



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

MEMORANDUM

TO: **City of Biscayne Park**

Date: July 1, 2010

Subject: Proposed Comprehensive Plan Amendment Review Objections,
Recommendations and Comments Reports

Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):

Biscayne Park 10-1ER

These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.

If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

July 2, 2010

The Honorable Roxanna Ross, Mayor
Village Hall, Village of Biscayne Park
640 North East 114th Street
Biscayne Park, Florida 33161

Dear Mayor Ross:

The Department has completed its review of the Village of Biscayne Park proposed Comprehensive Plan Amendment (DCA No. 10-1ER), which was received on April 29, 2010. Copies of the proposed amendment have been distributed by the Village to appropriate state, regional, and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes (F.S.) and has prepared the attached Objections, Recommendations, and Comments (ORC) Report which outlines our findings concerning the comprehensive plan amendment.

The Department has identified objections and a comment related to lack of required maps, inadequate policies, and internal inconsistency. My staff and I are available to assist the Village in addressing the issues identified in our report. If you have any questions, please contact Sevini Guffey, AICP, Community Planner, at sevini.guffey@dca.state.fl.us or at (850) 922-5315.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/skg

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council
Ana Garcia, Village Manager, Village of Biscayne Park
Jerry Bell, Village Consultant, Bell David Planning Group, Inc.

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♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR THE
VILLAGE OF BISCAYNE PARK
PROPOSED AMENDMENT #10-1ER

July 2, 2010
Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the Village of Biscayne Park #10-1ER proposed amendment to its Comprehensive Plan pursuant to s. 163.3184, Florida Statutes (F.S.).

The 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 or more 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 Village and corrected when the amendment is resubmitted for our compliance review. Objections that 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 that follow the objections and recommendations section are advisory in nature. Comments will not form a basis for 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 at the end of the Department's ORC 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 the basis of Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the Village of Biscayne Park has 120 days in which to adopt, adopt with changes, or determine that the Village will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F. S., and Rule 9J-11.011, F.A.C. The Village must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

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

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings 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 directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

VILLAGE OF BISCAYNE PARK

PROPOSED COMPREHENSIVE PLAN AMENDMENT #10-1ER

I. CONSISTENCY WITH CHAPTER 163, F.S., AND RULE 9J-5, F.A.C.

Village of Biscayne Park proposed Evaluation and Appraisal Report (EAR) based amendment, DCA #10-1ER was received on April 29, 2010. This EAR based amendment contains text amendments to eight (8) elements: 1) Future Land Use, 2) Housing, 3) Transportation, 4) Public Facilities, 5) Recreation and Open Space, 6) Conservation, 7) Intergovernmental Coordination, and 8) Capital Improvements and the annual update to the Capital Improvements Element.

The Department has identified the following objections, recommendations and comment to the proposed comprehensive plan amendments as they do not meet all of the requirements in Chapter 163, F.S., and Rule 9J-5, F.A.C.

OBJECTIONS AND RECOMMENDATIONS

FUTURE LAND USE ELEMENT

Objection: The Village has not submitted updated Existing and Future Land Use maps and has not updated the Village's future planning timeframe. Figure 1.3 Biscayne Park Future Land Use Map in the adopted EAR is dated January 1988.

Citations: Sections 163.3177(5)(a) and (6)(a), F.S., and Rules 9J-5.005(1)(e), (4), 9J-5.006(1) and 9J-5.006(4), F.A.C.

Recommendation: Revise the Future Land Use Element to include the Village's Existing Land Use Map and a Future Land Use Map which includes the long range planning timeframe of 2025 consistent with the long range planning timeframe established for this comprehensive plan update.

TRANSPORTATION ELEMENT

Objection: The Village has not provided Existing and Future Transportation Maps or map series showing the general location of any public transit system serving the Village, including the public transit routes and service areas, and public transit rights-of-way; designated local and regional transportation facilities critical to the evacuation of the coastal population; and existing peak hour, peak direction level of service for roads and mass transit facilities and corridors or routes that are applicable to the Village.

Citations: Sections 163.3177(1), (5)(a), (6)(a), (b), and (8), 163.3178(2)(d), F.S., and Rules 9J-5.005(1)(e), (2), (4), 9J-5.019(2)(a), (b), (5)(a), and (b), F.A.C.

Recommendation: Provide Existing and Future Transportation Maps or map series, that incorporate the applicable items stated above and include the future planning timeframe of 2025 on the Future Transportation maps or map series consistent with the long range planning timeframe established for this comprehensive plan update.

