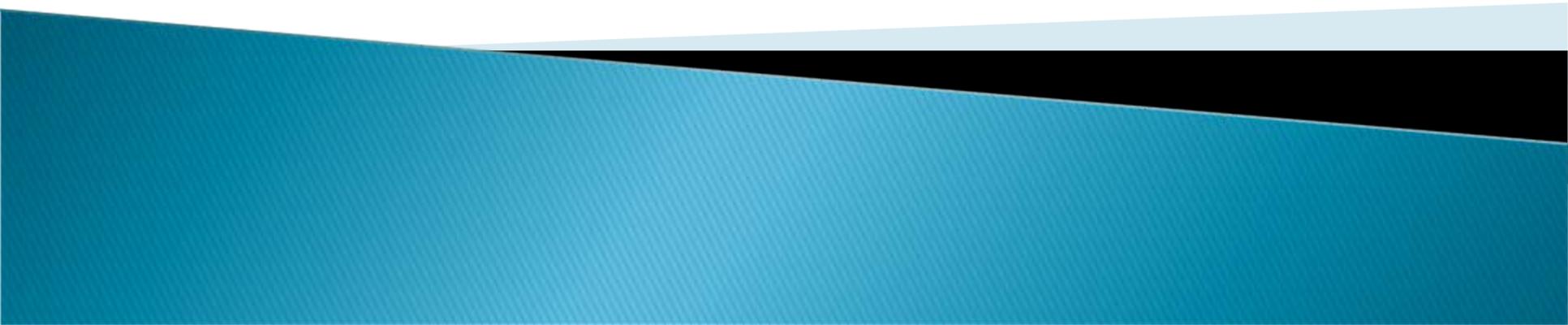


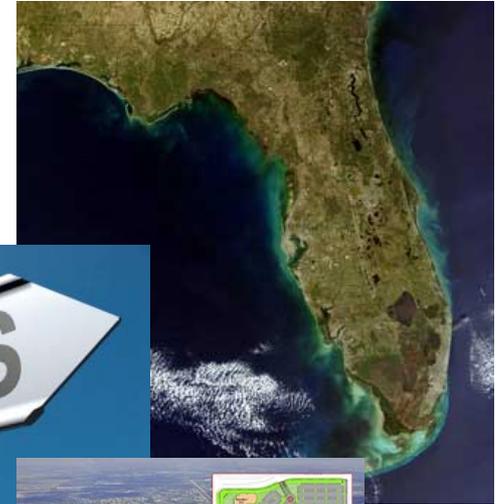
DCA Growth Management Workshop

Regional Planning Council



Major Legislative Changes

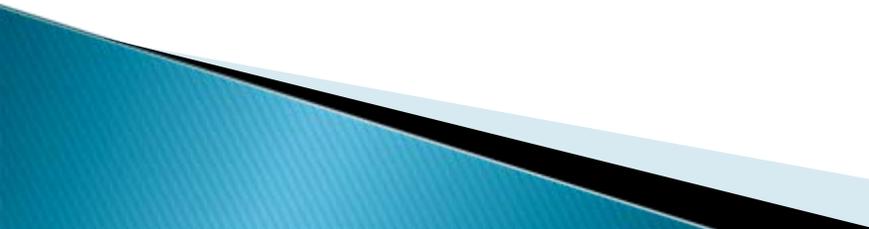
- ▶ **HB 7207 : The Community Planning Act**
 - Chapter 2011-139, Laws of Florida



HB 7207: What Is Eliminated?

- ▶ State Comprehensive Plan from compliance determination
 - ▶ EAR sufficiency review and mandatory plan updates
 - ▶ Twice per year plan amendment limitation
 - ▶ Energy efficiency/greenhouse gas reduction provisions (HB 697)
- 

HB 7207: What Is Eliminated?

