ dispute resolution process when necessary to resolve disputes (Objective 1).

## ICE Statutory Provision s.163.3177(6)(h)2, F.S.

Section 163.3177(6)(h)2 states that "the intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements." This paragraph was added in 1993 and amended in 1996 to add the one year provision for establishing interlocal/formal agreements.

## CDMP Status

**Coordination with Miami-Dade Public School System (School Board).** The CDMP contains a number of existing policies addressing coordination of the CDMP with the School Board's plans, including collaborative planning and decision-making on population projections and public school siting. Of particular note is the Educational Element in general, and Educational Element Policy 1.7 in particular, which calls for the School Board's use of the CDMP's population projections as a basis for projecting school enrollment. The CDMP policies addressing coordination with the plans of the School Board include:

> ICE Policy 1H. Continue coordination with the Dade County School Board (DCSB) through the implementation of the Educational Element of the Comprehensive Development Master Plan, the Joint DCSB/BCC School Overcrowding Working Group, the Public Schools Impact Fee, school site acquisition reviews and other appropriate means.
>
> Educational Policy 1.6. School Board comments shall be sought and considered on comprehensive plan amendments and other land use decisions which could impact the school district, as provided for in Chapter 235.193(2), F.S.
>
> Educational Policy 1.7. Capital improvement programming by the Dade County Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis.
>
> Educational Policy 2.1. It is the policy of Metro-Dade County that the Dade County Public School System should not purchase sites for schools nor build new schools outside

of the Urban Development Boundary (UDB), and that new elementary schools should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located one mile inside the UDB.

Educational Policy 2.2. In the selection of sites for future educational facility development, the County encourages the district to consider whether a school in that location would provide a logical focal point for community activities.

Educational Policy 2.5. When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services.

Educational Policy 2.6. When considering a site for possible use as an educational facility the district should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility.

Educational Objective 6. The establishment and implementation of mechanism(s) for ongoing coordination and communication between the School Board, the County, and other appropriate jurisdictions, to ensure the adequate provision of public educational facilities.

Educational Policy 6.1. The County shall coordinate and cooperate with Dade County Public Schools, the State, municipalities and other appropriate agencies to develop or modify rules and regulations in order to simplify and expedite proposed new educational facility developments and renovations.

Educational Policy 6.2. The location of future educational facilities should occur where capacity of other public facilities and services is available to accommodate the infrastructure needs of the educational facility.

Educational Policy 6.3. The Dade County Public School System should coordinate school capital improvement plans with the planned capital improvement projects of other County and municipal agencies.

Educational Policy 6.4. The County shall cooperate with the Dade County Public School System in their efforts to ensure that they are not obligated to pay for off-site infrastructure in excess of their fair share of the costs.

Educational Policy 6.5. The County shall coordinate with the Dade County Public School System and local governments to eliminate infrastructure deficiencies surrounding existing school sites.

Educational Policy 6.6. The County and the Dade County Public School System shall coordinate efforts to ensure the availability of adequate sites for the required educational facilities.

Educational Policy 6.7. The County and the Dade County Public School System shall coordinate the appropriate roles and responsibilities of affected governmental jurisdictions in ensuring the timely, orderly and efficient provision of adequate educational facilities.

Educational Policy 6.8. Metro-Dade County will account for the infrastructure needs of new, planned or expanded educational facilities when formulating and implementing its own capital improvement plans.

**Coordination Between County Service Providers and Local Jurisdictions and Other Governmental Entities.** In the Introduction of the Intergovernmental Coordination Element (ICE), Table 1 lists all municipalities within Miami-Dade County, and the three adjacent counties and the adjacent municipalities within these counties, and Table 2 lists the major regional, State and federal entities with which Miami-Dade County must coordinate its planning and growth management. Two Districts are mentioned herein, the South Florida Management District and the Florida Inland Navigation District.

ICE Objective 1. Maintain and improve coordination of planning, development and impact assessment among governmental entities with applicable responsibilities within Dade County's area of concern.

ICE Objective 3. Encourage the use of interlocal agreements and municipal boundary changes to improve coordination of local development and the effective and efficient delivery of local services.

ICE Policy 3A. Promote the use of county-city interlocal agreements to provide for extrajurisdictional service deliveries where efficiency and effectiveness can be enhanced.

ICE Policy 3D. Development activities shall adhere to the guidelines, policies and provisions of applicable interlocal agreements.

ICE Policy 3E. Encourage the creation or development of a State and/or regional finance corporation that is empowered to enter into interlocal agreements with cities and counties to increase available credit for new and expanding businesses.

