

**BAL HARBOUR VILLAGE  
COMMUNITY DEVELOPMENT  
MEMORANDUM**

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**To:** Mayor and Village Council Members  
Bal Harbour Village, Florida

**Through:** Alfred J. Treppeda, Village Manager

**From:** Michael J. Miller, AICP *Miller*  
Consultant Village Planner

**Date:** April 7<sup>th</sup>, 2010

**Subject:** Evaluation and Appraisal Report (EAR) of Comprehensive Plan  
Adoption of Final EAR / Transmittal of Adopted EAR  
MMPA Acct. No. 00-1103-0410

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**REQUESTED ACTION**

**ADOPT** the revised Evaluation and Appraisal Report (EAR) of the Comprehensive Plan and authorize the transmittal of the final EAR to the Florida Department of Community Affairs (DCA) and other required review agencies for the formal "Sufficiency" review.

As part of the consideration of the EAR, review (1) this staff report, (2) the January 27<sup>th</sup>, 2010 letter from DCA with comments on the draft EAR, (3) the MMPA document entitled "Response to DCA Preliminary Review Comments for EAR" which included commentary and proposed revisions to the draft EAR (which has been reviewed and approved by DCA staff) and (4) the revised EAR.

**PREVIOUS / SUBSEQUENT ACTIONS**

The draft EAR was reviewed by the Village Council on both October 20<sup>th</sup>, 2009 and November 17<sup>th</sup>, 2009. At the November 17<sup>th</sup>, 2010 meeting the Village Council authorized the transmittal of the draft EAR to DCA and other required review agencies for a preliminary review and comment. On January 27<sup>th</sup>, 2010, the Village received a Preliminary EAR Sufficiency Comment letter from DCA and other required review agencies. Staff worked closely with DCA staff to address the comments and develop changes to the draft EAR for the one issue identified, and completed a new updated Public School Facilities Exemption Application in regards to the other comment raised by DCA. This updated school exemption application form proved the Village is still exempt based on the low amount of growth and the types of redevelopment that has occurred in the Village the last few years.

## **ISSUE**

The 1985 Florida Growth Management Act created the legislative mandate for all local governments in the State of Florida to prepare and adopt a Comprehensive Plan that was a legally binding document. Prior to that time, Comprehensive Plans were "advisory" unless the local government decided to make the document legally binding (most did not). The Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) contain the details on how to prepare and adopt a Comprehensive Plan and what information must be within the document. Up until 1998 all local governments were required to prepare their Comprehensive Plan and periodic Evaluation and Appraisal Reports (EAR) with a prescribed uniform format, content and minimum criteria. That meant that every government, regardless of size or circumstance had to contain the same subject matter and address the same issues even though the subject matter may not be pertinent to the local government. Coastal Management issues do not pertain to everyone in the state, especially if you are in Orlando! Likewise, rural or farming issues are not generally pertinent to many of the urbanized areas of southeast Florida. The effect of the Florida Legislature's 1998 amendments to Chapter 163 F.S. and the applicable Florida Administrative Rules (F.A.C.) was to allow local governments to evaluate only those "issues" that pertain to and affect the local jurisdiction. This means that, as compared to the mid-1990 plan updates (Evaluation and Appraisal Reports (EARs) and EAR-Based Amendments, not every portion of a Comprehensive Plan needs to be thoroughly evaluated in the EAR, but only those major issues that affect the local government's ability to achieve its goals and objectives. However, each element as a whole must still be evaluated as to its successes or shortcomings in addition to any evaluation related to the local issues. Also data must be updated to reflect current conditions and trends.

A local government Comprehensive Plan is a living document. While it is designed to provide certainty for land development activities within the local jurisdiction, in part through limitations on amendments (hard to change) and requirements for financial feasibility, it is also designed to respond to changes in the local jurisdiction. Response to changes comes in part through amendments to the plan, through revisions to implementation of the plan and in a large part to the periodic evaluation and updating of the plan.

The process for preparing an Evaluation and Appraisal Report (EAR) of a Comprehensive Plan and subsequently updating the plan in the EAR-Based Amendment (EBA) process is basically the same as most other local governments programs and projects; that is, assess the adopted Comprehensive Plan, collect the information necessary to conduct the evaluation, analyze the data and prepare a report to document the findings and recommendations. The evaluation and updating of a Comprehensive Plan is a complex task requiring skilled professionals. A large amount of information gathering is required, such as US Census data, as well as information on transportation (roads / mass transit / pedestrian / other), public utilities, housing, recreation needs, capital improvement analysis, etc. State laws and rules must be reviewed and compared to the local plan. The South Florida Regional Planning Council (SFRPC) Strategic Regional Policy Plan (SRPP) also must be reviewed and compared to the local plan.

Community planning for all local governments is important for a number of reasons. The old adage "You need a plan to know where you are going" is vital in today's world. But planning (preparing and adopting a plan) would not be very helpful with a plan that was out of date. The prescribed method to keep a Comprehensive Plan up to date is to look it over periodically and evaluate how well it is meeting the needs of the local government. Data throughout the plan becomes dated (land use consumption, population growth or decline, demographic changes such

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as age or income levels, traffic on the roadway system, potable water and wastewater usage, etc.). Virtually every year the Florida Legislature modifies the "game rules" for document content, plan amendments and/or processing changes, etc. Other governmental agencies also modify or produce new documents, policies, etc. that affect local governments. The Florida Legislature recognizes the importance of evaluating and updating plans periodically. Generally, local governments must now evaluate and update their plans every seven (7) years; however, the last plan update cycle was 10+/- years.

Bal Harbour Village adopted its initial Comprehensive Plan in 1979 pursuant to the State of Florida's 1975 Growth Management Act. In accordance with state law at that time, that plan was not required by statute to be legally binding. However, pursuant to the State's 1985 revisions to the Growth Management Act, a new legally binding Comprehensive Plan was prepared and adopted on December 6<sup>th</sup>, 1988. The Village completed its last Evaluation and Appraisal Report (EAR) in July 1995. Subsequently, in 1997 the Village adopted so-called EAR-Based Comprehensive Plan amendments to incorporate the plan recommendations listed in the 1995 EAR.

Since that time there have been no significant amendments to the Comprehensive Plan. The Village's current EAR was due to be adopted in early 2006; however, due to the Village's community wishes, the matter has been deferred until now. MMPA has had a draft EAR completed since mid-2006. Each year the State legislature conveys and modifies some area of the growth management laws; therefore, the document has had to be updated repeatedly.

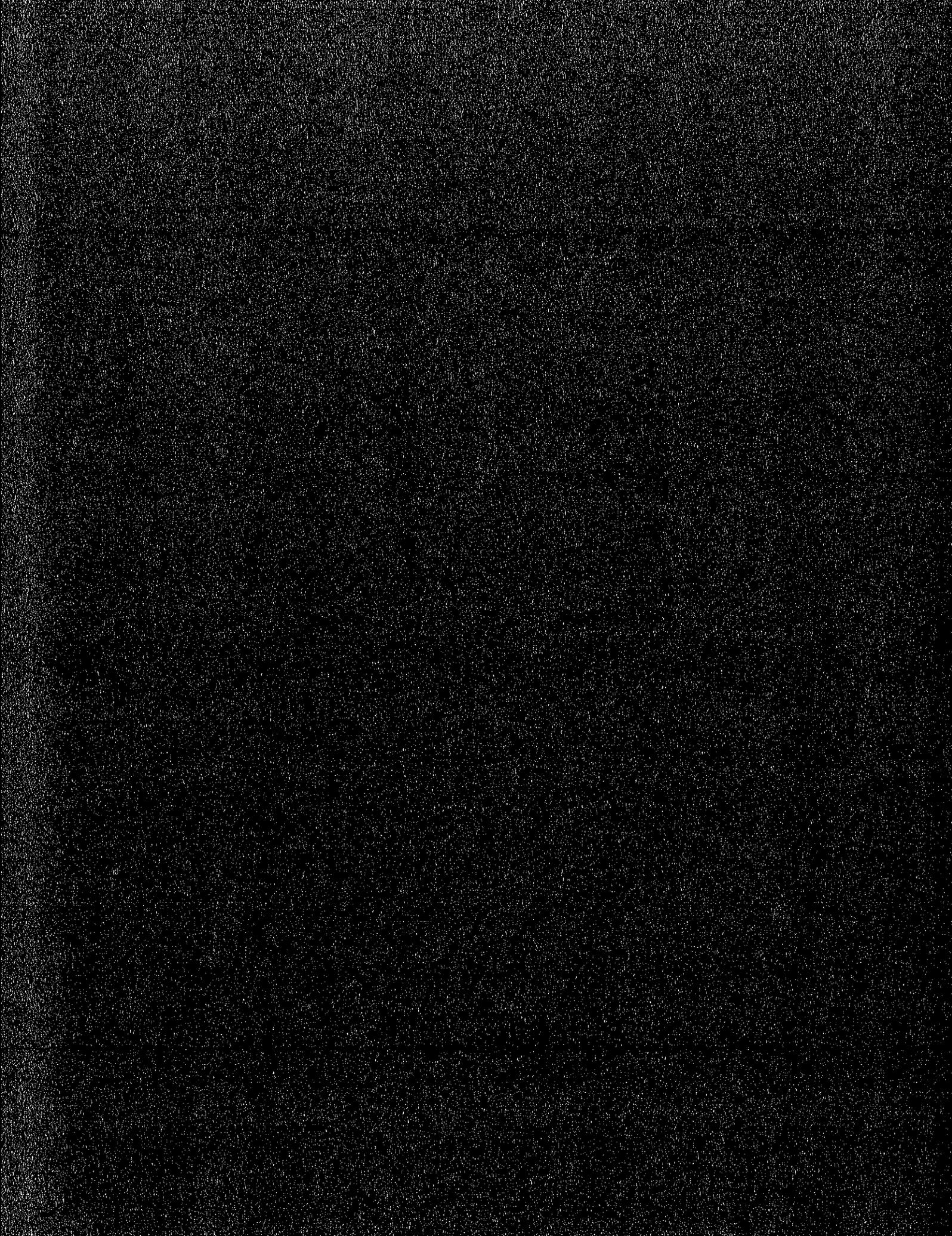
One of the primary portions of the current EAR is to identify Major Local Issues in the community and provide discussions on those topics. Those "issues" must be related to elements of the Comprehensive Plan, the primary growth management policy guide for each local government. The Village Council was to discuss this matter in the summer of 2005, then again in October 2005. At the October 2005 meeting, the matter was deferred by the Village Council to allow further consideration of the draft list of issues. Also, the Village Council desired to solicit input from the residents of the Village prior to finalizing the list and transmitting the work plan to DCA. Once a list is prepared, it is transmitted, together with the statutory work plan, to the Florida Department of Community Affairs (DCA) for approval. DCA subsequently issues a "Letter of Understanding (LOU)" either agreeing to the overall work plan for the EAR or requesting modifications / additions. When the EAR is prepared and submitted for approval, it must include all of the items in the LOU. The Village staff prepared and transmitted a notice to all residents of the Village inviting them to a community workshop to gain an understanding of what a Comprehensive Plan is, what an EAR is, and to discuss "issues". On May 3<sup>rd</sup>, 2006, a community workshop meeting was held in the Council chambers. Approximately 25-30 persons attended the meeting. Many of the "issues" presented by the speakers at the meeting were already covered, in my opinion, by the draft list already prepared by staff. Some "issues" had nothing to do with the Comprehensive Plan. A few items were worth considering adding to and/or modifying the draft list of "issues". I believe the residents in attendance came away with a much better understanding of the Growth Management laws of the State of Florida, the purpose of Comprehensive Planning and changing conditions in the Village. Subsequent to the community workshop meeting and following Village Council meeting, the Village transmitted the "list" to DCA for approval. DCA approved the EAR scope of services and "list" of issues on June 8<sup>th</sup>, 2006.

