

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

December 21, 2015

The Honorable Dr. Smith Joseph, D.O., Mayor
City of North Miami
776 NE 125 Street
North Miami, Florida 33161

Dear Mayor Joseph:

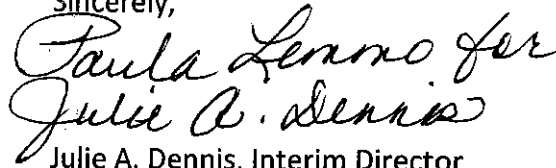
The Department of Economic Opportunity (the Department) has completed its review of the proposed comprehensive plan amendment (Amendment No. 15-2ER) for the City of North Miami (the City), which was determined complete on October 23, 2015. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. Review comments received by the Department from the appropriate reviewing agencies are also enclosed.

The Department's Objections, Recommendations, and Comments Report is attached for your reference. We have identified objections and have included recommendations regarding measures that can be taken to address the objections. The objections are related to the Future Land Use Map amendments not being clearly identified, the need to map the coastal high hazard area, the need for meaningful and predictable standards within the future land use element, and the need to address required *Peril of Flood* legislation. The Department is prepared to work with the City to resolve the objections and to assist with the comments in the attached report.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of the Department report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

Department staff is available to assist the City in its efforts to refine this amendment to ensure compliance with Chapter 163, F.S., and articulate the City's strategies for its future. If you have any questions related to this review or for further assistance, please contact Adam Antony Biblo, at (850) 717-8503, or by email at adam.biblo@deo.myflorida.com.

Sincerely,



Julie A. Dennis, Interim Director
Division of Community Development

JAD/aab

Enclosures: Objections, Recommendations, and Comments Report
Adoption Procedures
Review Agency Comments

cc: Tanya Wilson-Sejour, AICP, Planning Manager, City of North Miami
Isabel Cosio Carballo, Executive Director, South Florida Regional Council

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

CITY OF NORTH MIAMI

PROPOSED COMPREHENSIVE PLAN AMENDMENT 15-2ER

The City of North Miami 15-2 Proposed Amendment is intended to implement those updates to the City's Comprehensive Plan noted in the City's Evaluation and Appraisal Notification letter to the Department of Economic Opportunity on September 11, 2014, and to make additional changes to the Plan to implement a variety of Policy directives and strategies from the City Council.

Amendments to the following Comprehensive Plan Elements are proposed: the Future Land Use Element; the Transportation Element; the Housing Element; the Infrastructure Element; the Intergovernmental Coordination Element; the Economic Element; and, the Capital Improvements Element. Also included is a new Climate Change Element. The amendment proposes several significant changes to the City's Comprehensive Plan, including: updating of the City's Water Supply Facilities Work Plan; establishing a strategy to encourage multimodal transportation options; revising development intensity standards to promote economic development; establishing a strategy to promote and implement transit oriented development; establishing strategies to redevelop and revitalize the City's downtown; the establishment of corridor overlay Future Land Use Categories to promote mixed use development in locations with adequate supporting infrastructure; establishing strategies to better coordinate land use and transportation decisions; establishing a strategy to promote the development of student housing; and, establishing adaptation action area strategies.

The City's Evaluation and Appraisal Notification letter to the Department of Economic Opportunity, dated September 11, 2014, stated that the City intended to update its Comprehensive Plan to do the following: 1) accomplish an annual update to the Capital Improvement Element specific to the Capital Improvements Schedule; 2) update the water supply facilities work plan and accomplish the associated Comprehensive Plan amendment; 3) revise the Future Land Use Element to remove errors within the *Future Land Use Table* and re-evaluate height and density limits; add new transit oriented development (TOD) policies, include a policy for the proposed NW 125th Street Tri-Rail Station; and, add new policy provisions for design standards for parking garages; 4) add a new section on Climate Change and related issues; 5) update policies to reflect new initiatives and strategies within the Economic Element; 6) add a section on brownfields; 7) revise the Transportation Element to add TOD policies; and, 8) to reflect changes in state requirements that occurred since the City's last Plan update.