PUBLIC FACILITIES ELEMENT/POTABLE WATER SUB-ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT

Objection 1: Potable Water Sub-Element Objective 1 has a provision to provide the residents a range of 97-103 gallons of potable water per day, while the Potable Water Sub-Element Policy 1.1 has a level of service (LOS) standard of 150 gallons per person per day. Therefore, Objective 1 and Policy 1.1 are internally inconsistent.

In addition, revised Capital Improvements Element Policy 2.1 has a potable water LOS standard of 105 gallons per person per day which creates an internal inconsistency with Potable Water Sub-Element Objective 1 and with Potable Water Sub-Element Policy 1.1.

Citations: Sections 163.3177(2), (6)(a), (6)(c), (9), F.S. and Rule 9J-5.005(2), (3), (5), 9J-5.006(3)(b)1, (c)3, 9J-5.011(2)(c)2, and 9J-5.016(3)(c)4, F.A.C.

Recommendation: Revise Potable Water Sub-Element Objective 1, Potable Water Sub-Element Policy 1.1 and Capital Improvements Element Policy 2.1 to have a consistent potable water LOS standard. The LOS standard is to be supported and based on relevant and appropriate data and analysis.

Objection 2: Potable Water Sub-element Policies 2.1 and 2.2 states that the Village “will encourage” the use of low volume water fixtures and plant materials that require little or no irrigation. These policies as written do not include meaningful and predictable standards for achieving the objective of water conservation.

Citations: Sections 163.3177(6)(a), (c), (d), and (9), F.S.; and Rules 9J-5.003(90), 9J-5.005(6), 9J-5.011(2)(b)4, (2)(c)3, F.A.C.

Recommendation: Revise the Potable Water Sub-element Policies 2.1 and 2.2 to include meaningful and predictable guidelines and standards that will be applied to achieve the objective of water conservation. The policies could be written to require the usage of low volume water fixtures and require plant materials that require little or no irrigation or revise the policies to explain how the Village “will encourage” these water conservation measures.

GREENHOUSE GAS EMISSION REDUCTION STRATEGIES

Objection: Future Land Use Element new Policies 5.2 through 5.12 related to greenhouse gas emission reduction strategies states that the Village “should seek”, “may seek”, “will seek” to provide shade trees, provide plantings and landscaping in medians, provide native plants, and provide for the diversity of urban forests and tree maintenance.

Housing Element new policies 1.5, 1.6, and 1.7 related to greenhouse gas emission reductions state that the Village “will encourage” and “will consider” the incorporation of energy saving design, construction features, use of renewable building materials and green building certification program.

Transportation Element proposed Policy 5.5 related to greenhouse gas emission reduction strategies states that “The Village will seek to limit greenhouse gas emissions...”, “may seek” to designate pedestrian routes, demarcated bicycle routes, and provide benches and landscaping at bus stops.

Conservation Element new Policy 4.2 and 4.3 states that the Village “will encourage” the implementation of low impact development techniques and green building standardsand “will seek to “ limit greenhouse gas emissions.

The policies listed above as proposed, do not include meaningful and predictable standards for achieving the objective of reducing greenhouse gas emissions.

Citations: Sections 163.3177(6)(a), (c), (d), (f), and (9), F.S.; and Rules 9J-5.003(90), 9J-5.005(6), 9J-5.011(2)(b)4, (2)(c)3, and 9J-5.013(2)(b)2, and (2)(c)1, F.A.C.

Recommendation: The policies listed above should be revised to require the implementation of these strategies for reducing greenhouse gas emissions. Revise the policies to include meaningful and predictable guidelines and standards that will be applied to development to achieve the objectives. The policies should identify the guidelines and standards the Village can apply right away and include specific actions for implementing additional energy conservation measures that will take longer to implement.

COMMENT

TRANSPORTATION

Proposed Transportation Element policies under revised Objective 3 states that the Village “will seek”, “may seek”, “may consider” traffic signage, traffic circles, tables, hazardous turning movements and other recommendations as stated in the *Comprehensive Traffic Study Biscayne Park, Florida, January 2005*. The Village should revise the Transportation Element policies listed under Objective 3 to implement and apply the guidelines and standards identified by the Village in its *2005 Traffic Study*.