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The community was master-planned in the 1940s and has been built in general conformance with that master plan. The Village is essentially built-out (98.6%) and has been for many years. The only new development has been re-development of existing site for the most part. The scope of the current EAR reflects the Village's best interpretation of current major issues including those identified in the Department of Community Affairs (DCA) Letter of Understanding, as well as those in the Florida Statutes, Administrative Rules and other guidance documents issued by DCA.

**SUMMARY**

Michael Miller Planning Associates (MMPA), the Village Consultant Planner, prepared the current EAR and has been processing the document for approval by the state. The EAR was reviewed by the designated Local Planning Agency (LPA) – the Village Council, prior to formal review by the Village Council, as the Local Governing Body, and submitted to DCA and other review agencies for preliminary review and comment. On January 27<sup>th</sup>, 2010 the Village received preliminary comments from DCA and has made appropriate changes to address DCA's concerns. The Village Council can now adopt the final EAR and transmit the adopted revised EAR to DCA. In about 60 days after the transmittal the applicable agencies (DCA) will review the revised EAR and the Village will receive a letter either finding the EAR "Sufficient"; that is it meets the requirements for an EAR as specified in the Florida Statutes and Rules or notifying the Village that the EAR is "Insufficient" and need further revisions. If the EAR is found to be "Sufficient" (which we expect based on the DCA staff review and approval of the suggested revisions), the Village must proceed with the actual Comprehensive Plan amendments (so-called EAR-Based Amendments) and complete them within 18 months. This process is a more formal legislative process with the actual plan amendments presented in a strike thru / underline fashion and must be adopted by Ordinance after advertised public hearings.





STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

January 27, 2010

The Honorable Jean Rosenfield, Mayor  
Bal Harbour Village Hall  
655 - 96<sup>th</sup> Street  
Bal Harbour, Florida 33154

Dear Mayor Rosenfield:

On December 28, 2009, the Department of Community Affairs received the Bal Harbour Village proposed Evaluation and Appraisal Report (EAR). The Department has completed its 30-day preliminary sufficiency review of the proposed EAR for the Village and has enclosed comments and recommendations for your consideration.

In our review of the proposed EAR, the Department identified two areas where additional information is required to meet the requirements of Section 163.3191(2), F.S. These items are discussed in the attached report.

Please note that the Department will perform its formal sufficiency review after the Village has transmitted its adopted EAR to the Department. We encourage the Village to address the issues identified in the attached report prior to adopting the EAR.

We greatly appreciate the effort you and your staff have shown in planning the Village's course of action into the future. The Department's staff is available should you require additional assistance in responding to this preliminary determination. If you have any questions, please do not hesitate to contact Sevini Guffey, AICP, Community Planner, at (850) 922-5315 or at [sevini.guffey@dca.state.fl.us](mailto:sevini.guffey@dca.state.fl.us).

Sincerely,

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/skg

Enclosures: Preliminary Sufficiency Report  
Public Schools Facilities Element – Exemption Application Form for Municipalities  
Sample Comprehensive Plan Goals, Objectives and Policies related to HB 697

cc: Mr. Michael Miller, AICP, Consultant, Michael Miller Planning Associates, Inc.  
Mr. Alfred Treppeda, Manager, Bal Harbour Village  
Ms. Ellisa Horvath, Clerk, Bal Harbour Village  
Ms. Carolyn A. Dekle, AICP, Executive Director, South Florida Regional Planning Council

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

♦ COMMUNITY PLANNING 850-488-2368 (p) 850-468-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5823 (f) ♦

**PRELIMINARY SUFFICIENCY REPORT**  
**PROPOSED EVALUATION AND APPRAISAL REPORT**  
**BAL HARBOUR VILLAGE**

The Department has completed its review of the proposed Evaluation and Appraisal Report (EAR) for the Bal Harbour Village Comprehensive Plan. Based on the provisions of Section 163.3191(2), F.S., the Department has identified the following issues that should be addressed prior to adopting the EAR.

**Relevant Changes to State Comprehensive Plan, Growth Management Law and SRPP [Section 163.3191(2)(f), F.S.]**

**Issue 1:** Bal Harbour Village did not identify the need to address greenhouse gas emission reduction strategies and energy conservation.

**Recommendation:** Although the Village is almost built out and is served by mass transit, the Village can implement other greenhouse gas emission reduction strategies and energy conservation measures such as: participation in rebates for buying energy efficient appliances, providing educational materials (e.g. inserts in utility bills), require energy efficient design and construction in new development and redevelopment, and energy audits for buildings. The Village should revise the EAR to recommend greenhouse gas emission reduction and energy conservation strategies to be included in the EAR-based amendments.

The Village is encouraged to review the enclosed "Department of Community Affairs Comprehensive Plan Goals, Objectives, and Policies Related to HB 697" for sample goals, objectives and policies for guidance. These examples have been prepared by other local governments around the state. All of the policies may not be relevant to every local government. These policies are not intended to be interpreted as what the Village must adopt, but to provide ideas for the Village to consider as the Village develops policies appropriate to its own circumstances. Additional information is also available at <http://www.dca.state.fl.us/fdcp/dcp/Legislation/2008/HB697Resources.cfm>

**Coordination of the Comprehensive Plan with Public Schools [Section 163.3191(2)(k), F.S.]**

**Issue 2:** Sections 163.31777(7), and 163.3191(2)(k), F.S., require a municipality that received a school concurrency exemption from the Department of Community Affairs to reassess its continued eligibility for the exemption as part of the EAR.

**Recommendation:** The Village should assess its continued eligibility based on the criteria in Section 163.3177(12), F.S. The Village should complete and submit the enclosed "Public Schools Facilities Element Exemption Application Form for Municipalities" to determine if the Village is eligible to continue its exemption. The application is also available on DCA's website at <http://www.dca.state.fl.us/fdcp/dcp/SchoolPlanning/index.cfm>.

Should the Village and Miami-Dade County School District determine the Village is no longer eligible for the exemption, the EAR should recommend the Village enter into the interlocal agreement for school planning and adopt the required Public School Facilities Element.

# Public School Facilities Element Exemption Application Form for Municipalities

This exemption application is for \_\_\_\_\_ (municipality)  
in \_\_\_\_\_ county.

## Part I

Question 1. Are there any public schools within the municipality's jurisdiction (including charter schools)? [see s. 163.3177(12)(b)3., F.S.]

- Yes. ⇒ STOP. The municipality does NOT qualify for an exemption.  
 No. ⇒ Continue to Part II.

## Part II

Please complete Table A below.

Table A. Residential Development Orders Issued in Preceding Five Years [see s. 163.3177(12)(b)1., F.S.]

Year	Land Use Category	Number of Dwelling Units Permitted
<b>Total Dwelling Units:</b>		

Question 2. Is the dwelling unit total in the Table A less than 50?

- No.  
 Yes.

Please complete Table B below.

Table B. New Public School Students Generated During the Preceding Five Years [see s. 163.3177(12)(b)1., F.S.]

Year	Number of new public school students added within municipality's jurisdiction [based on Capital Outlay Full-Time Equivalent (COFTE) data]
<b>Total:</b>	

## Public School Facilities Element Exemption Application Form for Municipalities

Question 3. Is the new student total in Table B less than 25? [see s. 163.3177(12)(b)1., F.S.]

- No.
- Yes.

Question 4. Did you answer *Yes* for either Question 2 or Question 3?

- No. ⇒ STOP. The municipality does NOT qualify for an exemption.
- Yes. ⇒ Continue to Part III.

### Part III

Question 5. Did the municipality annex land during the preceding five years? [see s. 163.3177(12)(b)2., F.S.]

- No. ⇒ STOP. The municipality is ELIGIBLE for consideration for an exemption from school concurrency requirements subsequent to approval by the Department of Community Affairs and the Department of Education.
- Yes. ⇒ Please complete Table C below.