I. The Department raises the following Objections to the Amendment:

1) Objection: Future Land Use Map Amendments Not Identified.

The City's planning consultant has verified that the amendment package proposes multiple, significant amendments to the Future Land Use Map. The amendment package, as submitted, does not provide the location, scope, description, or analyses of these amendments. Accordingly, these Future Land Use Map amendments are neither meaningful nor predictable, nor are they supported by sufficient data and analyses.

The City of North Miami, through their consultant, provided the Department with supplemental information pertaining to these future land use map amendments on December 9, 2015. Due to the lateness of that submission, Department staff was not able to consider this material in their analysis. The Department looks forward to working with the City on the review of these materials.

Authority: Section 163.3177(1), Florida Statutes (F.S); Section 163.3177(1)(f)1., F.S.; Section 163.3177(6)(a)1., 2., and 8, F.S.; and, Section 163.3184(3)(b)1., F.S.

Recommendation: Revise the amendment to identify, describe, and support all of the proposed amendments to the Future Land Use Map.

2) Objection: Future Land Use Map series/Coastal Management Element – Lack of Coastal High-Hazard Area Mapping and Definition

The amended Future Land Use Map does not depict the location of the Coastal High-Hazard Area. The Coastal Management Element does not include the statutory definition of Coastal High-Hazard Area.

Authority: Section 163.3178(2)(h), F.S.; Section 163.3178(8)(c), F.S.; and, Section 163.3177(6)(a)10.c.(VI)., F.S.

Recommendation: Revise the amendment to the Coastal Management Element to include the statutory definition of Coastal High-Hazard Area as *the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model* and to depict the Coastal High-Hazard Area on the Future Land Use Map. Mapping of the location of Coastal High-Hazard Area should be based upon the most recently available data published by the Florida Division of Emergency Management.

3) Objection: Mixed Use High Future Land Use Category – Lack of Meaningful and Predictable Standards

Proposed revised Policy 1.2.1 of the Future Land Use Element includes a table of [land] use by maximum density and by maximum lot coverage and by maximum height. This table specifies that the maximum density for the Mixed Use High use is *45 dwelling units per acre to 60 dwelling units per acre*. As drafted, this policy appears to prescribe multiple maximum densities rather than a range of densities with one maximum density, and as such is not a meaningful or predictable standard. Meaningful and predictable standards for the control of population densities and intensity of land use allowed in the specific future land use categories, in combination with the designation of these categories on the Future Land Use Map, provide the community with specific information on the appropriate location and intensity of future land use, and are necessary to enable planning for sufficient infrastructure to serve future populations and to facilitate compatibility with surrounding land uses.

Authority: Section 163.3177(1), F.S.; and, Section 163.3177(6)(a)1., and 3., F.S.

Recommendation: Revise the amendment to the table included in Policy 1.2.1 of the Future Land Use Element to establish a meaningful and predictable standard for the maximum density of residential land use allowed within its Mixed Use High future land use category.

4) Objection: Central Business Commercial Future Land Use Category – Lack of Meaningful and Predictable Standards; Internal Inconsistency

Proposed revised Policy 1.2.1 of the Future Land Use Element includes a table of [land] use by maximum density and by maximum lot coverage and by maximum height. This table specifies that a maximum density for Central Business Commercial use is not applicable, implying that residential use is not allowed within this category. However, proposed Policy 1.20.5 of the Future Land Use Element provides that those uses permitted within the Central Business Commercial use category shall be the same as those in the Commercial/Office category. Proposed Policy 1.20.4 establishes *residential (mixed) uses* as allowed uses within the Commercial/Office Category. Therefore, either Policy 1.2.1 fails to establish a specific standard to be followed in control of population densities within the Central Business Commercial use category, or Policy 1.20.5, inappropriately allows residential (mixed) use within the Central Business Commercial category. This discrepancy in the treatment of residential land use is an internal inconsistency. In addition, the combination of policies and table do not establish meaningful or predictable guidance as to the use and development of land within this Central Business Commercial future land use category.