- ▶ Rule 9J-5 – portions incorporated into Statutes
 - ▶ State concurrency requirement for transportation, schools and parks and recreation facilities – optional for local governments
 - ▶ Financial feasibility for capital improvement plans – back to pre-2005 status
 - ▶ Public School Element
 - ▶ Mining, industrial, hotel and multi-screen movie theater development from DRI review
- 

Rule 9J-5 Passages in HB 7207

- ▶ Section 163.3164 includes the following terms and definitions used in 9J-5:
 - compatibility
 - density
 - intensity
 - goal, objective, and policy
 - level of service
 - capital improvement
 - suitability
 - seasonal population



Rule 9J-5 Passages in HB 7207

- ▶ Section 163.3177 includes either complete or a variation of 9J-5 language:
 - general format and data and analysis requirements
 - internal consistency
 - Future Land Use, Transportation, Conservation, Utilities, Housing, Coastal Management, and Intergovernmental Coordination Elements



Rule 9J-5 Passages in HB 7207

- ▶ Section 163.3180 included complete or a variation of 9J-5 language regarding concurrency management system



Concurrency

Pick a Door, any door



Concurrency

- ▶ If a local government decides to not maintain concurrency, then it must amend the comprehensive plan to remove the concurrency provisions
- ▶ The amendment is not subject to state review



Concurrency



- ▶ If a local government decides to maintain concurrency for any of these facilities, then the comprehensive plan must comply with certain specified requirements, many of which are currently in local government comprehensive plans
- ▶ No immediate requirement for a local government to adopt amendments implementing these statutory requirements until the next scheduled evaluation and appraisal period
- ▶ However, new amendments to the comprehensive plan must comply with these statutory concurrency requirements

Financial Feasibility



- ▶ The 5-year schedule of capital improvements is no longer required to be financially feasible
- ▶ There is still a requirement to update the schedule on an annual basis, but such modifications may be done by ordinance and are not amendments to the comprehensive plan
- ▶ The necessary capital projects must still be listed in the schedule and identified as either funded or unfunded and given a level of priority for funding

Transportation Concurrency

- ▶ Florida Department of Transportation (FDOT) no longer establishes the level of service for the strategic intermodal system
- ▶ Consult with the FDOT when proposed amendments affect the strategic intermodal system
- ▶ Public transit facilities are exempt from concurrency



Proportionate Share

- ▶ Must now allow an applicant for a DRI development order, rezoning, or other land use development permit to satisfy the transportation concurrency through proportionate share payment agreement
- ▶ Developers shall not contribute to deficient transportation facilities
- ▶ Definition of transportation deficiency provided



Proportionate Share



- ▶ The proportionate share contribution is calculated based on the DRI proportionate share formula, however the costs of correcting a deficiency is removed and the necessary improvement is considered to be in place for the purpose of analysis and the proportionate share calculation
- ▶ In a traffic analysis, any trips assigned to a toll-financed facility shall be eliminated from the analysis