II. CONSISTENCY WITH CHAPTER 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

Section 187.201(7), Water Resources, Policies (b) 3, 5, 8, 9, 10, 11, 13, and 14: Ensure that new development is compatible with existing local and regional water supplies, protect aquifers, promote water conservation, and preserve flood plains and wetlands. This relates to Public Facilities/Potable Water Sub Element Objections 1 and 2.

Section 187.201(11), Energy, Policies (b) 1, 2, 3, 4, 5, 6, 7, and 8: Promote energy conservation. This relates to greenhouse gas emission reduction strategies Objection.

Section 187.201(15), Land Use, Policies (b) 2 and 6: Consider land use planning and its impacts on water quality, the availability of land, water, and other natural resources to meet demand. This relates to Public Facilities Element/Potable Water Sub-Element and Capital Improvements Element Objection 2.

Section 187.201(17), Public Facilities, Policy 7: Encourage the development, use, and coordination of capital improvement plans by all levels of government. This relates to Capital Improvements Element Objection 1.

Section 187.201(19), Transportation, Policies (b) 2, 3, 7, 8, 9, 10, 11, 13, 14, and 15: Ensure an efficient, coordinated transportation system, including mass transit and multi-modal systems. This relates to Transportation Element objection and comment.

Section 187.201(25), Plan Implementation, Policies (b) 3 and 7: Ensure that local plans implement and accurately reflect State goals and policies. This relates to all the objections.

By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.



FLORIDA DEPARTMENT OF STATE
Dawn K. Roberts
Interim Secretary of State
DIVISION OF HISTORICAL RESOURCES

June 2, 2010

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

Received via email
6/3/2010

Re: Historic Preservation Review of the Biscayne Park 10-1ER Comprehensive Plan Amendment
(Miami-Dade County)

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Biscayne Park Comprehensive Plan.

We reviewed Evaluation and Appraisal Report based text amendments to various elements of the Biscayne Park Comprehensive Plan to consider the potential effects of these actions on historic resources. The Future Land Use Element amends Objective 3 to review historic resources on an ongoing basis, and amends Policy 3.1 to coordinate with the county and this agency to conduct an updated historic resources survey and preserve identified sites and properties. Objective 2 of the Housing Element is amended to eliminate housing conditions that adversely affect the historic quality of the built environment. Policy 2.3 is similar to the above referenced Policy 3.1, but assigns a completion date for the updated survey of 2014. Lastly, in the Capital Improvements Element, new Policy 1.5 adds protective measures to the Village Hall structure.

Our cursory review suggests that the above amendments should have positive effects on the protection and preservation of historic sites and properties.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at 850.245.6333.

Sincerely,

Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

xc: Mr. Bob Dennis

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
850.245.6300 • FAX: 245.6436

Archaeological Research
850.245.6444 • FAX: 245.6452

Historic Preservation
850.245.6333 • FAX: 245.6437



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 1, 2010

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RECEIVED
JUN 04 2010
DIVISION
COMMUNITY PLANNING

Dear Mr. Eubanks:

**Subject: Village of Biscayne Park, DCA #10-1ER
Comments on Proposed Comprehensive Plan Amendment Package**

The South Florida Water Management District has completed its review of the Evaluation and Appraisal Report (EAR) based amendments from the Village of Biscayne Park (Village). The Village's potable water supplier is the City of North Miami.

The District offers the following recommendation, which we request that you include in your review comments to the Village, to assist them in fully meeting the statutory requirements for water supply and related capital improvement programming:

- Reconcile proposed water conservation and potable water Level of Service policies (Potable Water Sub-Element and Capital Improvement Element) with the adopted Water Supply Facilities Work Plan data, analysis, and related policies.

We look forward to collaborating with the Village, its water supplier, and the Department of Community Affairs in developing sound, sustainable solutions to meet the Village's future water needs. For assistance or additional information, please contact Jim Golden at (561) 682-6862 or jgolden@sfwmd.gov.

Sincerely,

Rod Braun
Director
Intergovernmental Policy and Planning Division

c: Jerry Bell, Village of Biscayne Park
Bob Dennis, DCA
Rachel Kalin, SFRPC
Marc LaFerrier, Miami-Dade County



"Suber, Tracy"
<Tracy.Suber@fldoe.org>
06/08/2010 12:01 PM

To <Sevini.Guffey@dca.state.fl.us>
cc "Villaamil, Vivian G." <VVillaamil@dadeschools.net>, "Rodriguez, Ivan M." <IRodrigu@dadeschools.net>, <Ray.Eubanks@dca.state.fl.us>
bcc

Subject Village of Biscayne Park 10-1ER

History: This message has been replied to.