Authority: Section 163.3177(1), and (2), F.S.; and, Section 163.3177(6)(a)1., and 3.h., F.S.

Recommendation: Revise the amendment to reconcile this internal inconsistency and clarify whether the City intends for the Central Business Commercial future land use category to allow residential use, and if so, to set an appropriate maximum residential density limit. If not, the City should revise Policy 1.20.5 of the Future Land Use Element to specify that residential (mixed) use is not allowed within the Central Business Commercial future land use category.

5) Objection: Neighborhood Redevelopment Overlay Future Land Use Category – Lack of Meaningful and Predictable Standards

Proposed revisions to Policy 1.17.1, Part 5; provide that the maximum density within the Neighborhood Redevelopment Overlay (NRO) may not exceed 90 du/ac (dwelling units per acre) *depending on availability of unassigned units*. As drafted, this Policy does not provide sufficient information on the maximum density limit for this overlay category, nor establish meaningful direction regarding precedent conditions when densities greater than 90 du/ac are appropriate, how much greater the densities may be, or what the maximum density limit is under other conditions.

Authority: Section 163.3177(1), F.S.; and, Section 163.3177(6)(a)1., and 3.h., F.S.

Recommendation: Revise the amendment to provide sufficient direction within Policy 1.17.1, Part 5, specifying when it is appropriate for development to exceed 90 dwelling units per acre, those requirements that may be applicable to enable development in excess of 90 dwelling units per acre, and by how much greater than 90 dwelling units per acre the land may be developed, presuming fulfilment of all applicable requirements for additional density.

6) Objection: Implementation of Recent Statutory Changes – Coastal Management Redevelopment Component Requirements

The City's September 11, 2014, Evaluation and Appraisal Notification response to the Department of Economic Opportunity specified that the ensuing amendment would include updates to reflect statutory changes. The adoption of the *Peril of Flood* legislation in 2015 modified Section 163.3178(2)(f)4., F.S., to require those local governments with Coastal Management Elements to include a redevelopment component within this Element, and for that component be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60. The City's Comprehensive Plan, as proposed to be amended, does not contain provisions implementing this requirement.

This legislation also modified Section 163.3178(2)(f)5., F.S., to specify that the redevelopment component of the Coastal Management Element require that any construction activities seaward of the coastal construction control lines established pursuant to Section 161.053, F.S., be consistent with Chapter 161, F.S. The City's Comprehensive Plan, as proposed to be amended, does not contain provisions implementing this requirement.

Authority: Section 163.3178(2)(f)4., F.S.; Section 163.3178(2)(f)5., F.S.; and, Section 163.3191(2), F.S.

Recommendation: Revise the amendment to identify post-flood and sea level rise redevelopment strategies and activities shall be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60; and, to require that any construction activities seaward of the coastal construction control lines established pursuant to Section 161.053, F.S., be consistent with Chapter 161, F.S.

II. The following Comments are offered to assist the City of North Miami. They will not be used as a basis for a challenge.

1) Comment: Capital Improvements Element – Schedule of Capital Improvements Update

The City's amendment does not include an updated schedule of capital improvements, although the City's Evaluation and Appraisal Notification letter to the Department, dated September 11, 2014, identified an updated five-year schedule of capital improvements as appropriate content for this amendment.

In response, consistent with the City's Evaluation and Appraisal Notification letter to the Department, dated September 11, 2014, the City should revise the Comprehensive Plan to provide an updated five-year schedule of capital improvements.

2) Comment: Transportation Element – Transit Oriented Development Districts.

Policy 2C.1.4 of the Transportation Element proposes to delete housing (i.e., residential use) from TOD (transit oriented development) districts. Residential use is a fundamental component of transit oriented development, providing a concentration of trip origins and destinations within immediate proximity of and access to transit service. The City's Comprehensive Plan does not provide any guidance or basis supporting this strategy.

In response, the City should revise the wording of this policy to restore housing as a component of TOD districts. Alternatively, the City should revise the Comprehensive Plan to provide a basis for eliminating housing as a component of TOD districts.