Regarding the siting of local facilities, including locally unwanted land uses (LULUs), the following CDMP policies are relevant:

ICE Policy 3C. Encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services.

ICE Policy 3F. Continue to maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County.

**CDMP Statement of Legislative Intent Par. B.** It is the further intent of the Board of County Commissioners that the right of all municipalities in Dade County to enact and administer comprehensive planning and land development regulation programs to govern development-related activities solely within their respective incorporated jurisdictional boundaries as provided by Chapter 163, Part 2, Florida Statutes, is generally reserved and preserved to the municipalities. The CDMP shall not supersede authority of incorporated municipalities to exercise all powers relating solely to their local affairs as provided by the Metro-Dade County Charter, provided that the following fundamental growth management components of the CDMP that are necessary to carry on a central metropolitan government in Dade County shall serve as minimum standards for zoning, service, and regulation to be implemented through all municipal comprehensive plans and land development regulations:

1. The Urban Development Boundary (UDB), Urban Expansion Area (UEA) Boundaries, and the CDMP provisions which prescribe allowable land uses and public services and facilities outside the UDB;

2. The Policies for Development of Urban Centers contained in the text of the Land Use Element;

3. The Population Estimates and Distributions as mapped in the Land Use Element; and

4. Policies which provide that the County shall maintain and utilize its authority provided by the Metro-Dade County Charter to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County.

**Relevant County Initiatives/Activities**

The relevant County initiatives and activities pertaining to the statutory requirements of this paragraph are described hereafter:

**Coordination with Miami-Dade County Public Schools (School Board).** Despite such efforts as a 1988 $980 million bond issue for the construction of new public schools, and more recent developments such as the adoption of the School Impact Fee Ordinance in 1995, many of Miami-Dade County's public schools remain overcrowded. Such factors as Hurricane Andrew in 1992 and continued high rates of school-aged population growth have slowed progress in achieving overcrowding reduction goals. In response, Miami-Dade County and Miami-Dade County Public Schools have increased coordination efforts and are committed to cooperatively seek solutions to the overcrowding problem.

Ensuring that public school facilities are sited in a manner that conforms with other planning objectives is also 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 often limits the School Board's ability to site new schools in optimum locations. In addition, the impacts of new schools on other public facilities and infrastructure must be considered as well.

Miami-Dade County and Miami-Dade County Public Schools have increased coordination efforts and are committed to cooperatively seek solutions to the overcrowding problem. On April 18, 1995, Miami-Dade County adopted an ordinance imparting an impact fee on all new residential development to fund the additional educational facilities required by continued growth and development. Further, the two entities have adopted the Educational Element, which has been included in the CDMP. This Element lays the groundwork for increased intergovernmental coordination between the County and the School Board. In addition, the Miami-Dade Board of County Commissioners and School Board have established the Joint School Overcrowding Working Group to facilitate intergovernmental coordination efforts and identify strategies to reduce school overcrowding. This Group, established in 1996, continues to meet on an as-needed basis. For many years now, the School Board has contracted with the County to provide school enrollment projections based on Countywide population projections consistent with the CDMP. The School Board and the County are currently in the process of renewing another contract to update the projections.

**Coordination between County Service Providers and Local Jurisdictions and Other Governmental Entities.** The Miami-Dade County Charter grants the County broad authority to provide and regulate, among others, roadways; water supply; sewage collection and disposal; solid waste collection and disposal; and parks, recreation and preservation areas. These services, most of which are subject to concurrency, are provided to unincorporated Miami-Dade as well as to local jurisdictions located within the County by the following Miami-Dade County agencies: Department of Environmental Resources Management (DERM), Park and Recreation Department, Public Works Department, the Water and Sewer Department, and the Solid Waste Management Department. Not all local jurisdictions choose to utilize the County-provided services. Those that do, usually enter into interlocal agreements or other types of contractual arrangements with the County. As described in the following sections, these arrangements also serve as the primary mechanism of coordination between the County service providers and the participating local jurisdictions. In addition, the subject of facility siting, including locally unwanted land uses (LULUs), is addressed in the following sections when applicable.

- **Department of Environmental Resources Management (DERM)**

  Miami-Dade DERM is responsible for drainage permitting in local jurisdictions, unincorporated areas and for all schools. The Department also oversees water and sewer concurrency and the preservation of

warranted areas. To effectively and responsibly fulfill these functions, the Department uses the following intergovernmental mechanisms:

a. Miami-Dade County Home Rule Charter, in particular, sections of Article 1, Powers, and Article 6, Parks, Aquatic Preserves, and Preservation of Lands, apply to DERM;

b. Miami-Dade County Code provisions, including stormwater management provisions of Chapter 24 of the Code; and

c. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (DERM) and other units of local government. The following are the pertinent types of interlocal agreements that have been executed to date:

- Master operating agreement with the SFWMD, through the Board of Governors, delegating to DERM/Miami-Dade County control over the surface water management program, including the surface water permitting process.