Sevini –

The EAR-based amendment package includes a new policy 2.7 to respond to the school-siting minimum planning requirements. When reviewing the policy, considering the village is primarily built out, has not annexed new lands since 1988, and DCA's 2008 approval of a school concurrency exemption, I have no comment on the policy (or other proposed amendments).

Please let me know if you have any questions about the (lack of) comments.

Tracy

Tracy D. Suber
Educational Consultant-Growth Management Liaison
Office of Educational Facilities
Florida Department of Education
325 West Gaines Street, Suite 1014
Tallahassee, Florida 32399-0400
850-245-9312
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Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 4, 2010

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Received via email

June 10, 2010

RE: Biscayne Park EAR

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed comprehensive plan amendments in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the report, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the report pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2169.

Sincerely,

Christopher J. Stahl
Environmental Specialist
Office of Intergovernmental Programs

/cjs

South
Florida
Regional
Planning
Council



June 11, 2010

Received via email
6/11/2010

Mr. Mike McDaniel
Chief
Office of Comprehensive Planning
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. McDaniel:

The South Florida Regional Planning Council has completed its review of the proposed local government Comprehensive Plan amendments listed below. Consistency is determined by ensuring that the local plan amendments are compatible with and strengthen the *Strategic Regional Policy Plan for South Florida*. This review was undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes. The local government Comprehensive Plan amendments reviewed were:

- Village of Biscayne Park #10-1ER
- Broward County #10-1AR
- Islamorada, Village of Islands #10-1
- City of Pembroke Pines #10-1ARA and #10-1ARB
- City of Coconut Creek #10-1AR
- City of Margate #10-2AR
- City of Hallandale Beach #10-1AR
- City of Pompano Beach #10-2AR
- City of Hialeah #10-1AR
- City of Doral #10-2AR

Attached are the staff reports and findings. These reports constitute official action taken at the June 7, 2010 meeting of the South Florida Regional Planning Council. Staff will continue to work with the Department, local governments and other reviewing agencies through the remainder of the review process.

Thank you for your continued support during this process. If you have any questions please call.

Sincerely,

Carolyn A. Dekle
Executive Director

CAD/tmb

Attachments

cc: Ray Eubanks

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, State (800) 985-4416
FAX (954) 985-4417, email: sfadmin@sfrpc.com, website: www.sfrpc.com



MEMORANDUM

AGENDA ITEM #6b

DATE: JUNE 7, 2010

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: VILLAGE OF BISCAIYNE PARK PROPOSED COMPREHENSIVE PLAN AMENDMENT
DCA #10-1ER

Community Profile

The Village of Biscayne Park is located in Northeast Miami-Dade County and consists of 385 acres (.6 square miles). It is bounded by unincorporated Miami-Dade County to the east and west, the City of North Miami to the north, and the Village of Miami Shores to the south. The Village or "Village of Homes" was incorporated in 1933. The 2009 population was estimated to be 3,198, a 2.2 percent reduction in population from the 2000 Census. The Village is a diverse, primarily residential community made up of an array of cultures, household types, and incomes. The general location of the Village is shown in Attachment 1.

Amendment Review

The South Florida Regional Planning Council (SFRPC) review of proposed Comprehensive Plan amendments for consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)* primarily addresses effects on regional resources or facilities identified in the *SRPP* and extra jurisdictional impacts that would be inconsistent with the Comprehensive Plan of the affected local government (§163.3184(5), Fla. Stat.). The Council's review of amendments is conducted in two stages: (1) proposed or transmittal and (2) adoption. Council staff reviews the contents of the amendment package once the Department of Community Affairs certifies its completeness.

Objections and Comments relate to specific inconsistencies with relevant portions of the *SRPP*, which was adopted pursuant to Rule 29J-2.009, Fla. Administrative Code. Council staff will work with local governments to address Objections and Comments identified during the review of a proposed amendment between the transmittal and the adoption of the amendment.

The SFRPC did not prepare the amendment package and, therefore, is not precluded from commenting on the proposed Plan or Element pursuant to Section 163.3184(5), Florida Statutes (F.S.), or Rule 9J-11.0084, Florida Administrative Code (F.A.C.); or commenting on the adopted amendment pursuant to Section 163.32465(4)(b), F.S.