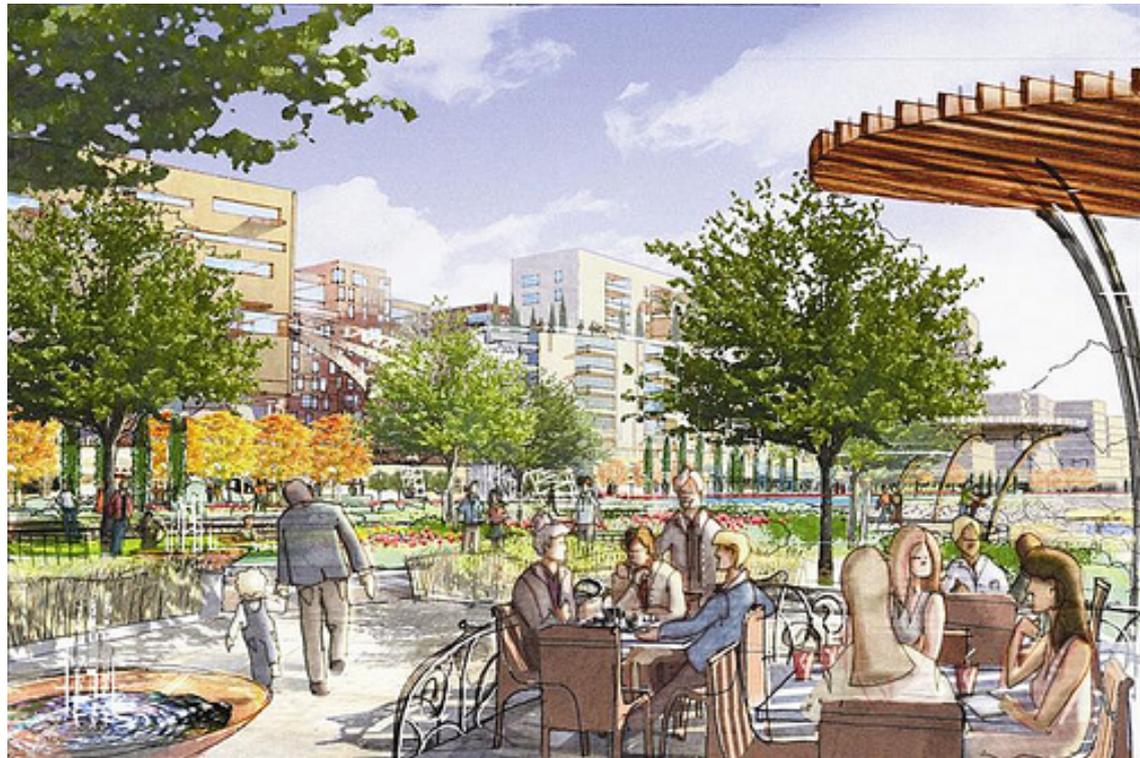
Proportionate Share

- ▶ Trips mitigated in a previous development phase shall be considered fully mitigated in a transportation analysis for subsequent phases
- ▶ Unmitigated trips from a development phase will be cumulatively analyzed to ensure adequate mitigation for subsequent stages



Proportionate Share

- ▶ Developer receives a credit for impact fees, mobility fees and other concurrency mitigation requirements paid



Public School Concurrency

- ▶ Coordination policies and the Interlocal Agreement are still required
 - ▶ If concurrency is retained, local governments shall include specified guidelines and standards, including adopted levels of service, in their comprehensive plans
 - ▶ When the county and one or more of the municipalities that represent at least 80% of the total countywide population adopt concurrency, the failure of one or more of the municipalities to adopt concurrency does not preclude its implementation within the school district
- 

Public School Concurrency

- ▶ Local governments are encouraged to apply school concurrency to development on a district-wide basis
- ▶ Re-locatable facilities included in school capacity for all years, not just the first three years



Public School Concurrency

- ▶ The interlocal agreement is no longer required to be submitted to the state land planning agency
 - ▶ A local government may allow a landowner to proceed with development, when concurrency is not met, if certain factors exist
- 

HB 7207: What Is Revised?

- ▶ Comprehensive plan amendment process – new expedited state review process
- ▶ Small scale amendment process
- ▶ EAR-based amendments
 - notices DCA every seven years whether local government will update plan to incorporate new state requirements
 - encouraged to update plan to reflect changes in local conditions
- ▶ New timeframe for requesting extension of certain permits

HB 7207: What Is Revised?

- ▶ Urban Service Areas definition
- ▶ Allowance for additional planning periods for portions of jurisdiction