Table C. Land Annexations

Municipal Land Annexations			
Year	Land Use Category	Acres Annexed	Dwelling Units per Acre
Total			



# Department of Community Affairs Sample Comprehensive Plan Goals, Objectives, and Policies Related to HB 697

## General Characteristics of Good Policies

1. **Specific:** Goals, objectives and policies should establish specific strategies for achieving energy efficient land use patterns and reduction of green house gases. Objectives should indicate specific intermediate ends by which progress toward achieving the goal can be measured, and policies should describe how the objective will be achieved in a consistent manner. For example, if the Objective is to create walkable neighborhoods, the policies should indicate how that will be accomplished: i.e., through city sponsored capital improvements, by requiring all new development/redevelopment to include sidewalks, by requiring residences to be within ¼ mile of activity centers, and so forth.
2. **Holistic:** All of the elements of the comprehensive plan should be consistent and work together in a holistic approach. The elements may include policies that work together with policies in other elements in the plan. One example is transit orientated development: land use policies should promote development that will support transit (i.e. through minimum densities and intensities, creation of origins and destinations within ¼ mile of transit stops, etc.), while the transportation element should include transit routes on the transportation maps and policies to coordinate with the transit provider for the planning of future transit routes when considering plan amendments.
3. **Regional:** Counties and Municipalities identify regional initiatives ongoing in their regions and include policies that complement these initiatives. Examples include: MPO transportation plans for multimodal transportation, coordination with transit agencies' plans, regional conservation initiatives including greenprinting, greenways, blueways, conservation corridors, and coordination with other municipalities and counties in the region to deal with these issues.
4. **Local:** Many times the Counties and Municipalities already have strategies to address HB 697. Examples included complete streets initiative, revitalization, promoting infill development, discouraging urban sprawl, tree canopy programs to increase the amount of tree coverage in the area, recycling programs, setting aside areas for transit, urban parks, or environmentally sensitive areas. The comprehensive plan should add specific goals, objectives and policies which incorporate these initiatives.

## Example Policies from Around the State of Florida

### Future Land Use Element Policies (Pursuant to Section 163.3177(6)(a), F.S.)

*Seminole County:* <http://1792cra.com/pd/planning/compplan.asp>

*Policy FLU 1.6 Green Print Coordination:* The County shall continue to coordinate with the State of Florida, the St. John's River Water Management District (District), the Nature Conservancy, the Trust for Public Lands, the congress of Regional Leaders of

myregion.org, and all other agencies involved in preservation of environmental assets to create a Countywide linked open space and Greenways/Trails/Blueways system that assists in permanent preservation of County and regional environmental assets. As a part of this effort, the County shall continue to support efforts by the State Legislature to maintain funding for the Florida Forever grant program that assists with local efforts to acquire environmentally significant features, and any successor program.

*Policy FLU 1.16 Protection of Air Quality From Green House Gases:* The County shall continue efforts to protect air quality from increases in green house gases by:

- A. Directing and incentivizing growth toward lands designated for Mixed Development or Higher intensity Planned Development through incentives such as those identified in Policy 5.15. These land use designations encourage mixed or multiple use development patterns that can be designed to be served by public transportation and to be walkable, thus reducing single occupant car trips and green house gases;
- B. Continuing to participate in planning efforts with LYNX, and funding of LYNX routes, to improve transit headway in areas where more concentrated development will be located, focusing in particular upon the US 17-92 Community Redevelopment Area Corridor
- C. Continuing to financially support the commuter rail system, which will provide an additional alternative travel mode to remove automobile trips from the Seminole County and regional roadway network and support the principles of the Central Florida Regional Growth Vision

*Alachua County:* (This is a summary report of the Energy Conservation Strategies Commission which includes general guidelines for comprehensive plan language to be adopted by the County in its EAR-Based amendments.)

<https://govconnect.alachuacounty.us/committees/ECSC/Strategies/olgies/Shared%20Documents/ECSC%20Report.pdf>

*Land Use & Transportation: Development Location:* To save energy & financial resources, encourage development within existing cities & towns, along transportation corridors, in business-employment centers, & in civic and cultural centers.

- i. Encourage new development in (ranked order):
  - 1. Remediated brownfield sites;
  - 2. Greyfield sites with reuse of intact structure;
  - 3. Greyfield sites with reuse and recycling of demolished structures;
  - 4. Infill sites with appropriate density & amenities;
  - 5. Transit-oriented development with amenities;
  - 6. Sites adjacent to existing developed areas with appropriate density & amenities;
  - 7. High-density sites within the existing urban services area (require amenities);
  - 8. Outlying sites with habitat and agricultural restoration.
- ii. Discourage all new development in (ranked order):
  - 1. Land that can be used for agricultural purposes (e.g. food production)
  - 2. Sites of hydrological and ecological significance;
  - 3. Floodplains;
  - 4. Sites of historic significance (while allowing adaptive reuse);
  - 5. remote areas (discourage conventional development.)
- iii. Restrict new development to areas served by Bus Rapid Transit (BRT).

**Planned Urban Development:** Develop urban neighborhoods & communities that incorporate the principles of traditional city design, including:

1. Mix of land uses that integrates variety of residential units in a variety of types (condos, multilevel apartments, attached & unattached homes on small lots);
2. First-floor retail, including goods & services used on a frequent basis;
3. Greenspace- pocket parks & playgrounds, greenbelts that protect natural areas, 7 habitat between urban clusters;
4. Ecological design of the public realm to achieve attractive, safe, accessible, and adaptable streets, preserved view shed, parks, & public spaces;
5. Easy access to police, fire, & health services;
6. Well-planned intra-modal transportation- wide sidewalks and walking/bicycling trails, and bus shuttle;
7. Choice of efficient intermodal transportation- dedicated, transit lanes for BRT, transit with frequent headways, carpooling, in-street and off-street bicycle lanes and trails, high-occupancy (HOV) lanes, 7 commuter rail.

**City of West Palm Beach:** <http://wpb.org/plan/comprehensive-plan/>

**Objective 1.14:** The City shall develop and implement green and sustainability strategies.  
**Policy 1.14.2:** The City shall continue to seek ways and opportunities to implement green and sustainable initiatives regarding, but not limited to, carbon footprint reduction, water conservation and reuse, recycling, waste and energy reduction, reuse of resources, greater operational efficiency, land use and transportation practices, multi-pollutant prevention, and environmental improvements.

#### **Transportation Element Policies (Pursuant to Section 163.3177(6)(b) and (j), F.S.)**

##### **City of West Palm Beach**

**Policy 1.1.1(a):** The City shall require future developments in the western areas to plan for public transit facilities and amenities such as covered shelters, bus bays, and transit park-and-ride lots based upon the number of access points, type of access (i.e., gated or non-gated), and the overall size of the development. This shall be done in accordance with the Palm Tran plans for the area.

**Policy 1.1.2(a):** The City shall seek to determine the modal split for West Palm Beach and set specific targets aimed at increasing its modal split. At such time that the City plans street modifications, PalmTran shall be invited to meet with the City to coordinate the location of transit-related facilities and other design requirements. The City shall continue to coordinate planning efforts with PalmTran, Tri-Rail, the MPO, Palm Beach County, and the FDOT to achieve a higher modal split.

**Policy 1.1.5(c):** The City shall support the seamless integration of multimodal transit services, including those provided by PalmTran, at the Downtown Intermodal Transit Facility, and the simple transfer between its users and the users of Tri-Rail, Amtrak, and Greyhound at the adjacent Seaboard Train Station. The City shall implement design guidelines in its Downtown Zoning Regulations and utilize grant funding to enhance pedestrian access to the Intermodal Facility consistent with the guidelines of Downtown Master Plan Policy 4.2.4 and other provisions of the Downtown Master Plan Element. The City shall seek to expand its trolley services in order to provide connections between

the Downtown Intermodal Transit Facility, the Seaboard Train Station and other areas of the City.

**Sarasota City:** [http://www.sarasotagov.com/NDS/NDS\\_guide.htm#SarasotaCityPlan2030](http://www.sarasotagov.com/NDS/NDS_guide.htm#SarasotaCityPlan2030)

**1.6 Citywide Mobility Study:** The City shall conduct a citywide mobility study to identify multimodal improvements to modify, alter, and enhance the City's transportation network and its capital improvements schedule. Multimodal improvements may include marked crosswalks, wider sidewalks, on-street parking, bus turnouts, bicycles lanes, multi-use trails, traffic calming, raised medians, intersection bulb-outs, secure bicycle parking (Lockers, locked rooms, cages) and many other improvements.

**2.16 Complete Streets:** All City road improvement projects shall work to create "complete streets." Complete streets are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities can safely move along and across a complete street.

**2.17 Streetscaping:** City road improvement project shall include streetscaping plans that can add to the City's urban tree canopy.

**3.3 Sarasota County Area Transit:** The City shall, in conjunction with Sarasota County, support Sarasota County Area Transit in continuing to provide bus service at a level that meets Sarasota County's adopted level of service.

**3.4 Sarasota County Area Transit Future Planning:** The City shall work with and support Sarasota County Area Transit in its efforts to seek federal "Small Starts" funding for transit as well as in other future planning and improvements.

**3.5 LOS Standards for Transit:** The level-of-service standard for transit shall be consistent with Sarasota County's adopted level of service for Sarasota County Area Transit system (SCAT) which is to improve transit service, as measured by vehicle revenue hours, from levels in effect in January 2005.

**3.6 Easement Dedication on Transit Corridors:** Requests for development approval on sites located adjacent to streets that are designated "Transit Corridors," identified in Illustration T-16, shall be required, at minimum, to construct a concrete pad and dedicate an easement to Sarasota County Area Transit (SCAT) (or its successor agency) for public transit use. The dedicated easement area shall be of sufficient size to allow for ADA access to transit and for future shelter placement. Developments on sites less than ½ acre in size may request exemption from this policy. In addition, when an existing bus shelter or pad is located within ¼ mile (on the same side of the arterial roadway), the development may also request exemption from the easement dedication requirement.