3) Comment: Transportation Element – Funding Sources for TCEA Mobility Strategies

Policy 2.A.2.2 of the Transportation Element states that “The City will commit to utilize a portion of the *revenues from developments* within the RAC to fund TCEA mobility strategies.” [*Italicized for emphasis*]. As drafted, this policy is not meaningful or predictable; it does not specify the potential sources of revenues, raising the question of the viability of this approach to funding.

In response, the City should revise the wording of this policy to clarify the potential sources of funding for mobility strategies.

4) Comment: Coastal Management Element – Inaccuracies

Policy 5D.3.2 of the Coastal Management Element specifies that: *The City’s Sustainable Administrator shall monitor the Florida Department of Economic Opportunity’s (DEO’s) “Community Resiliency: Planning for Sea Level Rise,” examining the statewide planning framework and determining how best to integrate sea level rise adaptation policies into the City’s existing process.* As drafted, this policy contains some inaccuracies and would benefit from the following revision:

The City’s Sustainability Administrator shall review the Florida Department of Economic Opportunity’s (DEO) “Community Resiliency Initiative: Planning for Sea Level Rise,” as well as other State and Federal planning resources, as part of the City’s efforts to establish effective strategies to plan for and adapt to sea level rise.

5) Comment: Future Land Use Element – Consistent Terminology

The term, *City Arts District*, cited in the Monitoring and Evaluation provisions associated with Objective 1.7 of the Future Land Use Element, is inconsistent with terminology used in the subsequent implementing Policy 1.7.5, in which *Arts* has been struck-through (deleted) and replaced by *Downtown* (i.e., the *City Downtown District*).

In response, the City should revise the Objective 1.7 and/or Policy 1.7.5 to provide for consistent terminology within both.

6) Comment: Future Land Use Element – Timely Revisions to the Land Development Regulations

The Monitoring and Evaluation provisions associated with Objective 1.5 of the Future Land Use Element that, *The LDR will reflect updated Comprehensive Plan policies by September 2016*, will be out of date within less than one year after the amendment is adopted.

In response, the City should revise Objective 1.5 to state that *The LDR [Land Development Regulations] will be updated as applicable, to implement amendments to the Comprehensive Plan, within one year of the effective date of any such amendments.*

7) Comment: Future Land Use Element – Prerequisite for Annexation

Policy 1.2.10 of the Future Land Use Element refers to the City only considering County-owned land for annexation.

If this policy actually means lands *located within* unincorporated Miami-Dade County as opposed to *owned by* the County, it should be revised accordingly.

8) Comment: Future Land Use Element – Maximum Height Standards

Policy 1.2.1 of the Future Land Use Element includes a table of [land] use by maximum density and by maximum lot coverage and by maximum height. This table specifies that the maximum height for Open Space/Recreation is a FAR (floor area ratio) of 2.0. FAR is not a measure of height.

In response, the City should revise the table included within Policy 1.2.1 to establish a maximum height limit for Open Space/Recreation.

9) Comment: Future Land Use Element – Misconstruction of Entitlements

Policy 1.2.1 of the Future Land Use Element includes a table of [land] use by maximum density and by maximum lot coverage and by maximum height. This table provides a footnote specifying: *Any residential use category immediately north of the Village of Biscayne Park (121st Street boundary), may not exceed their current entitlement and is subject to strict design standards further established in Permitted Uses section of this Element.* This statement contains information that is neither meaningful nor predictable: *future land use categories* are not entitled with property rights.

It appears that the intent of the City, as expressed in this policy, is to limit land use intensity and residential density in the immediate vicinity of the Village of Biscayne Park. Accordingly, the City could consider revisions to the footnoting of the table included within Policy 1.2.1 to specify that residential uses located adjacent to the Village of Biscayne Park shall not be allowed to increase their entitlement.

10) Comment: Future Land Use Element – Vested Rights

Policy 1.2.7 of the Future Land Use Element specifies that vested rights application determinations for allowing restoration or reconstruction of structures that do not conform to density or height requirements that have been destroyed or redeveloped *shall be approved by the City Council.* The policy provides no other options for disposition of such applications nor any criteria for their approval.