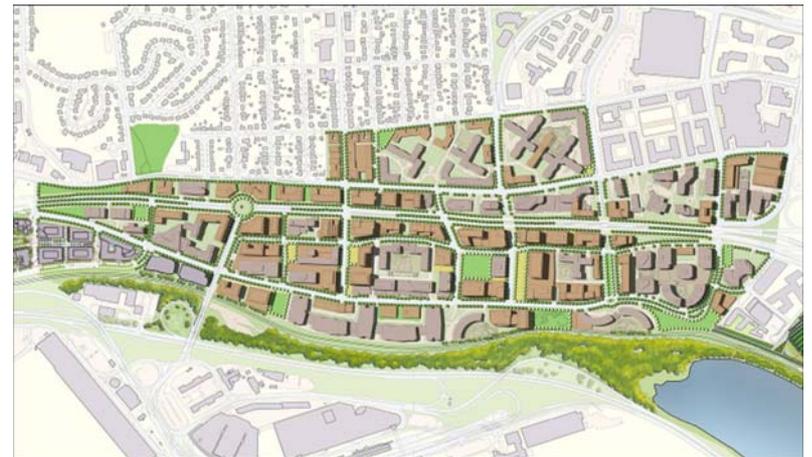


Sector Plans

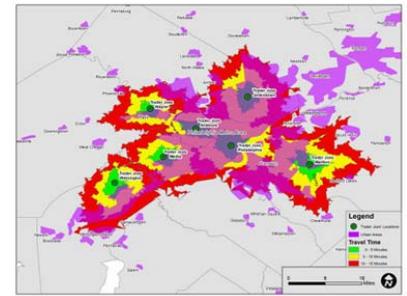
- ▶ May be based on planning periods longer than the comprehensive plan's planning period
 - ▶ Not required to demonstrate land use need through the planning periods
 - ▶ DCA no longer must authorize preparation of a sector plan
 - ▶ Landowner has the right to continue existing agricultural or silvicultural operations after approval
- 

Sector Plans

- ▶ The development order for a detailed specific area plan establishes a date by which the local government agrees not to downzone the property
- ▶ Local development orders approving detailed specific area plans must be rendered to DCA
- ▶ DCA reviews to determine whether to appeal the development order

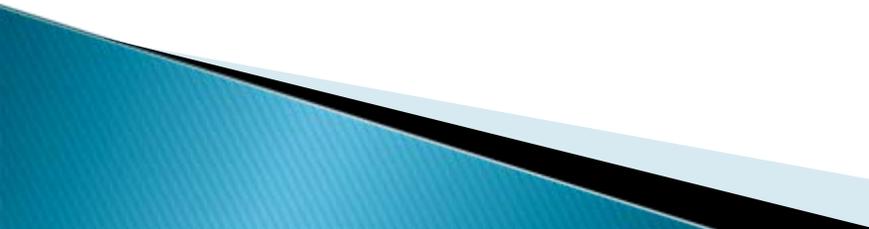


Sector Plans



- ▶ Upon approval of the long-term master plan:
 - the MPO long-range transportation plan must be:
 - consistent, to the maximum extent feasible, with the master plan's projected population, approved uses, their distributions, and their densities and intensities
 - the master plan's transportation facilities must be developed in coordination with the adopted MPO long-range transportation plans
 - the water supply need and development projects shall be incorporated into the regional water supply plan in accordance with water management district requirements
 - a landowner may request a consumptive use permit for the long-term planning period

Sector Plans

- ▶ Allows large scale comprehensive plan amendment of at least 15,000 acres adopted by July 1, 2011, to convert to a sector plan and to be implemented through detailed specific area plans
 - ▶ Allows approved master DRI development order to convert to a sector plan and receive approval through detailed specific area plans
 - ▶ Previously approved sector plans shall be governed by the new sector plan provisions
- 

Rural Land Stewardship Areas

- ▶ Process now initiated by request of land owners
 - ▶ No longer requires prior authorization of DCA to proceed
 - ▶ The existing, adopted Collier County rural land stewardship area is recognized as a statutory rural land stewardship area and is afforded the incentives of the statutory program
- 

Rural Land Stewardship Areas

- ▶ The rural land stewardship area is designated by a future land use map overlay
- ▶ The overlay does not require a demonstration of need based on population or any other factors



Rural Land Stewardship Areas

- ▶ The plan amendment designating a rural land stewardship area is subject to the state coordinated plan review process
- ▶ The amendment shall provide:
 - criteria for the designation of receiving areas
 - planning and development strategies which provide for a functional mix of land uses
 - development strategies which would not be characterized as urban sprawl
- ▶ The actual designation of a receiving area is only approved through local government land development regulations

Rural Land Stewardship Areas

- ▶ After the overlay plan amendment is adopted, the local government shall establish an overlay zoning district, which shall provide the methodology for the creation, conveyance and use of stewardship credits



Land Use Need

- ▶ No longer a maximum need based strictly on population projections but should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses
- ▶ Accommodate a minimum of 10 years growth based on BEBR medium population projections



Urban Sprawl

- ▶ Section 163.3164(51), F.S. defines urban sprawl as a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses



Urban Sprawl Analysis

- ▶ The amendment must be analyzed to determine whether it incorporates a development pattern or urban form that achieves four or more of the following eight criteria
 - Directs growth and development to areas of the community in a manner that does not adversely impact natural resources
 - Promotes the efficient and cost effective provision or extension of public infrastructure and services

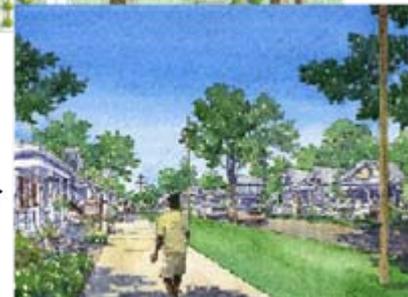
Urban Sprawl Analysis

- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that support a range of housing choices and a multimodal transportation system
- Promotes conservation of water and energy
- Preserves agricultural areas and activities
- Preserves open space and natural lands and provides for public open space and recreation needs

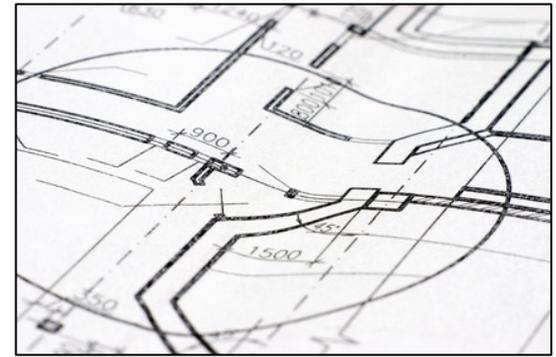


Urban Sprawl Analysis

- Creates a balance of land uses based on demands of residential population for the nonresidential needs of an area
- Would remediate an existing or planned sprawl development pattern or provides for an innovative development pattern such as transit oriented development or new towns



DRI Revisions



- ▶ Aggregation
 - One of the five criteria, “Sharing of infrastructure,” was eliminated from the aggregation analysis to determine DRI status of aggregated developments
 - Three of the four remaining criteria must now be met to determine whether the projects will be aggregated
- ▶ Confirms the exemption for DRI review in previously established dense urban land areas

DRI Revisions

- ▶ Substantial deviation criteria
 - Increases substantial deviation criteria for retail, office and attraction and recreation development
 - Adds new criterion that recalculation of proportionate share is not presumed to be a substantial deviation
 - Provides a new 4 year extension to buildout and related dates, regardless of previous extensions



DRI Revisions

- ▶ Essentially buildout DRI criteria
 - Increases the amount of development that remains to be developed within a DRI from less than 20 to less than 40% of an applicable DRI threshold to qualify as essentially built out
- ▶ A project that is no longer subject to DRI review under revised thresholds shall not be required to undergo DRI review due to provisions in an agency agreement or in a local government's comprehensive plan

