



# MEMORANDUM

AGENDA ITEM #7a

DATE: APRIL 5, 2010

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: ADOPTED PUBLIC EDUCATION FACILITIES ELEMENT/CAPITAL IMPROVEMENTS  
ELEMENT UPDATE COMPREHENSIVE PLAN AMENDMENTS

## Introduction

Council staff has received adopted plan amendments from the following municipalities: Deerfield Beach, Margate, North Miami, and Pembroke Park for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*, related to the annual update of the Capital Improvements Element. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

The South Florida Regional Planning Council (SFRPC) review of proposed Comprehensive Plan amendments for consistency with *SRPP* addresses primarily effects on regional resources or facilities identified in the *SRPP* and extrajurisdictional 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.

No Public Education Facilities Element and Related Amendments were submitted for review this month.

## **Capital Improvements Element Update Amendments**

Every year local governments must update their Capital Improvements Element (CIE), including the Five-Year Schedule of Capital Improvements (Schedule). The purpose of the CIE and the Schedule is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) Standards are achieved and maintained for concurrency-related facilities (sanitary sewer; solid waste; drainage; potable water; parks and recreation; schools; transportation facilities, including mass transit, where applicable; and public school facilities). In order to assure that facilities will be in place to maintain LOS Standards in a timely manner, the Schedule must address deficiencies and be financially feasible. The adopted amendment annual update must be received by the

Department of Community Affairs (DCA) by December 1 of each year; however, the update need not comply with the financial feasibility requirement until December 1, 2011 (pursuant to Senate Bill 360).

The annual update amendment is exempt from the twice-per-year limitation on plan amendment adoptions and may be adopted by a local government with only one public hearing. Under this expedited process, the local government does not transmit the annual update as a proposed amendment and DCA does not issue an Objections, Recommendations and Comments (ORC) Report. Instead, the local government simply adopts the CIE annual update amendment at a duly noticed public hearing, sends the adopted amendment to DCA, and DCA publishes a Notice of Intent after conducting a compliance review. However, a local government may elect to submit the annual update as a proposed amendment for review just like other large scale amendments.

Local governments with no scheduled improvements must still annually review and revise, as necessary, the CIE. If the annual review establishes that no capital improvement projects need be included in the Schedule, then the annual update should demonstrate that LOS Standards will be maintained during the next five-year planning period and, thus, no capital improvements need be scheduled.

Effective December 1, 2011, if the adopted annual CIE update amendment is not received by DCA by December 1 of each year, the local government is prohibited from adopting Future Land Use Map changes, except for amendments to meet new statutory requirements and emergency amendments, until the update amendment is submitted to the Department. This prohibition on future amendments also applies to small-scale amendments.

The local governments adopting the CIE annual update amendments this month are the following municipalities: Deerfield Beach, Margate, North Miami, and Pembroke Park. A table with information regarding the local government’s vote on the amendment follows.

Local Government	Plan Amendment Number	Local Government Meeting	Governing Body Transmittal Vote
Deerfield Beach	10-CIE1AR	3/2/10	Unanimous
Margate	10-CIE1AR	3/3/10	Unanimous
North Miami	10-CIE1	2/9/10	Unanimous
Pembroke Park	10-CIE1AR	2/10/10	Unanimous

Staff analysis confirms that the adopted text amendments are compatible with and supportive of the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

**Recommendation of Consistency with Strategic Regional Policy Plan (SRPP)**

**Find the adopted plan amendments related to the CIE from the municipalities of Deerfield Beach, Margate, North Miami, and Pembroke Park generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.**