In response, the City is encouraged to consider appropriate substantive and procedural standards for nonconforming structures that have been destroyed or will be redeveloped. The City should then revise this Policy accordingly.

11) Comment: Future Land Use Element – Brownfield Redevelopment

The Monitoring Measures for Objective 1.4 of the Future Land Use Element, relating to brownfield redevelopment, list actions that can be taken to help market and redevelop brownfields, including the development of a marketing plan to promote the use of environmentally contaminated sites for commercial or industrial uses. None of the monitoring measures include consideration of the important preliminary activities of an environmental analysis of brownfield sites and site mitigation in the redevelopment of brownfields.

In response, the City could revise Objective 1.4 to add consideration environmental analysis of brownfield sites and site mitigation as Monitoring Measures pertaining to the redevelopment of brownfields.

12) Comment: Future Land Use Element – City’s Role in the Development of Student Housing

Policy 1.10.13 of the Future Land Use Element specifies: “The City shall create student housing opportunities within the areas that are proximate to FIU, Johnson and Wales, and Barry University to establish.” In addition to being an incomplete sentence, this policy appears to cast the City as the developer of housing, which is an acceptable but nontraditional role. If this is not the intent of this policy, the policy should be revised to clarify the City’s role.

If Policy 1.10.13 does not clearly convey the City’s intent regarding its role in the creation of student housing, as drafted, the City is encouraged to revise this Policy accordingly.

13) Comment: Housing Element – City’s Communications with Developers of Student Housing

Proposed Policy 3A.6.6 of the Housing Element requires the City to evaluate housing opportunities within areas proximate to FIU, Johnson and Wales, and Barry University; and, to speak with student housing developers specializing in this specific real estate sector.

The City may wish to consider revising this policy to more clearly convey what the City intends to accomplish through these actions, and to provide further direction, as may be appropriate.

14) Comment: Future Land Use Element – Exceptions to LEED Certification Requirements for Structures within the CRA

Policy 1.13.4 of the Future Land Use Element specifies the preparation of an ordinance requiring all buildings in the CRA to have LEED certification, with an allowance for exception by the City Council. The policy is proposed to be revised, deleting the basis for granting exception, undue hardship, and providing the Council the ability to grant exception without basis. As such, the proposed revised policy would not provide meaningful and predictable standards for the use and development of land.

The City is encouraged to revise Policy 1.13.4 to provide the City Council with objective criteria or other objective basis for granting exception to the requirement for buildings in the CRA to obtain

LEED certification, or to accomplish the same through the provision meaningful guidelines for the content of more detailed land development and use regulations.

15) Comment: Future Land Use Element – Inaccurate Cross-reference

Policy 1.13.4 of the Future Land Use Element includes a reference to Objective 1.10; due to proposed revisions included in this amendment, that reference is in error; it should be revised to reference Objective 1.13.

16) Comment: Future Land Use Element – Floating Dwelling Units Concept

Proposed Objective 1.15 of Future Land Use Element, relating to floating dwelling units and commercial use, should be supported with some discussion/explanation within the text of these concepts and how they may be applied. The term “floating dwelling unit” is not defined.

17) Comment: Future Land Use Element – Bicycle and Transit Infrastructure Provision

Policy 1.16.4 of the Future Land Use Element specifies that safe and secure bike parking should be required and well-lit and shaded bus stops should be provided but does not say by whom and in what contexts.

The City is encouraged to revise Policy 1.16.4 to specify that applicable standards and requirements for the design and provision of these facilities shall be established in the City’s land development regulations.

18) Comment: Future Land Use Element – Inconsistent Height Standards

Policy 1.17.1, Part 2, as proposed to be revised, specifies that the permitted height within the NRO Future Land Use Map overlay is 90 feet, with provisions for an additional 40 feet of height. The entirety of the Central Business Commercial Future Land Use Map category is depicted as located within the NRO on the proposed Future Land Use Map included in the amendment. Text annotation provided next to Central Business Commercial information in the Future Land Use Map’s key states *150 feet*, presumably meant as the height limit associated with this category.