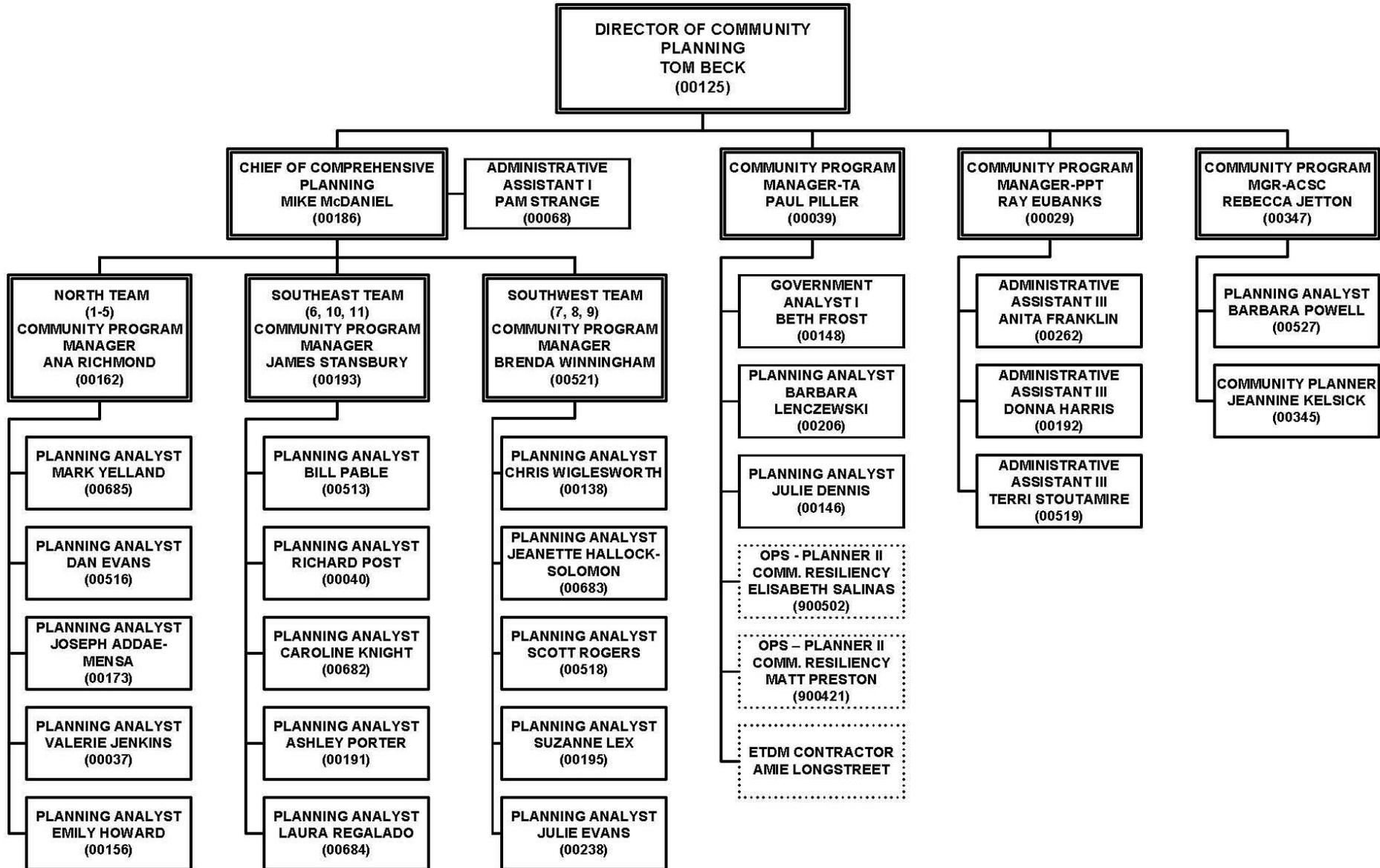
What Is Prohibited

- ▶ Local referenda for development orders and