**3.7 Transit Performance Standards:** The City shall assist the Metropolitan Planning Organization's Public Transportation Task Force and the Technical Advisory Committee in determining transit performance standards and implementing the Public Transportation System Analysis (PTSA) recommendations.

**4.2 Effects of Future Land Use Changes on Level-of-Service:** The City shall assess the impacts of land use changes on road, bicycle, pedestrian and transit levels-of-service.

**4.7 Transit Oriented Development (TOD) Overlay District:** The City shall study the possibility of creating a transit-oriented development overlay district in order to create incentives and design guidelines for development of TOD's within the City.

**City of Weston:** <http://www.dca.state.fl.us/fdcp/DCP/complanning/flpapers.cfm>  
(Weston 09-1ER)

**8.1.2 Policy:** Provide a convenient multimodal transportation system through implementation of, but not limited to, the following programs, activities, and actions:

**Public Transit**

7. Work with Broward County in developing local public transit systems that are coordinated with the County's public transit system; including community transit/express bus service;

9. Support development of a tri-county public transit authority to provide information on regional public transit service;

11. Support Broward County's efforts to equip the Broward County Transit fleet with bike racks by encouraging installation of bicycle facilities in public places within the City of Weston;

13. Assist Broward County in the provision of bus shelters, benches, and stops at appropriate locations.

**Bikeways and Pedestrian Ways**

14. Continue to maintain and, where feasible, improve the functional area coverage of the bicycle facility network through inclusion of bikeways in road construction projects and through greenways;

15. Update the Bicycle Facilities Master Plan as needed to address missing links and/or other facilities deficiencies within the City's existing and programmed bikeway network, including identification of potential funding sources;

16. Improve the bikeway a network such that all significant commercial, employment and recreational centers are accessible via a bikeway route along at least one collector or arterial roadway route serving the center;

17. Encourage improved access to public transit terminals through the provision of bicycle facilities at appropriate locations;

18. Continue to provide bicycle facilities at commercial and recreation areas and other appropriate locations;

19. Continue to work with Broward County in developing municipal bikeways that are coordinated with the County's bikeway system;

20. Continue to work with appropriate entities to plan for and develop a recreation transportation system that includes provision of nonmotorized transportation facilities;

21. Continue to improve pedestrian access to public transit stops through the City's Land Development Regulations;

22. Encourage compact mixed use developments as a land use strategy for promoting walking and biking.

**Conservation Element Policies (Pursuant to Section 163.3177(6)(d), F.S.)**

**Seminole County**

Policy CON 8.1 Review of County Energy Measures: The County shall review, with each Comprehensive Plan Evaluation and Appraisal Report existing Countywide energy conservation measures and practices, and, if necessary adopt additional Comprehensive Plan Policies that further the goal of achieving measurable results in energy conservation. The review shall include an evaluation of the effect of County plans, programs, and

policies and determine how to reduce energy impacts and make efficient use of energy resources.

**Policy CON 8.3** The County shall endeavor to coordinate with the municipalities to promote energy conservation and education.

**Policy CON 8.13 Promote Alternative Modes of Travel to Minimize Fuel Consumption:** Continue to support efforts put forth in the Transportation Element to increase mass transit ridership and provide for alternative modes of travel as a means to minimize fuel consumption.

### ***Sarasota City***

**6.1 Kyoto Protocol:** The City will work toward achieving the Kyoto Protocol targets for reduction of greenhouse gas emissions. Actions pursued by the city shall include, but not be limited to, anti-sprawl land-use policies, urban forest restoration projects, public information campaigns, energy efficient building designs, recycling programs, and environmentally friendly procurement.

**6.3 Sustainable Building:** To achieve more sustainable building practices, the City shall use sustainable building measures for new buildings and major renovation projects for City facilities as outlined in the U.S. Green Building Council's document "LEED-NC: Green Building Rating System for New Construction and Major Renovations."

**6.4 Reduction of Greenhouse Gas Emission:** The City encourages the State and Federal Governments to enact policies and programs for achieving the greenhouse gas emission reduction target suggested for the United States in the Kyoto Protocol – a 7% reduction from 1990 levels by 2012.

**6.5 Greenhouse Gas Legislation:** The City encourages the U.S. Congress to pass bipartisan greenhouse gas reduction legislation, which would establish a national emission trading system.

**6.8 Water Conserving and Energy Efficient Appliances:** The City encourages the use of water conserving appliances and cisterns in order to reduce the per capita consumption of potable water and the increased use of energy efficient appliances to reduce energy consumption and the carbon footprint of the city.

#### **1.4 Specific Natural Resource Protection Initiatives - Vegetation:**

**Green Canopy Program:** To support the "Green Canopy Program" as a means of urban beautification, the Public Works Department shall:

- Inventory the need for urban trees;
- Prepare a guide for selection, planting procedures, and care for urban trees; and,
- Allow for the private contribution of funds into a program that increases the number of trees in public spaces.

The City shall work toward achieving and maintaining Sarasota County's tree canopy coverage goal of 40%.

**Florida Friendly Landscapes Program:** The City shall promote the Florida Friendly Landscapes Program and shall utilize Florida Friendly Landscape techniques and plants for city-owned property. Florida friendly landscapes use native vegetation that require low levels of irrigation and fertilization.

**Native Habitat Restoration and Management:** The City will explore the creation of a native habitat restoration and management strategy. This strategy may include coordination with Sarasota County's Environmentally Sensitive Lands Protection

Program, development of a habitat and natural resources inventory, and acquisition of property through various methods, including the use of Florida Forever funds, to restore damaged environmental systems, manage and protect natural resources, and to increase public access to natural resources.

### **Housing Element Policies (Pursuant to Section 163.3177(h), F.S.)**

#### ***Sarasota City***

1.6 Energy Efficient and Environmentally Sensitive Housing: The City will encourage the construction of energy efficient housing by exploring innovative regulations that promote energy conserving and environmentally sensitive technologies and LEED Neighborhood Development design.

#### ***City of Weston***

2.8 Objective: City shall support energy efficiency and the use of renewable energy resources in existing housing and in the design and construction of new housing.

2.8.1 Policy: The City shall encourage support for residential construction that meets the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a other nationally recognized, high-performance green building rating system as recognized by the Florida Department of Management Services by March 2010.

2.8.2 Policy: The City shall educate Weston residents on home energy reduction strategies.

2.8.3 Policy: The City shall not prohibit the appropriate placement of photovoltaic panels. The City shall develop and adopt review criteria to establish the standards for the appropriate placement of photovoltaic panels.

2.8.4 Policy: The City shall provide educational materials on the strategic placement of landscape materials to reduce energy consumption.

#### **Department's website information:**

<http://www.dca.state.fl.us/fdep/DCP/Legislation/2008/HB697Resources.cfm>

<http://www.dca.state.fl.us/fdep/dcp/Legislation/2008/HB697Message.cfm>



# City of Jacksonville

## Energy Conservation\*

JTA Park and Ride

### Type

- Transit Hub
- \* Skyway
- \* Trolley
- \* Bus
- Automated Skyway Express (ASE)
- Trolley
- 2008 Bus Routes
- Riverwalk
- Baldwin Fall Trail
- S-Line Fall Trail
- Bike Lanes; Hashed
- Bike Lanes; SOLID
- Roads - Oct 27, 2008