The table of use by maximum density by maximum lot coverage by maximum height included in Policy 1.2.1 of the Future Land Use Element specifies that the maximum height for the Central Business Commercial District use is 110 feet, or 150 through the use of incentives. It would appear that these two maximum height limits specified for the Central Business Commercial Future Land Use Map category exceed the maximum potential height of 130 feet established by the NRO and are therefore in conflict with the NRO.

In response, the City is encouraged to revise Policy 1.17.1, the table within Policy 1.2.1, and annotation on the Future Land Use Map to provide consistent treatment regarding the maximum structural height within the Central Business Commercial category and the NRO.

19) Comment: Future Land Use Element – Description of Location of Planned Corridor Development Overlay Future Land Use Category

Proposed Objective 1.18 of the Future Land Use Element, states that the Planned Corridor Development (PCD) overlay shall be provided along NW 7th Avenue, NE 6th Avenue, NE 125th Street, West Dixie Highway and *a portion* of Biscayne Boulevard. This corridor overlay is intended to promote the mutual reinforcement of public investments and private development of land. Based upon this objective, it is not clear what portion (segment) of Biscayne Boulevard should be included within the PCD overlay.

In response, the City is encouraged to revise Objective 1.18 to identify the appropriate portion/segment of Biscayne Boulevard that should be included within the PCD overlay.

20) Comment: Future Land Use Element – NOMI Character

Proposed Policy 1.18.2 of the Future Land Use Element, states, that the land development regulations that implement the PCD overlay, should foster multi-story mixed-use areas with “NOMI” character. It is not clear whether/where in the Comprehensive Plan or land development regulations *NOMI character* is described/defined.

To improve the meaningfulness of this guidance, the City could revise the Comprehensive Plan to define or describe NOMI character, or to provide that it will be described within the City’s land development regulations or design guidelines.

21) Comment: Intergovernmental Coordination Element – Water Supply Facilities Work Plan Adoption Reference

Policy 8.4.2 of the Intergovernmental Coordination Element specifies that the City shall incorporate their 16-Year Water Supply Facilities Work Plan Update (WSP) into the Comprehensive Plan within 18 months of the effective date of the Regional Water Supply Plan update.

To prevent any confusion, and to clearly affirm adoption of the WSP, the City should consider revising this provision to specify that the City hereby adopts and incorporates by reference its 2015 16-Year Water Supply Facilities Work Plan Update into the Comprehensive Plan.

SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

[Continued on reverse]

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment 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 by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.



September 11, 2014

RECEIVED
Bureau of Community Planning

SEP 23 2014

Mr. Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Div. of Community Development
Dept. of Economic Opportunity

**Re: Intent to adopt Evaluation and Appraisal Based Amendments to City of
North Miami's Comprehensive Plan**

Dear Mr. Eubanks:

Pursuant to Rule Chapter 73C-49, Florida Administrative Code, and Ch. 163.3191 Florida Statutes, the City of North Miami has determined that the need exists to amend the Comprehensive Plan to reflect changes in state requirements since the last time the Comprehensive Plan was updated in 2007. The City of North Miami hereby notifies the State Land Planning Agency of its intent to adopt evaluation and appraisal based amendments by letter of this determination. The proposed amendments include statutory updates, including but not limited to the following:

1. Annual update to the Capital Improvement Element specific to Capital Improvements Schedule.
2. Water Supply Facilities Work Plan update and Comprehensive Plan amendment.
3. Future land Use Element
 - Policy 1.1.1: Amend Future Land Use Table to correctly reflect Future Land Uses per FLUM; Re-evaluate existing heights and densities.
 - Transit Oriented Development: Add new TOD policies; Add new policy for the proposed NW 125th Street Tri-Rail Station.
 - Urban Design: Add new policy on design standards for parking garages.
 - Policy 1.13.2: Include Light Industrial Use as a permitted use with conditions.
 - Add new Section on Climate Change and related policies.
4. Economic Element
 - Update policies to reflect new initiatives and strategies.
 - Add new section on Brownfields and supporting policies.
5. Transportation Element
 - Add new policies related to Transit Oriented Development (TOD)
6. Statutory changes pursuant to Chapter 163, Part II, Florida Statutes.