plan amendments

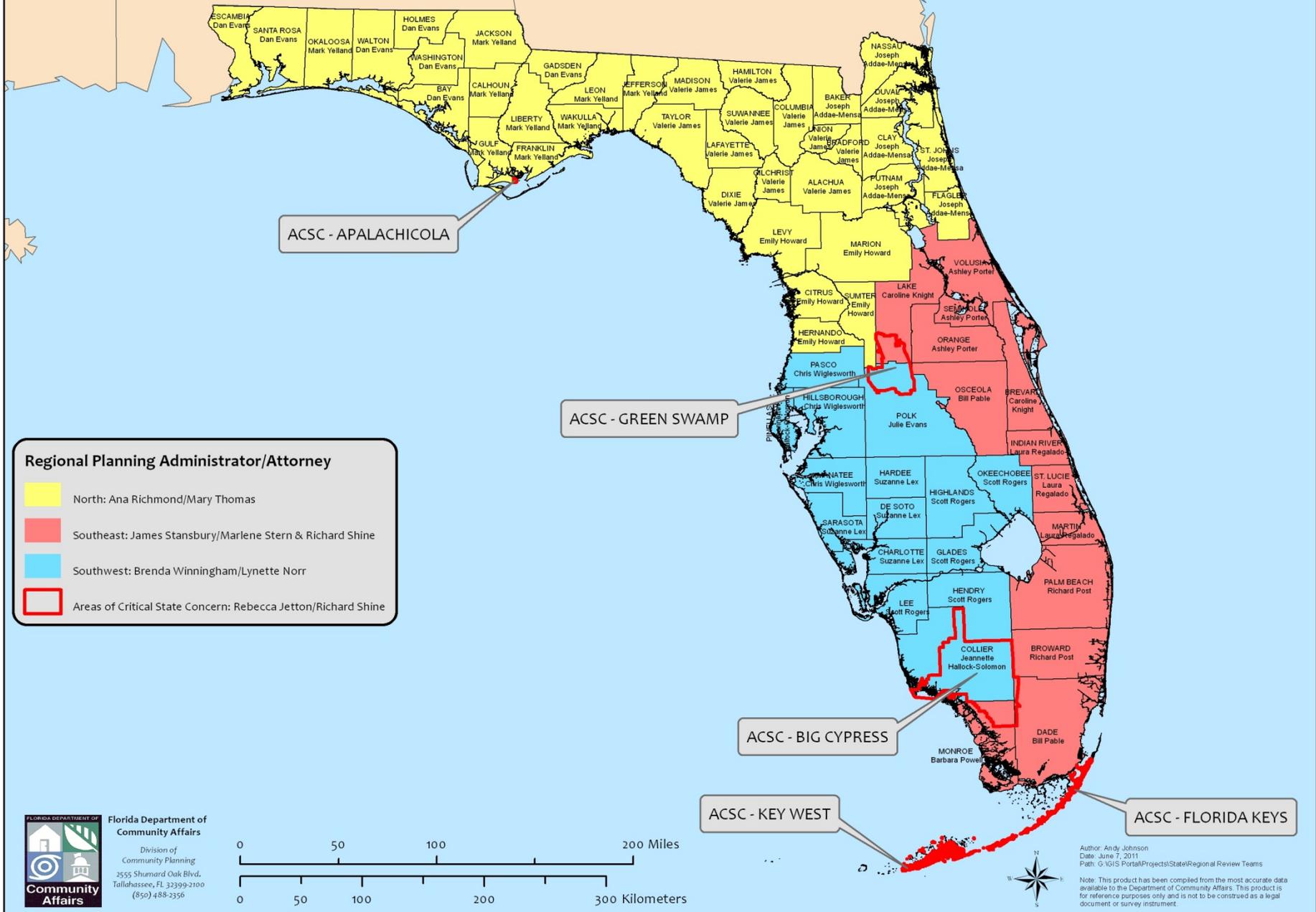
Division of Community Planning Reorganization



