



## CITY OF MARGATE

### STAFF REPORT

#### DEVELOPMENT SERVICES DEPARTMENT

**Project Name: Margate Comprehensive Plan Evaluation and Appraisal Report (EAR)**

**Applicant: City of Margate**

**Project Location: Development Services Department**

#### I. RECOMMENDATION:

APPROVE

APPROVE WITH CONDITIONS

DENY

TABLE

#### II. EXECUTIVE SUMMARY:

Chapter 163, §163.3191 of the Florida Statutes mandates that local governments evaluate their Comprehensive Plan (the "Plan") at least once every 7 years. The purpose of the evaluation is to determine whether changes in state law and related requirements necessitate Plan amendments. Chapter 163 also requires that the local government notify the state land planning agency (Florida Department of Economic Opportunity, "DEO") once a determination is made.

If the local government determines amendments are required, then its formal Evaluation and Appraisal Report (EAR) must be submitted within 1 year from the date of DEO notification. Florida Rule 73C-49, F.A.C establishes the actual deadlines for local governments to submit their notification.

Within sixty (60) days from receipt of an EAR report, approved for submission via first reading by City Commission ordinance, shall issue its Objections, Recommendations and Comments Report (ORC) report to the City. This ORC report may result in additional revisions to the proposed amendments. Within 180 days from receiving the ORC, the City must make any necessary revisions and conduct a second Commission public hearing prior to adopting Plan amendments.

The City of Margate commenced this process by submitting the required determination letter on December 30, 2016. This letter identified 5 Plan Elements that require amendments including:

- Future Land Use
- Transportation
- Recreation and Open Space
- Capital Improvements
- Housing

Margate Development Services Department staff subsequently managed an assessment of all statutory changes made between 2007 and 2016 for applicability to the Margate Comprehensive Plan. The assessment concluded that all Plan Elements could benefit from updating and many utilize outdated references and terminology. These instances; however, do not rise to the level of non-compliance with Chapter 163, Part II, F.S. requirements and should; therefore, be updated at a later date. The Capital Improvements and Transportation Elements (identified in the notification letter) and Intergovernmental Coordination (not identified in the letter) require amendment now. The City also intends to incorporate minor additional updates relative to adoption of [the Third Amended and Restated Interlocal Agreement](#) for Public School Facility Planning (TRILA) within the Public School Facilities Element.

### **III. ANALYSIS:**

A summary of the recommended updates is listed below by element, including those requested by City staff related to the TRILA in the Public School Facilities and Capital Improvements Elements. ~~Strikethrough~~ indicates proposed deletion, and underline indicates proposed addition.

#### **Capital Improvements Element**

F.S. §163.3177(3)(a)4. requires the Capital Improvements Element to list a schedule of capital improvements that includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.

New Policy 1.5 is proposed to comply with this requirement, as follows:

Policy 1.5. Annually adopt a schedule of capital improvements that includes any publicly funded projects of federal, state, or local government, and that may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.

1. F.S. §163.3180(5)(h)1.c.(I) requires local governments that continue to implement a transportation concurrency system to recognize proportionate fair share contributions. F.S. §163.3180(6)(h)1.c requires local governments that apply concurrency to public education facilities to also recognize proportionate fair share contributions. Amended Policy 5.4 is proposed to comply with both requirements, as follows:

Policy 5.4. The City's concurrency management system will ensure that the necessary facilities and services are available concurrent with the impacts of development. The City of Margate will conduct its concurrency review ~~for local facilities at the time of plat prior to issuance of a development order. The City of Margate shall review all City plats and continue to participate in the countywide development review committee plat review and approval process.~~

The City ~~and County plat approval process~~ will require that necessary regional and local facilities and services be available concurrent with the impacts of development through any of the following situations:

- The necessary facilities are in place at the time ~~a plat approval~~ the development order is issued, or ~~a plat approval~~ the development order is issued subject to the condition that the necessary facilities will be in place when the impacts of the development occur.
- The necessary facilities are under construction at the time ~~a plat approval~~ the development order is issued.  
The necessary facilities are the subject of a binding contract executed for the construction of those necessary facilities at the time the development order ~~a plat approval~~ is issued.
- The necessary facilities have been included in the 5-year schedule of capital improvements ~~Broward County or City of Margate's annual budget~~ at the time ~~a plat approval~~ the development order is issued although the facilities are not yet the subject of a binding contract for their construction. The City of Margate shall make a determination that it will not remove the budgetary provision for the necessary facilities from the budget.
- The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required transportation improvements in a manner consistent

with F.S. §163.3180(5), and that the proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility, pursuant to F.S. 163.3180.

- The applicant enters into a binding agreement to pay for or construct its proportionate share of the school facilities necessary to serve the proposed development pursuant to Objective 1.3.0 of the Public Schools Facilities Element, or adequate school facilities will be in place or under actual construction within 3 years after approval of final plat, site plan or functional equivalent.

