

# Planning in Florida

June 6, 2019

## The Comprehensive Plan

All 67 counties and 410 cities in Florida must adopt a Comprehensive Plan.

The planning process involves a series of essential steps:

- Identify the Problem or the Opportunity
- Collect Information on the Problems and Opportunities
- Compare the Alternatives
- Select a Plan and Put It to Work
- Monitor Progress

The Comprehensive Plan is the only public document that describes the community as a whole in terms of its complex and mutually supporting networks. As a statement of long term goals, objectives and policies, it provides both a broad perspective and a guide to short-term community decisions.

In short, the comprehensive plan is:

- A public guide to community decision making
- An assessment of the community's needs
- A statement of community values, goals, and objectives
- A blueprint for the community's physical development
- A public document adopted by government
- Continuously updated as conditions change

Three basic products emerge from the planning process:

- The Comprehensive Plan
- Land Development Regulations
- Capital Improvement Programs

## General Requirements of the Comprehensive Plan

The Comprehensive Plan is required to provide *principles, guidelines, standards and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development* of the community. All elements of the Comprehensive Plan must be based on relevant and appropriate data and analysis by the local government. The several elements of the comprehensive plan are required to be internally consistent.

## Mandatory Elements

The Community Planning Act requires that a local comprehensive plan contain certain elements:

**Future Land Use Element** based on:

- the amount of land required to accommodate anticipated growth;
- the projected permanent and seasonal population of the area;
- the character of undeveloped land;
- the availability of water supplies, public facilities and services;
- the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses;
- the compatibility of land uses in close proximity to military installations;
- the compatibility of uses on lands near airports;
- the discouragement of urban sprawl;
- the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy; and
- the need to modify land uses and development patterns within antiquated subdivisions.

**Transportation Element** addresses mobility issues. The purpose of the transportation element is *to provide for a safe, convenient multimodal transportation system that is coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan.* The element must be *coordinated with the plans and programs of*

*the metropolitan planning organization (MPO), transportation authority, Florida Transportation Plan and the Department of Transportation's work program.*

Each local government's transportation element is required to address *traffic circulation including the types, locations and extent of existing and proposed major thoroughfares and transportation routes including bicycle and pedestrian ways*. If transportation corridors are designated, the local government may then adopt a transportation corridor management ordinance. The element must also contain a map or map series that depicts the existing and proposed features and coordinated with the future land use map.

Local governments within a metropolitan planning area designated as a MPO must also address:

- all alternative modes of transportation such as public transportation, pedestrian and bicycle travel;
- aviation, rail, seaport facilities and intermodal terminals;
- evacuation of coastal populations;
- projected airport and aviation development and land use compatibility around airports;
- the identification of land use densities and intensities and transportation management programs to promote public transportation systems in designated public transportation corridors.

**General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element** is correlated to guidelines for future land use and indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element must specifically address *water supply* by demonstrating consistency with the regional water supply plan.

**Conservation Element** prescribes the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources including factors that effect energy conservation. The element must specifically assess the community's current and projected water needs and sources based on the demands for industrial, agricultural and potable water use and analyze the quality and quantity available to meet those demands.

**Recreation & Open Space Element** indicates a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities.

**Housing Element** consists of standards, plans, and principles to be followed in:

- the provision of housing for all current and anticipated future residents of the jurisdiction;
- the elimination of substandard dwelling conditions;
- the structural and aesthetic improvement of existing housing;
- the provision of adequate sites for future housing, including housing for low-income, very low income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities;
- the provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement;
- the formulation of housing implementation programs;
- the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

**Coastal Management Element** is required for coastal counties and municipalities within their boundaries. The element must establish policies that:

- *maintain, restore, and enhance the overall quality of the coastal zone environment;*
- *preserve the continued existence of viable populations of all species of wildlife and marine life;*
- *protect the orderly and balanced utilization and preservation of all living and nonliving coastal zone resources;*
- *avoid irreversible and irretrievable loss of coastal zone resources;*
- *use ecological planning principles and assumptions to be used in the determination of suitability and*
- *extent of permitted development;*
- *limit public expenditures that subsidize development in high-hazard coastal areas;*
- *protect human life against the effects of natural disasters;*
- *direct the orderly development, maintenance, and use of ports;*

- *preserve historic and archaeological resources.*

**Capital Improvement Element** is designed to consider the need for and the location of public facilities. The element must :

- outline principles for construction, extension, or increase in capacity of public facilities and principles for correcting existing public facility deficiencies;
- estimate public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities;
- provide standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service;
- provide a schedule of capital improvements which 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. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program.

**Intergovernmental Coordination Element** shows the relationships and states the principles and guidelines to be used in coordinating with the plans of school boards, regional water supply authorities, and with the plans of adjacent municipalities, the county, adjacent counties, or the region.

The element must state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

## Optional Elements

Comprehensive plans may contain optional elements in addition to or as a supplement to the mandatory elements. Some examples are listed below.

- **Public School Facilities Element** was a required element until 2011. Consequently each local government in Florida has adopted such an element and may elect to retain it especially if school concurrency is retained as a local option.