- Utility agreements used when local jurisdictions wish to join the County's stormwater management utility.

- Interlocal agreements with local jurisdictions contracting with the County for canal maintenance.

- National Pollutant Discharge Elimination System (NPDES) agreements with local jurisdictions allow the cost sharing of the mandated NPDES monitoring program. Thus far, 22 local jurisdictions and the Florida Department of Transportation (FDOT) have joined in.

- A service oriented interlocal agreement with FDOT that allows DERM to perform certain professional duties for the local FDOT district office. Some of the duties include, but are not limited to, stormwater management and inspection and GIS mapping.

◆ **Park and Recreation Department**

The Miami-Dade County Park and Recreation Department is primarily responsible for the management of parks and recreation areas and activities in unincorporated Miami-Dade County. In addition and as noted below, the Department may, through contractual arrangements or agreements, also be responsible for the operation and maintenance of related facilities within local jurisdictions. To effectively and

responsibly fulfill these functions, the Department uses the following intergovernmental mechanisms:

a. Miami-Dade County Home Rule Charter, in particular, Article 1, Policy 1.01(7), Powers, states that the County has the authority to "provide parks, preserves, playgrounds, recreation areas...and other recreational and cultural facilities and programs".

b. Certain contracts are used for matters that do not require formal interlocal agreements. Examples include, among others: (1) contracts for the operation of municipal facilities by the County; and (2) contracts for the provision of professional and technical assistance to the municipalities by the County.

c. The State Management Transfers for CARL properties provides the management of some of these properties may be delagated/tranferred to Miami-Dade County.

d. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Park and Recreation Department) and other units of local government and the Miami-Dade County Public Schools. The following are the pertinent types of interlocal agreements that have been executed to date:

- Joint Use Agreements such as the one with the Miami-Dade County Public Schools allows the execution of the following additional type of agreements:
  - Lease Agreements for schools adjacent to park property.
  - Agreements for construction of public parks and recreation areas on school properties or vice versa.
- Agreements of Conveyance are used by the County to convey park property to local jurisdictions.

♦ **Public Works Department**

Miami-Dade Public Works Department is primarily responsible for the construction and maintenance of County roads throughout Miami-Dade County and the administration of the County's roadway impact fee program. The Department also has countywide jurisdiction on the issuance of permits for traffic-related signs, signals and pavement

markings. To effectively and responsibly fulfill these functions, the Department uses to the following intergovernmental mechanisms:

a. The Miami-Dade County Home Rule Charter, in particular, Section 1.01(9), Powers, states that the County has the authority to "provide and regulate arterial, toll, and other roads, bridges, tunnels and related facilities..."

b. Miami-Dade County Code provisions, including those related to road impact fees and the regulating and permitting of signals, signs and paving marking.

c. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Public Works Department) and participating units of local government. The following are the pertinent types of interlocal agreements that have been executed to date:

   - Construction and reimbursement agreements.

   - Agreements with new local jurisdictions for the transferring of County roads.

d. Resolutions of the Miami-Dade Board of County Commissioners related to the transfer of County maintained roads to municipalities (e.g.. NE 10 Avenue within the Village of Miami Shores).

♦ **Solid Waste Management Department**

Miami-Dade Solid Waste Management Department is primarily responsible for the provision of solid waste disposal services for unincorporated Miami-Dade County and for participating local jurisdictions. To effectively and responsibly fulfill these functions, the Department uses to the following intergovernmental mechanisms:

a. The Miami-Dade County Home Rule Charter, in particular, Section 1.01(9), Powers, states that the County has the authority to "provide and regulate waste...collection and disposal..."

b. Miami-Dade County Code, Section 15-13, authorizes the Department to continue collecting and disposing of all residential waste from any area incorporated after February 16, 1996. In addition, for areas annexed to municipalities after February 16, 1996, the Code authorizes the Department to continue collection and disposal or enter into an agreement.

c. Contracts for collection and disposal such as the one with the City of Sweetwater.

d. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Solid Waste Department) and participating units of local government. The following are the pertinent types of interlocal agreements that have been executed to date:

- Twenty-year interlocal agreements with the municipalities for the provision of solid waste disposal (until October 1, 2015). This "standard agreement", which was drafted with the assistance of the Miami-Dade League of Cities, has, until now, been duly executed between the County and eighteen (18) of its local jurisdictions, including the City of Miami.