The Florida Department of Community Affairs (DCA) notified SFRPC that the amendment package was complete on: May 4, 2010.

The amendment review must be transmitted to DCA on: June 2, 2010.

The amendment review will be transmitted to DCA on: May 28, 2010.

Staff Analysis

Proposed Amendment #10-1ER contains the Evaluation and Appraisal Report (EAR)-based text amendments to the Village of Biscayne Park Comprehensive Plan. The Village's EAR was found sufficient on November 25, 2008, by the South Florida Regional Planning Council, who was delegated the Village's EAR review by the Florida Department of Community Affairs (DCA).

EAR-Based Comprehensive Plan Amendments

In 1998, the State of Florida revised the statutory requirements for EARs to allow local governments to base their analysis on the key local issues they are facing to further the community's goals consistent with statewide, minimum standards. The Report is not intended to require a comprehensive rewrite of the Elements within the local plan, unless a local government chooses to do so. The Village's EAR identified the following specific issues to be addressed through EAR-based amendments:

1. Multi-Modal Transportation System;
2. Infrastructure and Facility Needs;
3. Built and Natural Environment;
4. Fiscal Management; and
5. Intergovernmental Coordination

Eight (8) Elements of the Village of Biscayne Park Comprehensive Plan would be amended and updated in accordance with the EAR recommendations, including a response to changes to State Statutes, the Florida Administrative Code, and the *Strategic Regional Policy Plan for South Florida (SRPP)*.

No changes in land use are proposed in this amendment package.

Future Land Use Element

Key proposed changes to this Element would direct the Village to manage lands through implementation and enforcement of the Village Land Development Regulations (LDRs) and ensure the LDRs are consistent with the residential densities identified in the Comprehensive Plan. New Policies 2.6 through 2.8 would provide mechanisms for coordination with adjacent jurisdictions, the Miami-Dade County School Board, and military operations. Multi-modal transportation facilities would be incorporated into Objective 4 to ensure compatibility with land uses. New Policy 4.2 would direct the Village to adopt LDRs to regulate and protect existing and future energy-efficient electric power generation and transmission systems. New Objective 5 and related Policies would require an increase in use of natural vegetation and materials in new development and redevelopment.

Housing Element

Key proposed changes to this Element would direct the Village to encourage energy-efficient design and construction in the development and redevelopment of housing. Policy 2.1 would be amended to monitor housing conditions on an ongoing basis to identify and address substandard units; and Policy 2.3 would require the Village to coordinate with Miami-Dade County's Historic Preservation Office and the Florida Department of State to conduct a survey and inventory of historically, architecturally, and archaeologically significant sites and buildings. Objective 3 and related amendments would be amended to ensure housing that is affordable to and meets the needs of residents through an affordable housing needs assessment during the next EAR (Round Three).

Transportation Element

Key proposed changes to this Element would direct the Village to focus on a local multi-modal transportation system and mass transit; coordinate with the State and County on Level of Service (LOS) Standards; and maintain safe and efficient transportation circulation by through traffic, traffic laws, and traffic calming and control techniques. New Policy 5.5 would require the Village to limit greenhouse gas emissions through a number of implementation strategies.

Public Facilities Element

The Village Public Facilities Element contains the Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Aquifer Sub-Elements. Key proposed changes to this Element would require the Village to maintain the existing system of septic tanks in accordance with current standards until and unless a centralized sewage system is provided; support the County's efforts to provide a balanced program of solid waste disposal that includes recycling and resource recovery; continue to comply with stormwater LOS Standards; coordinate with the City of North Miami and appropriate agencies to develop a Water Supply Facilities Work Plan; encourage the use of low volume water fixtures, encourage natural plant materials, and enforce South Florida Water Management District's Water Shortage Plan; and coordinate with Miami-Dade County to protect and recharge the aquifer.

The Village adopted its Water Supply Facilities Work Plan and related amendments on April 6, 2010 (DCA #10-RWSP1), and they are currently under review for compliance (See Council Agenda #7B).

Recreation and Open Space Element

Key proposed changes to this Element would incorporate new Policies (1.4 through 1.7) to increase parking and biking facilities at Ed Burke Recreation Center, provide multi-modal links between key areas, and designate an exercise route that converges at the Ed Burke Recreation Center. New Policies 4.3 through 4.5 would direct the Village to provide improved access to Biscayne Canal, improve the Ed Burke Recreation Center by expanding classroom and outdoor gathering space, and expand the "butterfly park" theme to all green areas through the planting of new trees and flowers. A LOS Standard for recreation has been proposed at 3.75 acres per 1,000 residents.