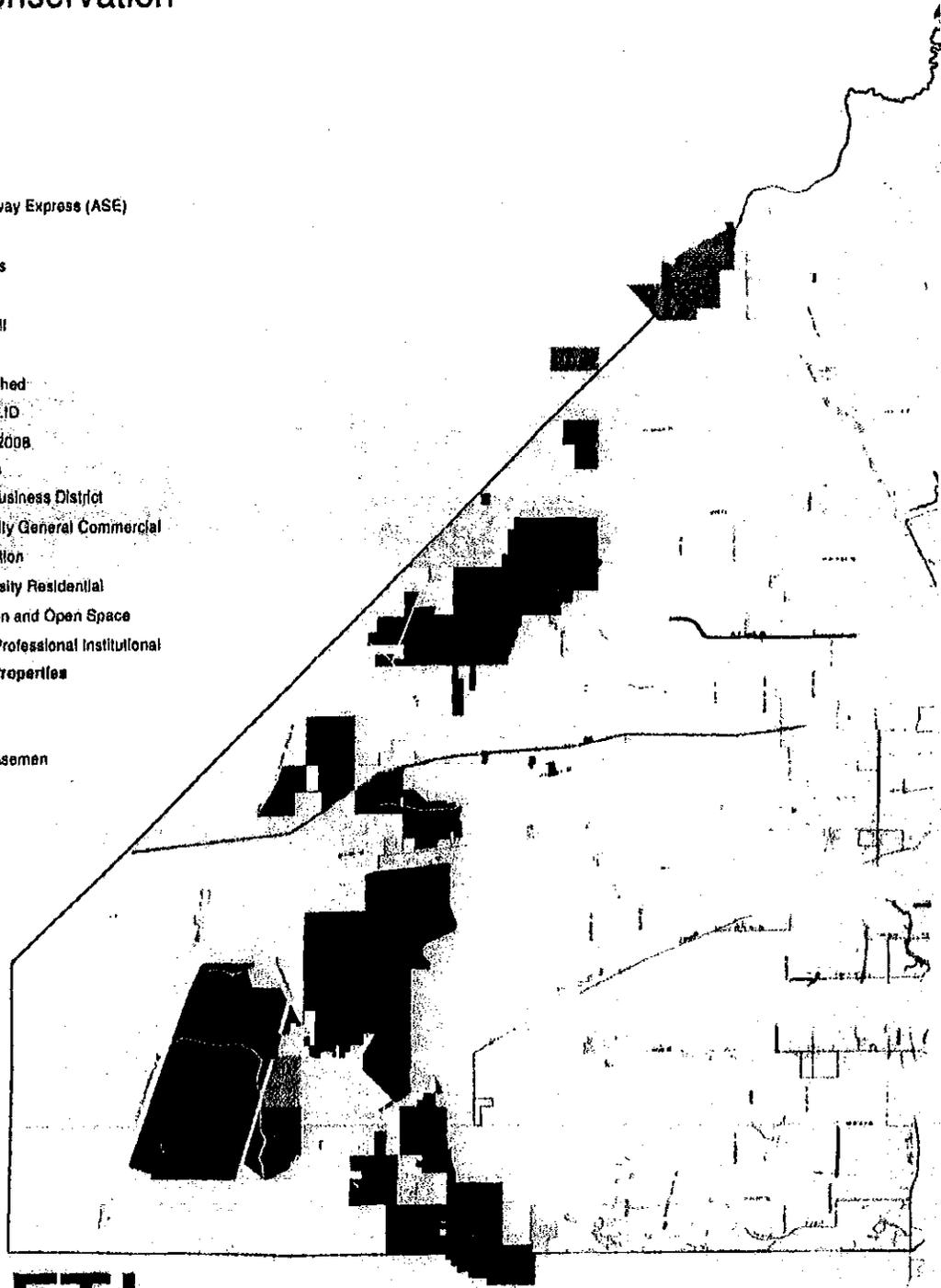
### Associated Land Uses

- CBD - Central Business District
- CGC - Community General Commercial
- CSV - Conservation
- HDR - High Density Residential
- ROS - Recreation and Open Space
- RPI - Regional Professional Institutional

### Preservation Project Properties

#### STATUS

- Acquired
- Conservation Easement
- Millgation
- Under Contract
- River
- Duval County



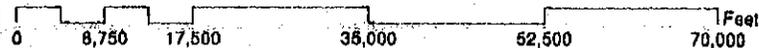
# DRAFT!

\* Comprehensive Plan, Future Land Use Element Map L-24

Data provided by COJ-PDD, JTA

Developed by James M. Reed, AICP - jreed@coj.net  
January 2009

Content intended for illustrative purposes only.



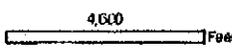
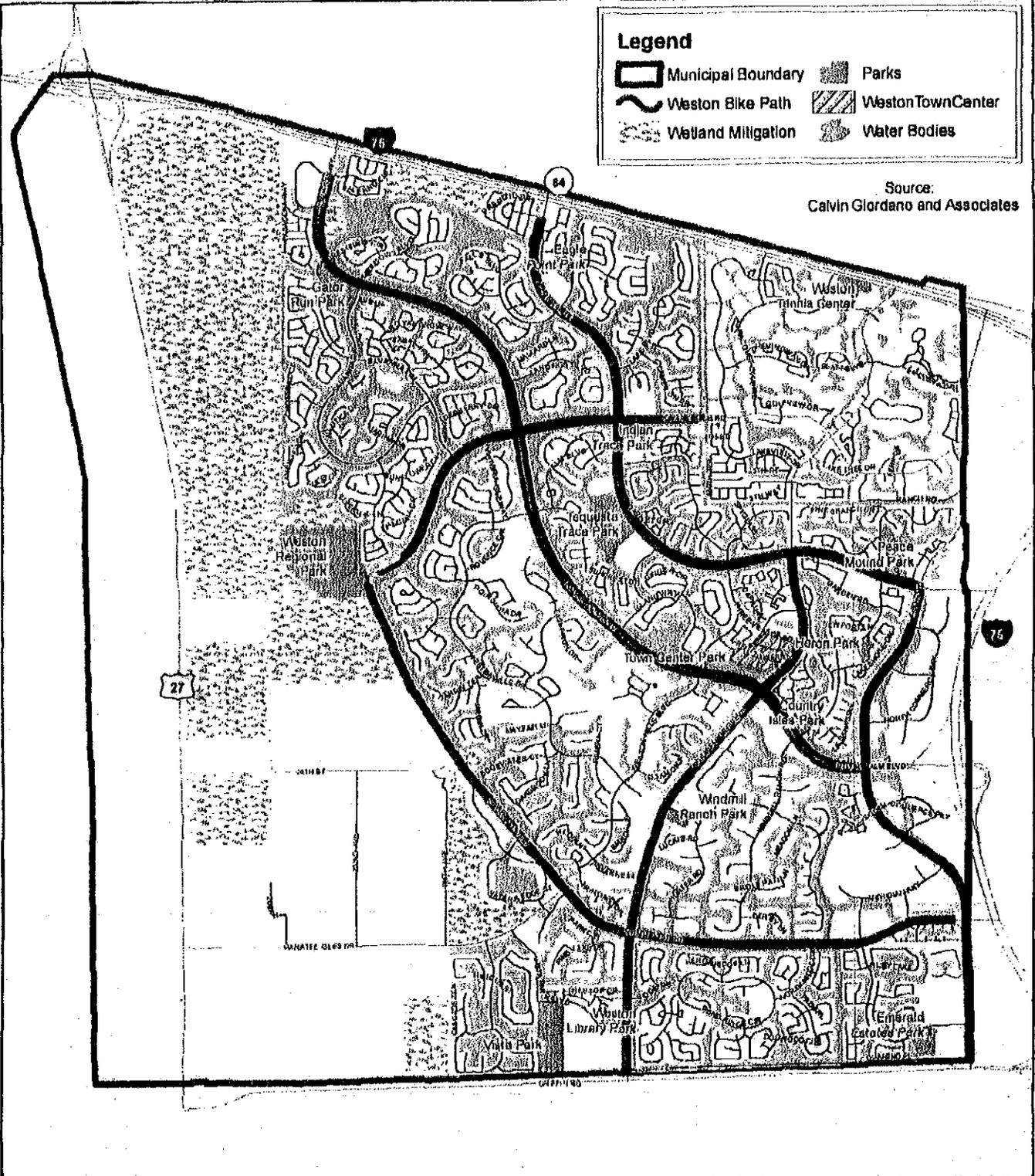
# City of Weston Energy Conservation Areas and Features



### Legend

- |   |  |
|---|--|
|  Municipal Boundary |  Parks              |
|  Weston Bike Path   |  Weston Town Center |
|  Wetland Mitigation |  Water Bodies       |

Source:  
Calvin Giordano and Associates





**BAL HARBOUR VILLAGE, FLORIDA  
RESPONSE TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA)  
PRELIMINARY REVIEW COMMENTS  
EVALUATION AND APPRAISAL REPORT (EAR)**

On December 24<sup>th</sup>, 2009 the Village transmitted its draft Evaluation and Appraisal Report (EAR) to DCA and other required review agencies for a preliminary "Sufficiency" review prior to the Village's formal adoption. In the DCA letter dated January 27<sup>th</sup>, 2010 two (2) comments with recommendations to revise the draft EAR prior to adoption were raised. The Village has reviewed the comments raised by DCA and other review agencies and proposes changes to the draft EAR to address the issues. The suggested changes are identified below.

**DCA ISSUES**

**DCA ISSUE #1:** Bal Harbour Village did not identify the need to address greenhouse gas emission reduction strategies and energy conservation.

**DCA'S RECOMMENDATION:** Although the Village is almost built out and served by mass transit, the Village can implement other greenhouse gas emission reduction strategies and energy conservation measures such as: participation in rebates for buying energy efficient appliances, providing education materials (e.g. inserts in utility bills), require energy efficient design and construction in new development and redevelopment, and energy audits for buildings. The Village should revise the EAR to recommend greenhouse gas emission reduction and energy conservation strategies to be included in the EAR-based amendments.

**VILLAGE RESPONSE:** The Village believes its unique mixed-use Master Plan design that has endured since the mid-1940s, overall density characteristics (average 11 DUA), compact design, oceanfront location, physical location to all types of shopping that can be reached by other than motor vehicles, excellent provision of mass transit services (countywide / local), pedestrian walkability and higher-end development characteristics already address the goals of the current greenhouse gas reduction movement. The Village continually strives to maintain a high level of service and appearance to its residents and guests. The Village is essentially built-out (98.6%) and has been for many years. The only recent development activity is the redevelopment of existing properties which has resulted in less impact on infrastructure. Traffic generated by the Village properties has significantly decreased over the last few years with the redevelopment, which results in less energy use. Despite this explanation, DCA has requested that the Village include some additional greenhouse gas reduction strategies that could be included in the EAR-Based amendments. There are already many state mandated laws that will significantly result in greenhouse gas reduction over time. The Village's existing plan is silent as to any current greenhouse gas reduction efforts; therefore, the Village proposes the following:

- 1. Energy Efficient Design and Construction in New Development and Redevelopment** - The State of Florida has the most stringent Energy Code in the United States which requires all new or remodeled buildings to meet the building standards. The current 2007 standards in effect are 4% higher than the International Energy Conservation Code (IECC) requirements. Chapter 553 of the Florida Statutes requires all new or remodeled buildings to achieve at least a 20% energy reduction by 2010 from the 2007 requirements, a 30% energy reduction by 2013 from the 2007 requirements, a 40% energy reduction by 2016 from the 2007 requirements and a 50% energy reduction by 2019 from the 2007 requirements. There is currently no technology to achieve these standards in the building industry. LEED certified buildings cost between 25-30% more

**BAL HARBOUR VILLAGE  
RESPONSE TO DCA PRELIMINARY REVIEW  
EVALUATION AND APPRAISAL REPORT**

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to construct than normal construction so few will be constructed due to the high cost and financing in recent times has been difficult at best for normal construction. Since the Village is essentially built-out, the State's Energy Code is so stringent and all new or remodeled construction must comply, this is a given.