- Interlocal agreements for collection and disposal of recently municipally annexed areas and new municipalities (i.e. interlocal agreement with the City of Coral Gables for the annexed area, commonly referred to as Snapper Creek Lakes).

- Interlocal agreements to supplement municipal curb recycling program (i.e. interlocal agreement with the City of South Miami).

- Lease agreements (i.e. interlocal agreement with the City of Coral Gables, landlord, for facility located at 2800 SW 72 Avenue.).

- Grant agreements such as the following:

  - Remediation and Closure of municipal solid waste facilities grant agreements (i.e. interlocal agreement with the City of North Miami for the Munisport Landfill).

  - Implementation of mandated monitoring program of closed solid waste facilities grants (i.e.. interlocal agreement with the City of Homestead to monitor a closed Class II Landfill).

  - Joint application for recycling education grant agreement (signed by Miami-Dade County and 25 municipalities).

All municipalities entering into disposal agreement with Miami-Dade County get assurances that capacity will always be available for them to meet any concurrency requirement.

Given the size and available capacity of its own facilities, the Department is not contemplating the construction of any new facilities which, by nature, are commonly viewed as LULUs. The Department will instead focus on a series of improvements to the existing facilities at their current location.

- **Miami-Dade Water and Sewer Department**

  The Miami-Dade Water and Sewer Department is the primary provider of potable water and wastewater treatment and disposal service in the County. It provides potable water and sewer collection to all municipalities with the exception of those that have their own facilities and can satisfy their internal demand, and is primarily responsible for the treatment disposal of wastewater for unincorporated Miami-Dade County and most local jurisdictions. To effectively and responsibly fulfill these functions, the Department uses to the following intergovernmental mechanisms:

  a. The Miami-Dade County Charter, in particular, Section 1.01(9), Powers, states that the County that the County has the authority to "provide and regulate...sewage collection and disposal and water supply..."

  b. Conditional Release of Service Area, which is done on a case (property) by case basis, consists of the County conditionally releasing a property from County service area so that it could be served by a geographically closer facility belonging to a local jurisdiction.

  c. Interlocal agreements which are the result of extensive negotiations and collaborative efforts between the County (Water and Sewer Department) and participating units of local government. Please note that the County is not required to enter into an agreement with a municipality, if the city lies within the Department's service area. The following are the pertinent types of interlocal agreements that have been executed to date:

     - The following are the two types of service agreements/contracts with local jurisdictions:

       - A service agreement/contract for the provision of potable water (e.g. service contract between Miami-Dade County and City of Hialeah Gardens providing for the rendition of potable water service by WASD).

       - A service agreement/contact for the provision of sewer service (e.g. sewage service contract between Miami-Dade County and City of Opa Locka).

- Lease agreements (e.g. lease agreement entered with the City of Hialeah Gardens to use the City's water main system).
- Interlocal agreements are also used under special circumstances such as the expansion of the sewage system of the Village of Key Biscayne and the expansion of the municipal facility in Homestead.

Regarding County facilities, the County is embarking in an authorized expansion plan of its water and sewer facilities, including the addition of an already permitted regional plant in south Miami-Dade, with the goal of meeting future projected needs. The expansion and addition of facilities by the Department follow the rigorous permitting and coordination processes primarily mandated by the South Florida Water Management District and Miami-Dade DERM. In addition, the Department adheres to the language of exiting ICE Policies 3C and 3F.

**Required Action**

**Amendments to the Educational Element of the CDMP.** While Section 163.3177(6)(h), F.S., calls for collaborative planning between local governments and public schools related to population projections, Section 235.193(2), F.S. was also amended in 1998 which references enrollment projections. This section states that the School Board shall use Department of Education enrollment projections when preparing the 5-year district facilities work program while also demonstrating consideration of local government population projections. In recognition of this statutory provision, the following amendments to the Educational Element are proposed. Additional amendments to the ICE are described in the following section.

Revise Policy 1.7 under Objective 1 to read as follows:

1.7 Capital improvement programming by the Miami-Dade Public School System should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize the CDMP population projections as a basis in addition to the enrollment projections provided by the Department of Education (DOE). Where the figures differ, the School System should plan for the higher of the two projections.

Further revisions to the Educational Element are proposed to ensure that the location of new public school facilities conforms with other County planning objectives while providing the School Board with the flexibility necessary to ensure the availability of adequate sites.