Mr. Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
September 11, 2014 – Page 2

Pursuant to Florida Statutes, the City of North Miami shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of this determination.

For additional information, please contact Tanya Wilson-Sejour, AICP, Planning Manager at (305) 895-9828 or Bhairvi Pandya, AICP, GISP, City Planner, at (305) 893-6511 ext. 12139 or email at bpandya@northmiamifl.gov.

Sincerely,


Aleem A. Ghany
City Manager

- c Tanya Wilson-Sejour, AICP, Planning Manager
Dr. Lumane Pluiose-Claude, Deputy City Manager
Nixon Lebrun, Zoning Administrator



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

JIM BOXOLD
SECRETARY

December 16, 2015

Mr. Eric Swanson
The Mellgren Planning Group, Inc.
3350 NW 53 Street, Suite 101
Fort Lauderdale, Florida 33309

Subject: Updated Comments for the Proposed Comprehensive Plan Amendment, North Miami #15-2ER

Dear Mr. Swanson:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, North Miami #15-2ER*. The District has reviewed the amendment package along with the supplemental correspondence provided by your office on December 9, 2015, per *Chapter 163 Florida Statutes* and has found no impacts to transportation resources and facilities of State importance.

Please contact me at 305-470-5445 if you have any questions concerning our response.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Jeffries".

Kenneth Jeffries
Transportation Planner

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6
Lisa Colmenares, AICP, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

JIM BOXOLD
SECRETARY

November 19, 2015

Mr. Eric Swanson
The Mellgren Planning Group, Inc.
3350 NW 53 Street, Suite 101
Fort Lauderdale, Florida 33309

Subject: Comments for the Proposed Comprehensive Plan Amendment, North Miami #15-2ER

Dear Mr. Swanson:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, North Miami #15-2ER*. The District has reviewed the amendment package per *Chapter 163 Florida Statutes* and offers the following technical comments:

1. The proposed amendments of the Future Land Use Element text and Future Land Use Map (FLUM) will allow for a significant increase in allowable development densities within the City. The application provides no transportation analysis. A transportation analysis examining facilities of State importance should be incorporated in the application to determine any adverse impacts and potential areas of mitigation.

Please contact me at 305-470-5445 if you have any questions concerning our response.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Jeffries".

Kenneth Jeffries
Transportation Planner

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6
Lisa Colmenares, AICP, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity

Eubanks, Ray

From: Manning, Terese <tmanning@sfwmd.gov>
Sent: Thursday, November 05, 2015 12:05 PM
To: DCPexternalagencycomments
Cc: Michelle C. Mellgren, AICP (michele@floridaplanning.net); Tanya Wilson-Sejour (tsejour@northmiamifl.gov); eric@floridaplanning.net; Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; Stansbury, James; Mark R. Woerner (mwoerner@miamidade.gov); Maria A. Valdes (MAVALD@miamidade.gov); 'asorey@northmiamifl.gov'
Subject: City of North Miami, DEO #15-2ER Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Eubanks:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the City of North Miami (City). The amendment package includes the City's Evaluation and Appraisal Review Amendment and re-submittal of the City's Water Supply Facilities Work Plan (Work Plan). The District offers the following recommendations for revising the proposed amendment package and requests that the City address these recommendations prior to adopting the amendment:

- Revise Infrastructure Element Objective 4D.2, Infrastructure Element Policies 4D.2.7 and 4D.2.10, and Capital Improvements Element Policy 11.4.7 to specifically include the date the Work Plan is adopted by ordinance by the North Miami City Council.
- Revise Infrastructure Element Policy 4D.2.8 to reference the Miami-Dade County Work Plan as being adopted by ordinance by the Miami-Dade County Board of County Commissioners on February 4, 2015, not January 13, 2015.
- Revise the City's Water Supply Facilities Work Plan, Capital Improvements Element Policy 11.4.6, and Capital Improvements Element Appendix A: Five-Year Proposed Capital Improvement Program to include capital improvement needs for five years after adoption of the City's Comprehensive Plan amendment (current schedule only shows four years).
- Include in the Work Plan a description of the implementation of the Mandatory Year-Round Landscape Irrigation Conservation Measures as detailed in 40E-24, Florida Administrative Code.
- Consider revising the reference to "xeriscaping" in Infrastructure Element Objective 4D.7 to "Florida-friendly landscaping". Section 373.185, Florida Statutes, was revised in 2009 to replace xeriscaping with Florida-friendly landscaping.