- **Airport Master Plan** prepared for a licensed publically owned and operated airport may be incorporated into the comprehensive plan.
- **Public Buildings Element** showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations, and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority.
- **Community Design Element** which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space, and similar matters to serve as guides for future planning and development.
- **Redevelopment Element** consists of plans and programs for the redevelopment of slums and blighted locations and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and other purposes.
- **Public Safety Element** for the protection of residents and property of the area from fire, hurricane, or manmade or natural catastrophe.
- **Hazard Mitigation / Post Disaster Plans** local governments that are not required to prepare coastal management are strongly encouraged to adopt hazard mitigation/post disaster redevelopment plans. These plans establish policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns.
- **Historic and Scenic Preservation Element** sets out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.
- **Economic Element** sets forth guidelines for the commercial and industrial development, if any, and the employment within such areas. The element may detail the type of commercial and industrial development sought, correlated to employment needs of the area, and may set forth methods by which a balanced and stable economic base will be pursued.

## Implementing the Comprehensive Plan

*..... each county and each municipality shall adopt .... and enforce land development regulations that are consistent with and implement their adopted comprehensive plan. Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan ... as a minimum:*

**The Land Development Regulations** will contain the following elements:

- **Title, Authority and Purpose** - This section identifies the specific state enabling provision which empowers the locality to adopt land development regulations. It also spells out, in a "statement of purposes," the community's reasons for adopting the ordinance. The statement of purposes links the rules and regulations listed in the ordinance to the community's values and goals.
- **General Provisions** - General provisions include the overriding rules that apply to all land uses and all parcels throughout the community (rather than a single district) and would answer such questions as, "What if a conflict existed between the zoning ordinance and other regulations adopted by the village?"
- **Zoning Districts and Allowed Uses** - Text and maps indicating permitted uses and area, height and bulk standards.
- **Subdivision Regulations** - Standards and procedures governing the subdivision of land.
- **Design Standards and Improvement Requirements** - Standards for the design and improvements to be satisfied by new development.
- **Adequate Public Facilities Requirements (Concurrency)** - Levels of service and procedures for determining the adequacy of public facilities available to support new development.
- **Administration and Procedures** - The assignment of administrative responsibilities and the establishment of procedures and guidelines for the administration of the land development regulation.
- **Interpretations, Exceptions, Equitable Relief and Enforcement** - Establishes procedures and criteria for variances, interpretations and enforcement.
- **Definitions** - Definitions are especially important because the general public, as well as the courts, must be able to attach specific meaning to the words and concepts appearing in the ordinance.

The Land Development Regulation also establishes design standards and improvement requirements for development. The following components are typically included:

- **Density and Intensity of Land Development.** The density or intensity of land development permitted within the jurisdiction is specified generally by reference to zoning districts. Residential density may be expressed in dwelling units per acre or indirectly regulated through a “minimum lot size” standard. Non-residential intensities are typically expressed as a Floor Area Ratio (FAR).
- **Height and Bulk Regulation.** While the nature of zoning has evolved over time, one prominent fixture of zoning that has undergone little change is the regulation of height and bulk. Height simply deals with the heights of structures that are permitted on a parcel. Bulk is a clumsy term that deals with the relationship between buildings on a parcel and the size of the parcel itself and is normally expressed by setbacks, maximum lot coverage, and so forth.
- **Infrastructure Design and Improvement Standards.** The general dimensions and design standards for public infrastructure notably streets, water and sewer systems, drainage systems and other facilities typically associated with the subdivision process are prescribed.
- **Transportation System Standards.** Off-street parking standards, driveway and access design, and internal circulation standards are prescribed. Typically, parking standards vary by the land use, so that when a use is permitted in more than one zoning district, the parking requirements remain the same.
- **Stormwater Management/ Floodplain Protection** In Florida, the management of stormwater receives high priority and generally involves review by the respective Water Management District in addition to local government. This section of the LDR establishes the standards for local review and are often identical or similar to the rules of the Water Management District.
- **Protection of Environmentally Sensitive Lands.** Wetlands, wildlife habitat, aquifer recharge areas and other natural resources.
- **Wellfield Protection.** Specific rules governing land development in the vicinity of wellfields that supply potable water
- **Signs.** Signs are highly varied by type and size of land use. In this section of the ordinance, sign regulations are established for each of the land-use districts and often include restrictions on size, location, height, projection, lighting, and so forth.

- **Landscaping.** Requirements for landscaping including rules pertaining to fences or walls.
- **Architectural and Design Guidelines.** Design standards typically applied to specifically identified areas such as historic districts or to development types such a large scale retail.
- **Supplemental Standards for Special Uses.** Standards applied to determine if Special or Conditional uses are permissible in various zoning districts.

## **Concurrency – Adequate Public Facilities**

Florida law requires that adequate public facilities must be in place or programmed at the time development occurs. This provision is referred to as “concurrency”. The following public facilities are subject to concurrency on a statewide basis i.e. mandatory:

- sanitary sewer
- solid waste
- drainage,
- potable water,

The local Comprehensive Plan must establish levels of service for purposes of managing concurrency. The application of concurrency is optional for:

- transportation
- public schools
- parks and recreation

If concurrency is to be applied by local governments for optional elements, levels of service must be established in the Comprehensive Plan and it must be demonstrated that levels of service can be reasonable met.