**Suggested EAR amendment** - To address the statutory greenhouse gas reduction requirements, during the EAR-Based amendments the Village will amend its plan to add a new policy that all new or remodeling construction must comply with Chapter 553 F.S.

- 2. Energy Audits for Buildings** - The State of Florida Building Code also requires that all construction must utilize a standardized computer software program referred to as the "Energy Gauge" program to analyze the proposed construction to determine if the new construction will meet the minimum statutory requirements.

**Suggested EAR amendment** To address the statutory greenhouse gas reduction requirements, during the EAR-Based amendments the Village will amend its plan to add a new policy that all new or remodeled construction must be analyzed and comply with Chapter 553 F.S. requirements.

- 3. Energy Audits for Buildings** - One of the DCA recommended greenhouse gas reduction strategies is to encourage older existing buildings to have an energy audit performed to identify improvements that could be made to increase energy efficiency. The Village has limited abilities to require properties to receive an energy audit; however, the Village can suggest such actions via public execution materials (community newsletter).

**Suggested EAR amendment** - To address the statutory greenhouse gas reduction requirements, during the EAR-Based amendments the Village will amend its plan to add a new policy to provide educational materials to all property owners to implement energy conservation measures by performing periodic energy audits.

- 4. Energy Conservation Standards** - The State of Florida also has adopted stringent energy conservation standards in Chapter 553 F.S. that all must comply with already. This statute covers refrigerators and freezers, lighting equipment, shower heads and covered products.

**Suggested EAR amendment** - To address the statutory greenhouse gas reduction requirements, during the EAR-Based amendments the Village will amend its plan to add a new policy that will require all new or remodeling construction to use products that comply with Chapter 553 F.S. and the Florida Building Code and will provide educational materials to the public about energy efficient appliances, light fixtures, water conservation devices, building materials and other products.

- 5. Ongoing Energy Conservation Measures / Educational Materials** - The Village has had ongoing programs to encourage and/or implement energy conservation measures for many years. Lighting fixtures have and will continue to be switched to low wattage / energy efficient bulbs. The Village already provides public educational materials (i.e. brochures / newsletters) encouraging energy conservation.

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**Suggested EAR amendment** - To address the statutory greenhouse gas reduction requirements, during the EAR-Based amendments the Village will amend its plan to add a new policy / policies to continue to implement energy conservation measures (i.e. light bulbs) and provide educational materials to implement energy conservation measures and encourage private property owners to do the same.

- 6. Draft EAR Modifications** - In addition to the above, the Village proposes the following summary and details of changes to the draft EAR:

Section IV – Analyzing the Plan Elements (Successes and Shortcomings) in the discussion on recommendations for the Future Land Use Element, Transportation Element, Housing Element and Conservation Element to include language addressing needed amendments for greenhouse gas emission reduction and energy conservation;

Section VI – Recommendation (Actions and Corrective Measures) under item 5 the text will specifically state that the Village will develop strategies related to greenhouse gas emission reduction strategies and energy conservation;

Appendix A – The Changes to Chapter 163 Florida Statutes (F.S.) Matrix table will be modified to include changes from 2008 and 2009 which will identify the changes needed per HB 697, even though those changes occurred 2 years after the Village’s EAR Scope of Services was agreed to by DCA;

Appendix F – Greenhouse Gas (GHG) Reduction / HB 697 Analysis – will be modified to reflect specific corrective measures to be made to the Future Land Use Element; Transportation Element, Housing Element, and Conservation Element to address the new State requirements per HB 697. These proposed specific changes to the draft EAR are shown below in strikethrough and underline format for ease of review.

#### **IV. ANALYZING THE PLAN ELEMENTS (SUCCESSSES AND SHORTCOMINGS)**

##### **FUTURE LAND USE ELEMENT**

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##### **B. Recommendations**

Update the date and analysis contained in the Comprehensive Plan with particular attention to changing demographic characteristics. Continue to monitor the changing demographic characteristics in the Village and identify any impacts on the demand for public services and facilities. Update the Future Land Use Map series to include the new state definition of the Coastal High Hazard Area (CHHA) and to include an energy conservation map(s). Add measurable criteria for all Objective and Polices and develop a different numbering system for the FLUE GOPs so that they are more easily referenced. The Village will modify existing Objective 9J-5.006(3)(b)8 to be consistent with HB 697 greenhouse gas emission reduction strategies and energy conservation and will consider additional policies as needed (See Appendix F for more detail).

## **TRANSPORTATION ELEMENT**

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### **B. Recommendations**

Update the data and analysis contained in the Transportation Element. The Village will also consider amendments that may be needed in the element to comply with HB 697 greenhouse gas emission reduction strategies and energy conservation (See Appendix F for more detail).

## **HOUSING ELEMENT**

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### **B. Recommendations**

Update and amend the current Housing Element to include current data from the Shimberg Center and other data and information as needed. Based upon analysis of the updated data identify any needed amendments and incorporate them during the EAR-Based Amendment Process. The Village will revise the element as needed to bring it into compliance with the current state laws such as the State Energy Code requirements related to new and redevelopment construction within the Village and as needed will amend the element to comply with HB 697 greenhouse gas reduction strategies and energy conservation (See Appendix F for more detail). In addition, the element's GOPs will be amended with a different numbering system so that they can be more easily referenced.

## **CONSERVATION ELEMENT**

### **A. Successes and Shortcomings of Plan Element**

Since 1997, the Village has successfully followed the Objectives and Policies in the Plan. No shortcomings have been identified. The Village continues to issue NPDES reports to the State DEP on an annual basis. As related to the new requirement for local governments to prepare a 10-Year Water Supply Plan, ~~even though the Village is built out, has adequate service / water supply now and into the foreseeable future, and is a "Consecutive User" which simply buys potable water in bulk from WASD, it may include additional conservation policies and techniques:~~ on February 17<sup>th</sup>, 2009 the Village adopted a 10-Year Water Supply Facilities Work Plan (WSFWP) and associated plan amendments including several new policies under Objective 9J-5.013(2)(b)2 which expanded the Village water conservation policies and DCA found it "In Compliance" on April 23<sup>rd</sup>, 2009.

### **B. Recommendations**

Update and amend the current Element where needed. Specifically the element will be amended to include within the Future Land Use Element map series an energy conservation map(s) and additional GOPs as needed will be added to comply with HB 697 greenhouse gas reduction strategies and energy conservation (See Appendix F for more detail). In addition, the element's GOPs will be amended with a different numbering system so that they can be more easily referenced.

**VI. RECOMMENDATIONS (ACTIONS AND CORRECTIVE MEASURES)**

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**5. ADOPT AMENDMENTS FOR CONSISTENCY WITH F.S. 163, F.A.C. 9J-5, THE STATE COMPREHENSIVE PLAN, THE SFRPC STRATEGIC REGIONAL POLICY PLAN, AND THE MIAMI-DADE COMPREHENSIVE DEVELOPMENT MASTER PLAN.**

As identified in the matrices in this EAR document, the Village will update and amend all elements, goals, objectives, and policies for consistency with F.S. 163, F.A.C. 9J-5, the State Comprehensive Plan, the SFRPC Strategic Policy Plan, and the Miami-Dade county Comprehensive Development Master Plan. Particular attention will be given to developing new GOPs related to reducing greenhouse gas emissions and energy conservation as required by HB 697 and discussed through the EAR document.

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**APPENDIX A. CHANGES TO CHAPTER 163 FLORIDA STATUTES (F.S.) MATRIX**

(See Table on next page for changes)

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176	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p) [New]			No amendment necessary.
177	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14) [New]			No amendment necessary.
178	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229			No amendment necessary.
179	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]			No amendment necessary.
180	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement. Ch. 2007-196, LOF.	339.282 [New]			No amendment necessary.
181	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.	420.5095(9)			No amendment necessary.
<u>2008 [Ch. 2008-191 and Ch. 2008-227, Laws of Florida]</u>					
182	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)		FLUE Objective 9]- 5.006(3)(b)(8) & (10)	Need to delete indication in (8) that it does not apply. Will create / adopt amendments
183	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generations and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)		FLUE Objective 9]- 5.006(3)(b)(9)	Will clarify compliance by adding an additional

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					policy under Objective (9)
<u>184</u>	<u>The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.</u>	<u>163.3177(6)(a)</u>			<u>Will clarify compliance by adding additional policies as needed</u>
<u>185</u>	<u>The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.</u>	<u>163.3177(6)(b)</u>			<u>Will clarify compliance by adjusting wording in each objective as needed</u>
<u>186</u>	<u>The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.</u>	<u>163.3177(6)(d)</u>			<u>Amendment needed</u>
<u>187</u>	<u>The future land use map series must depict energy conservation. Ch. 2008-191, LOF.</u>	<u>163.3177(6)(d)</u>			<u>Amendment needed to add Energy Conservation Map to FLUM series</u>
<u>188</u>	<u>The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.</u>	<u>163.3177(6)(f)1.h. and i.</u>			<u>Amendment needed</u>
<u>189</u>	<u>Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.</u>	<u>163.3177(6)(i)</u>			<u>Will clarify compliance by adjusting wording in each objective as needed</u>