Conservation Element

Key proposed changes to this Element would direct the Village to update its Water Supply Facilities Work Plan within 10 months of an update to the South Florida Water Management District's Lower East Coast Water Supply Plan (*LECWSP*) and the City of North Miami's Work Plan. New Policies 3.2 through 3.7 would encourage the addition of shade and native trees, minimize overhead utility conflicts with street trees, and increase the age diversity of the Village's urban forest by planting new trees. New Objective 4 and related Policies would outline implementation strategies to reduce greenhouse gas emissions and conserve energy resources.

Intergovernmental Coordination Element

The key proposed change to this Element would direct the Village to coordinate its Comprehensive Plan with the plans of adjacent communities and agencies providing services to or having jurisdiction within regarding land use, transportation, natural resources, utility services, conservation, air quality, and public schools.

Capital Improvements Element

Key proposed changes to the this Element would direct the Village to replace capital equipment and facilities as infrastructure becomes unserviceable. New Policies 1.3 through 1.5 would require monitoring of the existing public works yard, consider allocating a fire station with the new, expanded Village Hall, and seek opportunities to expand and ensure the protection of the Village Hall complex. New LOS Standards for capital facilities are proposed and consistent with the other Elements of the Comprehensive Plan. New Policy 2.8 directs the Village to incorporate applicable capital improvements identified in the *LECWSP* or the North Miami Work Plan into its Capital Improvements Schedule. Policy 2.9 would direct the Village to identify alternative funding sources to implement projects needed to maintain and enhance LOS Standards. In addition, a Five-Year Capital Improvements Schedule is proposed for Fiscal Years 2009/1- through 2013/14.

The Village of Biscayne Park Commission unanimously approved (5-0) the proposed EAR-based text amendments at its March 16, 2010 meeting.

Impact Analysis

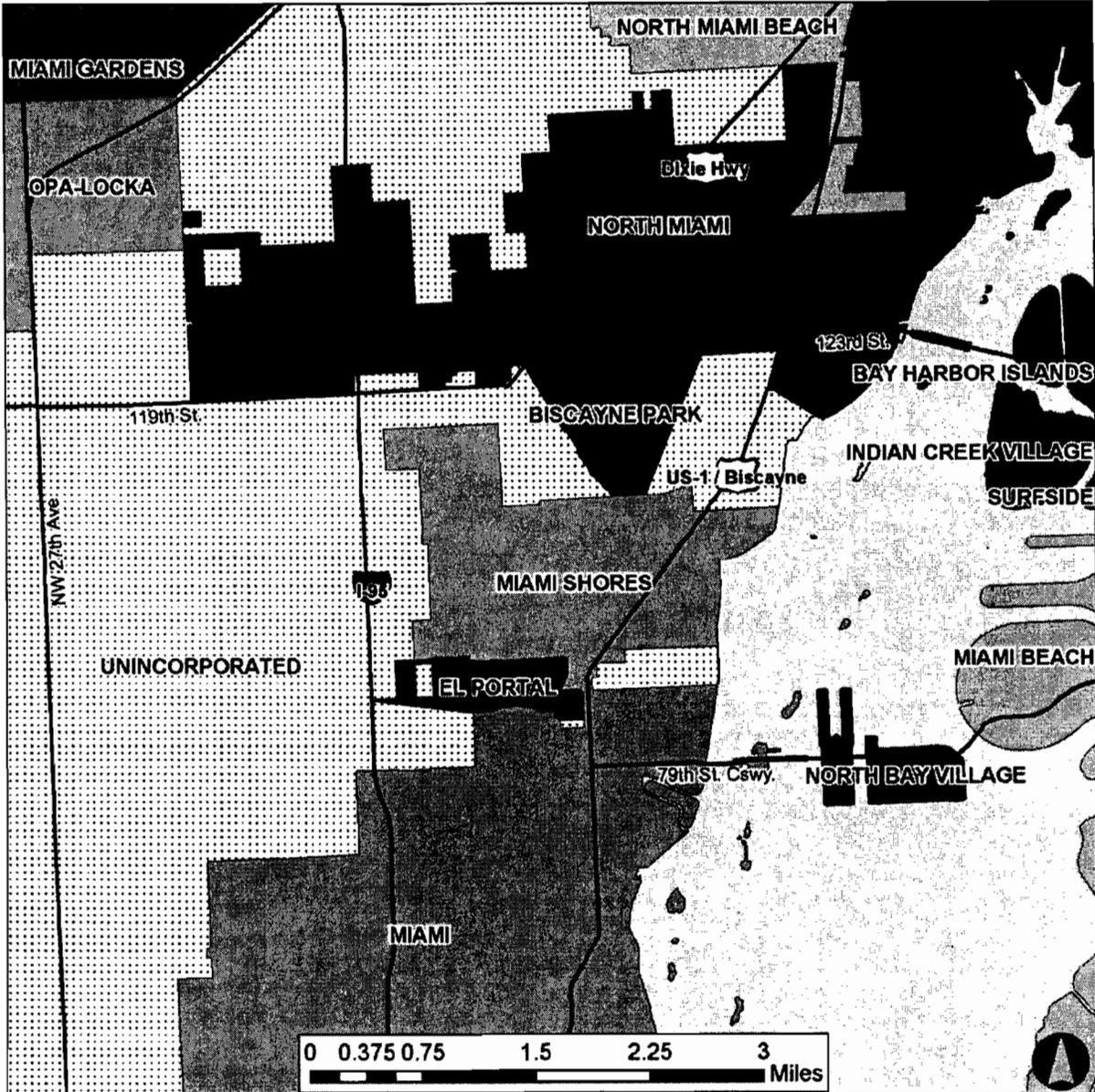
Staff analysis confirms that the Village of Biscayne Park proposed amendment package #10-1ER would not result in compatibility, extra-jurisdictional, or affordable housing issues; or impact significant regional resources and facilities, natural resources, transportation systems, emergency preparedness plans, and local mitigation strategies.