Add a new Policy 1.8 under Objective 1 to read as follows:

1.8 It is the policy of Miami-Dade County that the Miami-Dade Public School System should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective 1),

followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

Revise Policy 2.1 under Objective 2 to read as follows:

2.1 It is the policy of ~~Metro~~ Miami-Dade County that the Miami-Dade County Public School System should not purchase sites for schools, except as provided in this policy, nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ mile inside the UDB, and; new senior high schools should be located one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as possible from the UDB. Further, the Miami-Dade County Public School System may acquire and land bank sites outside of the UDB but within an Urban Expansion Area (UEA) adjacent to CDMP-designated Residential Communities to help ensure that well-located school sites will be available if and when such areas are brought into the UDB. This should occur only after the school siting needs of areas inside the UDB are satisfied, and any site purchased and banked outside the UDB for future elementary schools should be located ¼ mile inside the outer boundary of the UEA; sites banked for future middle schools should be located ½ mile inside the UEA boundary; and sites banked for future senior high schools should be located substantially 1 mile inside the UEA boundary.

Add a new Policy 2.7 under Objective 2 to read as follows:

2.7 Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public School System in their effort to update the "Process/Procedures Manual" for public school siting reviews to help accomplish the objectives and policies of this and other elements of the CDMP. The County shall cooperate with the Public School System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

Add new Policy 6.5 under Objective 6 to read as follows:

6.5 The County and Miami-Dade Public School System shall periodically review the Educational Facilities Impact Fee Ordinance to ensure that the full costs associated with the development of public school capacity (new schools and expansion of existing ones) are properly reflected in the impact fee structure. The next review shall occur no later than December 31, 2002.

Add new Policy 6.6 under Objective 6 to read as follows:

6.6 The County shall coordinate with the Miami-Dade County Public School System in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.

**Intergovernmental Coordination Element (ICE) of the CDMP.** Consistent with the proposed revision to Education Policy 1.7, and to address the requirements of Section 163.3177 (6)(h) 2, F.S., for establishing interlocal or other formal agreement joint processes for considering population projections, the following new policy is proposed for the ICE.

Add a new Policy 1S under Objective 1 as follows:

1S. By November 2000, Miami-Dade County shall enter into an interlocal agreement with the Miami-Dade County Public School System as required by Section 163.3177(6)(h)2, F. S., to ratify future enrollment projection guidelines established in Educational Element Policy 1.7.

A new policy is proposed to foster compatible development character along boundaries between municipalities and unincorporated areas through an ongoing planning process to review and address issues of mutual interest along municipal boundaries.

Add a new Policy 3G under Objective 3 as follows:

3G. Miami-Dade County will maintain, as a particular area of attention in its planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Formal agreements to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.

A new policy is proposed to express County policy regarding coordination between the County's adopted comprehensive plan and the water supply and management planning conducted by the South Florida Water Management District pursuant to Section 163.3177(6)(h) 2, F.S.

Add new Policy 4F under Objective 4 to read as follows:

4F. It is the policy of Miami-Dade County that the South Florida Water Management District (SFWMD) shall recognize in its water supply and management planning and permitting processes, Miami-Dade County's adopted population projections, spatial characteristics of the CDMP Land Use Plan map, and policies of the CDMP Land Use, Conservation and Coastal Management Elements. It is further County policy to accommodate future population and economic growth by utilizing the range of water supply technologies outlined under CDMP Water and

Sewer Element Objective 6, including traditional sources from expanded and/or new Biscayne Aquifer wellfields, Floridian Aquifer storage and recovery (ASR) techniques, and other alternatives including advanced technologies.

### ICE Statutory Provision s.163.3177(6)(h)3, F.S.

Section 163.3177(6)(h)3 states that "to foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415."

This provision does not require a change or amendment to the CDMP ICE; it is simply declaring that to foster cooperation between special districts and local government, special districts must submit a public facilities report to appropriate local governments as is already required in s. 189.415, F.S. It requires no County action.

### Future Land Use Element Statutory Provisions s.163.3177(6)(a), F.S.

Section 163.3177(6)(a), F.S. requires that the "future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the category sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use."

In 1998, this Section was amended to additionally require that the "future land use element shall include criteria which encourages the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible."

### Relevant County Issues

State acreage requirements, high land costs, and the scarcity of adequate sites all serve as constraints in the location of new public schools. Miami-Dade County and Miami-Dade County Public Schools currently coordinate efforts to ensure the compatible location of schools in urban residential areas, and to collocate schools and parks in order to reduce land acquisition costs and site size requirements.