3. The amended policy provided below is made at the request of City staff to establish consistency between the City of Margate Comprehensive Plan and the Third Amended Interlocal Agreement (TRILA) with the School Board of Broward County.:

Policy 6.2. The Level of Service standard shall be 110% of the permanent Florida Inventory of School Housing (FISH) capacity for each public elementary, middle and high school the higher of 100% gross capacity (including relocatables) or 110% permanent Florida Inventory of School Housing (FISH) capacity for the purpose of establishing uniform, districtwide level-of-service standards for public schools, as outlined in the adopted Third Amended Interlocal Agreement.

### Transportation Element

F.S. §163.3180(5)(h)1.c.(I) requires local governments that continue to implement a transportation concurrency system to recognize proportionate fair share contributions.

Policy 2.2.1. The City of Margate ~~shall adopt and implement~~ adopted in 1994 and since then maintains a concurrency management system that assures substantial conformity with both the Margate and Broward County Comprehensive Plans when assessing all development activities. Further, provides that a development order may be issued within ~~when~~ an impacted roadway that exceeds its adopted LOS standard only if one or more of the following mitigation measures apply:

2. The proposed development places trips on, or creates any overcapacity links within the impact area, but one of the following conditions applies:
  - ~~g. The proposed development meets all of the de minimis criteria~~
  - g. The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required transportation improvements in a manner consistent with F.S. §163.3180(5), and that the proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility, pursuant to F.S. §163.3180.
3. The Margate development review and approval process will ensure that necessary facilities and services will be available concurrent with the impacts of development consistent with ~~Rule 9J-5.005(3)(c) F.A.C.~~ F.S. §163.3180 through any of the following situations. Development Action includes any land use change, site plan approval, building permit, zoning permit, subdivision approval, rezoning, special exception, variance, or any other official action of the City Commission or other appropriate City official or agency.
  - (e) At the time a Development Action is approved by the City Commission, or other appropriate City officials, the City is able to assure that the necessary transportation facilities will be in place within a reasonable period of time consistent with ~~the Rule 9J-5.005(3)(c), F.A.C.~~ F.S. §163.3180. At a minimum, the necessary transportation facilities are to be included within a financially feasible Capital Improvements Element or an alternative implementation plan which is determined by the ~~Florida Department of Community Affairs~~ State Land

Planning Agency to be in compliance with ~~Rule 9J-5 of the Florida Administrative Code~~ F.S. §163.3180 and supported by all necessary implementing land development regulations and a concurrency monitoring system; and/or

(f) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required transportation improvements in a manner consistent with F.S. §163.3180(5), and that the proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility, pursuant to F.S. §163.3180.

#### **Intergovernmental Coordination Element**

1. F.S. §163.3177(6)(h)1.b makes participation in the regional planning council dispute resolution process mandatory, rather than voluntary. Amended Policy 2.4 is proposed to comply with this requirement.

**Policy 2.4.** Utilize the SFRPC ~~informal~~-dispute resolution program to resolve intergovernmental disputes, ~~when agreed to by all affected parties. [9J-5(3)(c)2]~~ as required by F.S. §163.3177.

#### **Public Schools Facilities Element**

1. The City has requested that updates be made to the Public Schools Facilities Element, in order to reflect the recently adopted Third Amended and Restated Interlocal Agreement. The proposed changes are provided below.

**Objective 1.1.0.** Pursuant to Chapters 163.3177 and 163.3180 F.S. and the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (TRILA), the City shall provide comments to the School Board during its annual preparation, update and adoption of the Five-Year District Educational Facilities Plan (DEFP). The School Board shall also ensure that school facilities are planned to meet the long-term planning period of the Public School Facility Element (PSFE) of the City of Margate Comprehensive Plan, consistent with the provisions of the TRILA.

**Policy 1.1.1.** The City hereby adopts the most current Broward County School Board DEFP (Broward County School Board annually adopted district educational facilities plan (DEFP) dated September 7, 2010, as amended, for fiscal years 2010-11 to 2014-15, including the 5-year schedule of capital improvements) is hereby adopted into the CIE.

**Policy 1.1.2.** The ~~financially feasible~~ schedule of capital improvements of the DEFP shall be annually adopted into the City of Margate Comprehensive Plan Capital Improvements Element (CIE) schedule of capital improvements by reference.

#### **IV. RATIONALE:**

No amendments were required for the other elements of the City of Margate Comprehensive Plan. The proposed amendments are required by law, and the updates meet the minimum requirements for evaluation and appraisal based amendments identified in F.S. 163.3191.

We recommend approval of the proposed amendments, which will bring the Comprehensive Plan into compliance by updating the Plan to reflect statutory changes since the previous Plan update. Any local government failing to submit a notification letter in a timely fashion, or proposed

amendments within one year of notification, may not amend its comprehensive plan until it complies with the requirements. Therefore, approval of the recommended improvements is of the utmost importance.

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Director of Economic Development Services