Since a further detailed impact analysis is not applicable to the review of the proposed amendments, the related analysis sections found in the Department of Community Affairs (DCA) Amendment Review Form C-7 (Sections 9 through 18) have not been included in this staff report.

Recommendation of Consistency with Strategic Regional Policy Plan (SRPP)

Find the Village of Biscayne Park proposed amendment package #10-1ER generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this agenda item for transmittal to the Florida Department of Community Affairs.

Attachment 1



COMPREHENSIVE PLAN AMENDMENTS

Location Map

Village of Biscayne Park
Proposed Amendment #10-1ER

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.
Note: For planning purposes only. All distances are approximate.

NOTICE OF REVISIONS TO PROCESSING PROCEDURES

Effective Date of Revisions to Rule 9J-11 Florida Administrative Code

The Department has revised the procedures for submitting comprehensive plan amendments. These new procedures became effective May 12, 2010.

Reason for Revisions

The revisions implement statutory changes to Chapter 163, Part II, Florida Statutes, related to allowable exemptions from the twice per calendar year limitations and prohibitions that may affect adoption of comprehensive plan amendments. In addition, changes were made to clarify plan amendment submittal requirements based on the Department's recent experience.

Highlight of Revisions

The revised procedures relate to the submittal of proposed and adopted comprehensive plan amendments, including small scale amendments, and a revised RPM-BSP-EXEMPT REVIEW Form used when submitting exempt and small scale amendments. The major revisions to Rule 9J-11, include 1) the deletion of the requirements to submit replacement pages and a revised table of contents to the comprehensive plan; 2) an update to the allowable exemptions to the twice per calendar year limitation; 3) an update to the statutory prohibitions that may affect adoption of comprehensive plan amendments; 4) clarification on the submittal of the de minimis impact report associated with the capital improvement annual update amendment; 5) a requirement that all future land use map amendments be submitted in color format; and 6) the revised RPM-BSP-EXEMPT REVIEW Form to address affordable housing and Areas of Critical State Concern.

Effect of Revisions

The revisions improve the overall comprehensive plan amendment process by helping local governments prepare and submit complete plan amendment packages. The rule provides the local government with a complete list of statutory exemptions and a complete list of possible prohibitions to the amendment process. In addition, the revised rule clarifies submittal requirements and this increases the likelihood that a submittal package will be initially determined complete.

Location of Revisions

The revisions are located on the Division of Community Planning's website to assist local governments with the submittal of their comprehensive plan amendment packages and may be viewed at "**Submitting Comprehensive Plan Amendments and Developments of Regional Impact**" <http://www.dca.state.fl.us/fdcp/dcp/Procedures/index.cfm> .

Additional Information

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