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	Various changes were made in the State Comprehensive Plan (Chapter 187, FS) that address low-carbon-emitting electric power plans. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan	N/A	N/A	No amendment needed
2009	[Chapters 2009-85 and 2009-96, Laws of Florida]				
191	Changes "existing Urban service area" to "Urban service area" and revises the definition of such an area. Section 2, Chapter 2009-96, LOF	163.3164(29)		Rule definitions apply in Village	No amendment needed
192	Adds definition of "Dense urban land area." Section 2, Chapter 2009-96, LOF	163.3164(34)		Rule definitions apply in Village	No amendment needed
193	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible. Section 3, Chapter 2009-96, LOF	163.3177(3)(b)1			No amendment needed
194	Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports. For military installations, the date is changed from June 30, 2006 to June 30, 2012. Section 3, Chapter 2009-85, LOF	163.3177(6)(a)	N/A		No amendment needed
195	Requires the intergovernmental coordination element to recognize airport master plans. Section 3, Chapter 2009-85, LOF	163.3177(6)(h)1.b	N/A		No amendment needed
196	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, FS, for this purpose. Section 3, Chapter 2009-96, LOF	163.3177(6)(h)1.c		ICE Objective X-2 Policy 2 and Objective X-6 Policy 1	No amendment needed
197	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s. 333.03(1)(b), FS, between adjacent local governments regarding airport zoning regulations. Section 3, Chapter 2009-85, LOF	163.3177(6)(h)1.d	N/A		No amendment needed
198	Defines "rural agricultural industrial center" and provides for their expansion through the plan amendment process. Section 1, Chapter 2009-154, LOF.	163.3177(15)(a) [New]	N/A		No amendment needed

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<u>199</u>	Allows a municipality that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)2	N/A	The Village is in a defined dense urban area
<u>200</u>	Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)3	N/A	The Village is in a defined dense urban area
<u>201</u>	Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Section 4, Chapter 2009-96, LOF	163.3180(5)(b)4		Need amendments
<u>202</u>	Except in Transportation concurrency exception areas, local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System. Section 4, Chapter 2009-96, LOF	163.3180(10)		No amendment needed. No SIS facilities
<u>203</u>	Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Section 5, Chapter 2009-85, LOF	163.3180(12)(b) & (16)(f)		No amendment needed

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## **APPENDIX F- GREENHOUSE GAS (GHG) REDUCTION / HB 697 ANALYSIS**

The Village received its Evaluation and Appraisal Report (EAR) Letter of Understanding (LOU) approval from DCA on June 8<sup>th</sup>, 2006 for a specific scope of work and subject matter to be included in the EAR. HB 697 was not adopted until early 2008 and became effective July 1<sup>st</sup>, 2008; therefore, its provisions should not apply to the Village's current EAR. However, an analysis of the provisions of HB 697 with the existing as-built conditions in the Village and a review of the adopted Comprehensive Plan revealed compliance with the provisions contained in HB 697.

Despite the above, following are suggested EAR comments related to Florida HB 697 that address Greenhouse Gas (GHG) reduction strategies, if they are deemed necessary to include. The Village received a letter from DCA on August 28<sup>th</sup>, 2008 on this matter. For those communities that have not submitted their EAR as of that date, the EAR and future EAR-Based Comprehensive Plan Amendments must include text addressing the subject in the Future Land Use Element, Transportation Element, Housing Element, and Conservation Element. Due to the existing built-out nature of the Village many of the new requirements will not apply to the Village. However, a review of the Village's adopted Comprehensive Plan reveals that the plan already contains numerous Objectives and Policies which address many of the activities and directives required by HB 697. A brief discussion on the current directives in the plan as they relate to the new regulations is provided below. Some future amendments may be warranted and are discussed below for each element.

- 1) The Future Land Use Element must include greenhouse gas reduction strategies such as discouraging urban sprawl and be based on energy efficient land use patterns that account for future electrical power generation/transmission systems.

**RESPONSE:** The Village is a small pre-planned Master Planned community that is completely built-out, as are the communities that surround the Village. The electrical power systems are already in place and adequate to serve this area of northeast Miami-Dade County. Only 2 major roadways cross through the Village (Collins Avenue / SR A1A and 96<sup>th</sup> Street). Mass transit routes are on both roadways and frequently used. There is a high amount of pedestrian traffic in the Village and surrounding area with access to employment, shopping (local / regional mall). This area is one of the most locally "green" sustainable areas in South Florida.

Objective 9J-5.006(3)(b)(8) of the adopted Future Land Use Element discourages the proliferation of urban sprawl which is consistent with the new requirements. The Comprehensive Plan currently indicates that this does not apply to the Village due to being built-out and lacking annexation opportunities. The Village plan will elaborate on this issue. Furthermore, in addition to limiting urban sprawl, the new requirements state that examples of energy efficient land use patterns would be higher density (7 units per acre or more) developments, as they tend to have smaller carbon footprints and that transit-oriented development cluster higher density around transit stops. These examples help to reduce green houses gasses by reducing vehicle miles traveled. An analysis of the existing residential development within the Village reveals that the entire Village has been developed with a blended density of approximately 11 units per acre which is well above the minimum density required to reduce the carbon footprint of

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development. Furthermore, the higher density development in the Village is located along Collins Avenue / SR A1A in the Oceanfront district which is the main arterial roadway through the Town which is well served by transit stops and pedestrian and bicycle facilities.

Objective 9J-5.006(3)(b)(10) of the Village's adopted Comprehensive Plan encourages the use of innovative land development techniques and includes support policies which encourage mixed-use developments in the Oceanfront district and provide for the development of commercial land uses to serve the local residents and patrons in the Oceanfront district and immediate vicinity. This Objective and its supporting Policies are directly on point with the new requirements for greenhouse gas reduction (GHG) energy efficiency strategies.

The existing land use pattern of the Village is well established and provides for a variety of land uses in a compact well planned area. It is highly unlikely that the Village could ever be significantly altered due to property ownership patterns and the high cost of land / construction. Due to the fact that the Village's Comprehensive Plan currently contains Objectives and support Policies that specifically relate to HB 697, there are only minor adjustments that are needed during the re-ear or ear-based comprehensive plan amendments process necessary to address this new state requirement. However, where appropriate existing GOPs should be analyzed and amended to specifically reference GHG reduction strategies. Specifically the Village will change Objective 9J-5.006(3)(b)(8) to delete the indication that it does not apply and will consider additional policies to further promote land use greenhouse gas emission reduction strategies.

- 2) The Traffic Circulation Element must include greenhouse gas reduction strategies from the transportation sector.

**RESPONSE:** The Village is a small pre-planned Master Planned community that is completely built-out, as are the communities that surround the Village. Only 2 major roadways cross through the Village (Collins Avenue / SR A1A and 96<sup>th</sup> Street). Mass transit routes are on both roadways and frequently used. There is a high amount of pedestrian traffic in the Village and surrounding area with access to employment, shopping (local / regional mall). This area is one of the most locally "green" sustainable areas in South Florida.

Objective IV-1 of the Transportation Element indicates the Village will provide for a safe and efficient motorized and non-motorized transportation system. This Objective contains support Policies which insure the Village will monitor bus schedules and load factors to identify any needed improvements to better serve the local residents and coordinate with Miami-Dade as needed to make any changes. This Objective also contains support Policies which encourage the provision of pedestrian and bicycle pathway connections and storage facilities between buildings with all applications for new development and provides for the maintenance of such facilities at a high level. Lastly, there are additional support Policies in the Transportation Element which discuss the development of strategies to further promote the use of interlocal transport services for residents and or tourists. This Objective and supporting Policies are directly on point with the new requirements for GHG reduction energy efficiency strategies.

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Objective IV-5 indicates the Village will provide a safe, convenient and energy efficient multi-modal transportation system. This Objective contains support Policies which provide for the Village to enhance existing bus stops with construction of bus shelters, benches and public information to promote increased ridership. The Village has done an excellent job of implementing these bus stop enhancements. This Objective and its supporting Policies are directly on point with the new requirements for greenhouse gas reduction (GHG) energy efficiency strategies.

As referenced above, the Village's land use pattern is well established. It is highly unlikely it could ever be altered due to property ownership patterns and the high cost of land / construction. Due to the fact that the Village's Comprehensive Plan currently contains numerous objectives and support polices which specifically relate to HB 697, there are only minor adjustments that are needed during the no EAR / EAR-Based Comprehensive Plan amendments process ~~are necessary~~ to address this new state requirement. However, where appropriate existing GOPs should be analyzed and amended to specifically reference GHG reduction strategies.

- 3) The Conservation Element must address energy conservation and that the land use map series identify and depict energy conservation.

**RESPONSE:** The Village is a small pre-planned Master Planned community that is completely built-out, as are the communities that surround the Village. Only 2 major roadways cross through the Village (Collins Avenue / SR A1A and 96<sup>th</sup> Street). Mass transit routes are on both roadways and frequently used. There is a high amount of pedestrian traffic in the Village and surrounding area with access to employment, shopping (local / regional mall). This area is one of the most locally "green" sustainable areas in South Florida. ~~It is unknown how a map series could depict "energy conservation" as stated in the DCA letter.~~ One could argue the entire Village and surrounding areas are already an "energy conservation district", as the area is compact, pedestrian friendly and includes most of the goods and services necessary (groceries / drug store / retail / banking / personal services / office / shopping mall) within a short walking distance or by the use of transit services. The Village's land use pattern is well established. It is highly unlikely it could ever be altered due to property ownership patterns and the high cost of land / construction. No EAR / EAR-Based Comprehensive Plan amendments are necessary to address HB 697. ~~However, where appropriate existing GOPs should be analyzed and amended to specifically reference GHG reduction strategies.~~ EAR-Based Amendments will include adding an energy conservation map to the Future Land Use Element map series and adding GOPs which further promote greenhouse gas emission reduction strategies and energy conservation.

- 4) The Housing Element must contain standards, plans and principles to be followed to address energy efficiency in the design and construction of new housing.

**RESPONSE:** The Village is a small pre-planned Master Planned community that is completely built-out, as are the communities that surround the Village. The current State Energy Code was updated in early 2008 and mandates significantly higher energy conservation methods / fresh air circulation in all new construction or major renovations. The types of homes in the Village are at the upper end of the real estate market and typically use higher end A/C systems and insulation methods. All new construction and

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significant renovations must comply with the newest standards. No EAR / EAR-Based Comprehensive Plan amendments are necessary to address HB 697. However, where appropriate existing GOPs should be analyzed and amended to specifically reference GHG reduction strategies such as the use of energy efficient materials in all new construction or re-development. EAR-Based Amendments will include an update to the Housing Element that indicates compliance with State Energy Code in review of new construction and will add additional GOPs as needed to support greenhouse gas emission reduction strategies and energy conservation.