The District offers its technical assistance to the City and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District at the address below. Please contact me if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road, MSC 4223
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264

Harris, Donna

From: Stahl, Chris <Chris.Stahl@dep.state.fl.us>
Sent: Wednesday, November 11, 2015 3:01 PM
To: DCPexternalagencycomments
Cc: Craig, Kae; tsejour@northmiamifl.gov
Subject: North Miami 15-2ER – Proposed

To: Ray Eubanks, Community Planning

Re: North Miami 15-2ER – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Chris.Stahl@dep.state.fl.us or (850) 245-2169 for assistance or additional information. Please send all amendments, both proposed and adopted, to Plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000

Chris Stahl





State Board of Education

Marva Johnson, *Chair*
John R. Padget, *Vice Chair*
Members
Gary Chartrand
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

Pam Stewart
Commissioner of Education

November 3, 2015

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399-4120
Via Email: DCPexternalagencycomments@dco.myflorida.com

Re: North Miami 15-2ER

Dear Mr. Eubanks:

Thank you for the opportunity to review the City of North Miami's proposed 15-2ER amendment package. The Florida Department of Education viewed the amendment in Florida PAPERS, and reviewed it according to the department's responsibilities under section 163.3184(3), Florida Statutes. The review considered the proposal's compliance with the provisions of chapter 163, Part II, F.S., and to whether the proposal, if adopted, would have potential to create significant adverse effects on public school facilities.

The amendment relates to the update of the city's comprehensive plan following the evaluation and appraisal review. Because the amendment does not appear to have the potential to adversely affect public educational facilities, I offer no comment.

Again, thank you for the opportunity to review the amendment. If you have questions about this letter, or if I may be of assistance, please contact me at 850-245-9312 or tracy.suber@fldoe.org.

Sincerely,

Tracy D. Suber
Growth Management and Facilities Policy Liaison

cc: Mr. Ivan Rodriguez, Miami-Dade County Public Schools
Mr. James Stansbury, DEO/State Land Planning Agency

Thomas H. Inserra
Director, Office of Educational Facilities



MEMORANDUM

AGENDA ITEM #III.D

DATE: NOVEMBER 2, 2015

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT
CONSENT AGENDA - ADDENDUM

Pursuant to Section 163.3184, Florida Statutes, Council review of Amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Council staff has not identified adverse effects to regional resources and facilities or extrajurisdictional impacts that would result from the following map and text amendments:

Local Government and Plan Amendment Number	Proposed	Adopted	Proposed Council Review Date and Consistency Finding	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
City of Hialeah 15- 3ER (received 10-28-15)	N/A	✓	11/02/2015	10/13/2015	Unanimously
This amendment adopted the City of Hialeah's Evaluation and Appraisal report-based text amendments to the City's Comprehensive Plan 2003-2015. The City revised its Ear-based text amendments based upon DEO's comments and objections report.					

City of North Miami 15-2ER (received 10-26-15)	v	N/A	11/02/2015	10/13/2015	5-0
This proposed amendment amends the eleven (11) Elements of the North Miami Comprehensive Plan adding a climate change element.					
City of Plantation 15- (received 10-28-15)	N/A	v	11/02/2015	10/21/2015	Unanimously
This amendment adopts the annual amendment to the Capital Improvements Element of the Comprehensive Plan of the City of Plantation. This is to undertake capital improvements necessary to keep present public facilities in good conditions and to accommodate new and existing development by preserving, modifying, and replacing existing infrastructure within sound fiscal practices.					

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the table above generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.