**DCA ISSUE #2:** Sections 163.3177(7), and 163.3191(2)(k), F.S., require a municipality that received a school concurrency exemption from the Department of Community Affairs to reassess its continued eligibility for the exemption as part of the EAR.

**DCA'S RECOMMENDATION:** The Village should assess its continued eligibility based on the criteria in Section 163.3177(12), F.S. The Village should complete and submit the enclosed "Public Schools Facilities Element Exemption Application Form for Municipalities" to determine if the Village is eligible to continue its exemption. Should the Village and Miami-Dade County School District determine the Village is no longer eligible for the exemption, the EAR should recommend the Village enter into the interlocal agreement for school planning and adopt the required Public School Facilities Element.

**VILLAGE RESPONSE:** In response to DCA's comments and recommendations to the Village's draft EAR, the Village has coordinated with the Miami-Dade School Board staff and completed / submitted an updated "Public Schools Facilities Element Exemption Application Form for Municipalities" and received a letter from DCA on March XX, 2010 which confirmed the Village's continued exemption from completing a public school facilities element and public school concurrency.

**ADDITIONAL AGENCY COMMENTS / RESPONSES / MODIFICATIONS**

In addition to the two (2) issues raised by DCA in their Preliminary Review Comment letter, the Village also received several letters from other review agencies with comments, which are appreciated. Following are suggested additional modifications based on the agency comments:

**FLORIDA DEPARTMENT OF STATE (FDOS)**

**FDOS COMMENT #1:** We do note that in the Introduction a brief history indicates that, "The community was master-planned in the 1940's and has been built in general conformance with that master plan." This master plan should be recorded in the Florida Master Site File as an early Florida planned community.

**VILLAGE RESPONSE:** In both 2006 and 2008 the Village applied for a Department of State Historic Preservation Small Matching Grant to receive finding to conduct a historic structure survey but did not receive funding. Currently, the Village has an application pending (2009-10) for the current Small Matching Grant cycle. As part of a historic structure survey, the Village will include consideration of the Village's Master Plan to be recorded in the FMSF.

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**FDOS COMMENT #2:** In the analysis of the plan elements, in the Future Land Use Element, Objective 5 is protection of natural and historical resources, and the plan indicates that no change is needed. The implementing policy indicates that there are no significant structures in the Village. This is reiterated in the analysis of the Housing Element in the objective and policies that address historically significant structures and housing. Again the document states that no change is needed and that there are no significant structures. A review of the information in the Florida Master Site File (FMSF) indicates that Bal Harbour has never had a cultural resource assessment survey completed to identify and evaluate structures and buildings. The Bal Harbour website addresses hotels which are/were at least fifty years of age. These buildings should be recorded and placed in the FMSF prior to any additional future demolitions, and the Village should consider having a comprehensive cultural assessment survey conducted in order to knowledgably address historic preservation issues and concerns.

**VILLAGE RESPONSE:** In both 2006 and 2008 the Village applied for a Department of State Historic Preservation Small Matching Grant to receive funding to conduct a historic structure survey but did not receive funding. Currently, the Village has an application pending (2009-10) for the current Small Matching Grant cycle. As part of a historic structure survey, the Village will include consideration of adding structures over 50 years of age in the FMSF. The Village believes the current FDOS 50-year date should be modified to reflect actual older historic structures (100+ years old). In response to the DOS comment, the Village's proposes to modify the draft EAR to include the following changes in the *Analyzing the Plan Elements* section:

1. The Future Land Use Element Analysis Table (Table 12) will be changed as follows:

For the review of the Policy related to historic structures under Objective 9J-5.006(3)(b)4 the *Current Conditions* column will be changed as follows:

~~No structures of significance exist in the Village~~ The Village is again seeking FDOS Small Matching Grant Funds to conduct a Historic Structure Survey but has repeatedly been denied.

For the review of the Policy related to historic structures under Objective 9J-5.006(3)(b)4 the *Comments* column will be changed as follows:

~~No change is necessary~~ Policy needs to be updated.

2. The Housing Element Analysis Table (Table 14) will be changed as follows:

For the review of Objective 9J-5.010(3)(b)5 the *Current Conditions* column will be changed as follows:

~~No structures of significance or in need of rehabilitation or demolition~~ The Village is again seeking FDOS Small Matching Grant Funds to conduct a Historic Structure Survey but has repeatedly been denied.

For the review of Objective 9J-5.010(3)(b)5 the *Comments* column will be changed as follows:

~~No change is necessary~~ Policy needs to be updated.

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**SOUTH FLORIDA REGIONAL PLANNING COUNCIL**

No issues.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

No issues

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, FLORIDA DEPARTMENT  
OF TRANSPORTATION, AND MIAMI-DADE COUNTY**

No response received.



# **MICHAEL MILLER PLANNING ASSOCIATES, INC.**

Land Design   Municipal Planning Services   Transportation Planning

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February 17<sup>th</sup>, 2010

**Miami-Dade Public Schools  
Facilities Planning  
School Board Administration Building  
1450 NE 2nd Avenue Room 300  
Miami, Florida 33132  
Attn: Ivan M. Rodriguez, Director**

**RE:   Bal Harbour Village  
Request for Exemption  
Public School Facilities Element  
MMPA Project No. 00-1103-0500**

Dear Mr. Rodriguez:

Thank you for discussing the Village's current public school planning impacts and providing updated data for the new Florida Department of Community Affairs (DCA) exemption form. While the Village was granted an exemption in the past from DCA (1/23/08 DCA letter), during each Evaluation and Appraisal Report (EAR) process. State law mandates a re-evaluation of a community's school exemption status. As per your conversations with Chuck Fink from my office, on behalf of Bal Harbor Village, attached please find the an updated "Public School Facilities Element Exemption Application Form for Municipalities" as promulgated by DCA with the necessary updated information provided.

Please review Bal Harbour Village's request to continue to be held exempt from the requirement for the completion of a Public School Facilities Element (PSFE) in accordance with the provisions in Section 163.3180(13)(f) F.S. and entering into the countywide Public School Interlocal Agreement in accordance with the provisions of Section 163.3177(12) F.S., as the Village continues to meet the statutory exemptions.

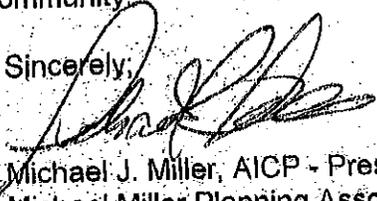
The Village is 98.6% built-out at this time. The only recent redevelopment activity includes the replacement of a few existing single-family homes and the construction of the mixed-use St. Regis Hotel / Multi-family Residential complex that replaced the former Sheraton Bal Harbour Convention Hotel (663 rooms). The new St. Regis complex will have 268 DU and 266 hotel rooms; however, the DU will be extremely high-end second home / vacation homes and we believe will not generate school age children.

It is our understanding the Miami-Dade School Board staff will evaluate the updated exemption request and forward the form along with your written recommendation to DCA / DOE for a final determination and approval.

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Should you need further information or assistance, please feel free to contact our office directly. The firm of Michael Miller Planning Associates, Inc. serves as the Consultant Planner to this community.

Sincerely,



Michael J. Miller, AICP - President  
Michael Miller Planning Associates, Inc.  
Consultant Village Planner

cc: Alfred J. Treppeda, Village Manager

Michael Miller Planning Associates, Inc.

# Public School Facilities Element Exemption Application Form for Municipalities

This exemption application is for Bal Harbour Village in Miami-Dade County.

## Part I

Question 1. Are there any public schools within the municipality's jurisdiction (including charter schools)?

- Yes. ⇒ STOP. The municipality does NOT qualify for an exemption.
- No. ⇒ Continue to Part II.

## Part II

Please complete Table A below.

Table A. Residential Development Orders Issued (2001 – 2005)

Year (2002 – 2006)	Land Use Category	Number of Dwelling Units Permitted
2005	RL – Res. Low	<b>5 (All Replacement Houses)</b>
2006	RL – Res. Low	<b>6 (All Replacement Houses)</b>
2007	N/A	<b>0</b>
2008	RH – Res. High	<b>268 Luxury High Rise</b>
2009	RL – Res. Low	<b>1 (Replacement House)</b>
<b>Total Dwelling Units:</b>		<b>279</b>

Question 2. Is the dwelling unit total in the Table A less than 50?

- No.
- Yes.

Please complete Table B below.

Table B. New Public School Students

Year	Number of new public school students added within municipality's jurisdiction [based on Capital Outlay Full-Time Equivalent (COFTE) data]
2005	-9
2006	-8
2007	3
2008	33
2009	5
<b>Total:</b>	<b>24</b>

## Public School Facilities Element Exemption Application Form for Municipalities

Question 3. Is the new student total in Table B less than 25?

- No.
- Yes.

Question 4. Did you answer *Yes* for either Question 2 or Question 3?

- No. ⇒ STOP. The municipality does NOT qualify for an exemption.
- Yes. ⇒ Continue to Part III.

### Part III

Question 5. Did the municipality annex land during the preceding five years (2001 – 2005)?

- No. ⇒ STOP. The municipality is ELIGIBLE for consideration for an exemption from school concurrency requirements subsequent to approval by the Department of Community Affairs and the Department of Education.
- Yes. ⇒ Please complete Table C below.

Table C. Land Annexations

Municipal Land Annexations (2001 – 2005)		
Land Use Category	Acres Annexed	Dwelling Units per Acre
N/A		