COMMUNITY PLANNING



Personnel Assignments, Division of Community Planning - June 2011



Questions



New Large Scale Comprehensive Plan Amendment Processes



Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes

Proposed Phase

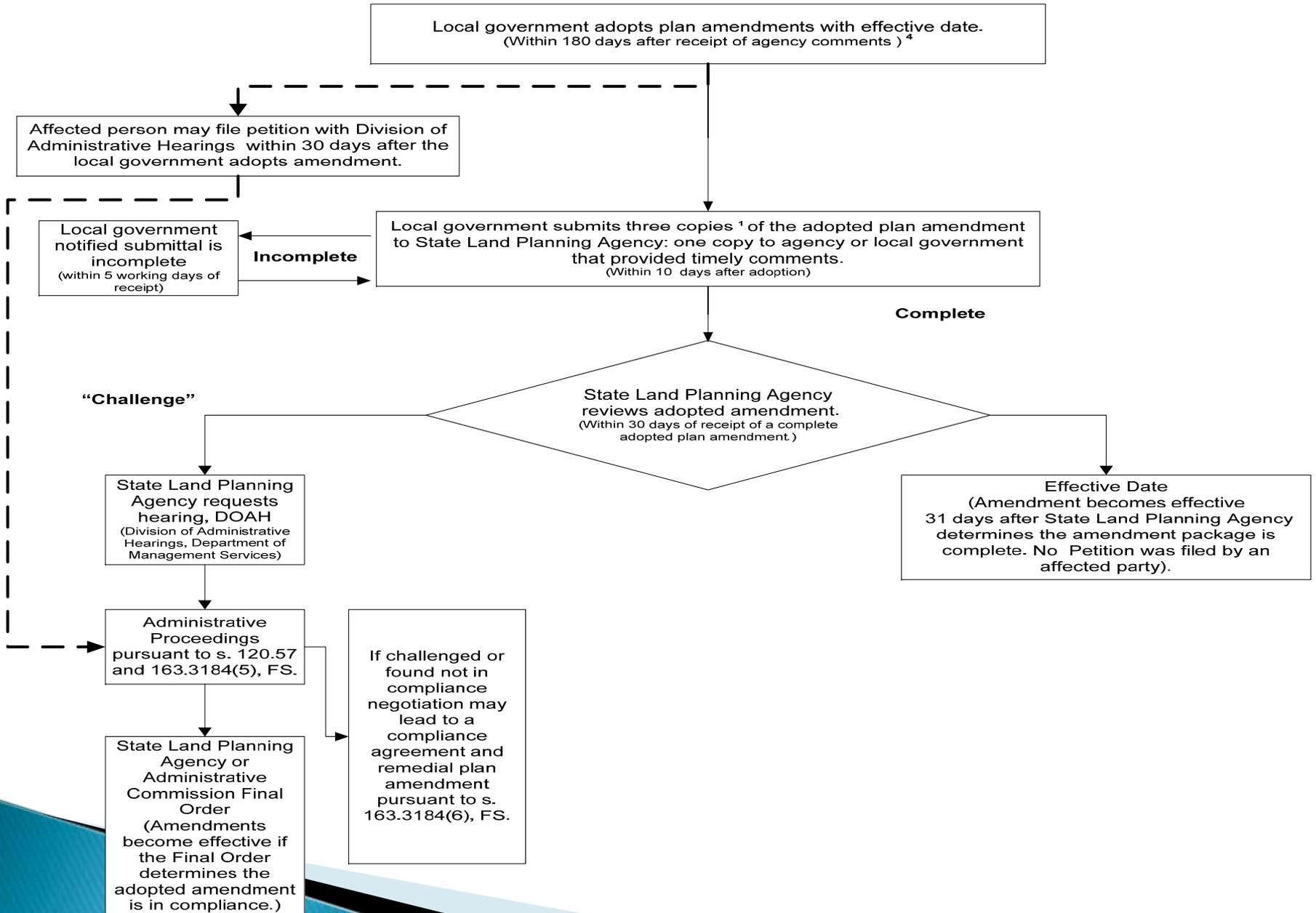
Local government transmits three copies¹ of the plan amendment to the State Land Planning Agency and one copy to review agencies.²
(Within 10 days of initial public hearing)

Local government and agencies are notified by State Land Planning Agency of receipt of amendment.
(Within five working days of receipt)

Reviewing agencies send comments directly to Local Government and State Land Planning Agency.³
(Must be received by local government within 30 days of receipt of amendment by review agencies)

State Land Planning Agency issues its comment letter to local government.³ (Must be received by local government within 30 days of receipt of amendment by State Land Planning Agency)

Adopted Phase



Notable Changes



- ▶ Agencies and local governments must transmit their comments **directly** to the affected local government within 30 days of receipt of amendment
- ▶ Affected Parties challenge adopted amendment within 30 days of adoption
- ▶ Local governments must adopt amendment within 180 days after receipt of agency comments or proposed amendment will be deemed withdrawn ***Does not apply to DRI-related amendments**

Notable Changes

- ▶ Local government only submits adopted amendment to Department and those agencies that timely commented on proposed amendment
 - ▶ Department's review of amendment is limited to adverse impacts on important state resources and facilities and may file challenge if amendment does not adequately address these issues
- 

Regional Agency Review Issues

- ▶ **Regional Planning Councils**
 - adverse effects on regional resources or facilities identified in the SRPP
 - extrajurisdictional impacts inconsistent with the comprehensive plan of any affected local government
 - may not review and comment on a proposed comprehensive plan amendment it prepared
- ▶ **Water Management District**
 - flood protection and floodplain management
 - wetlands and other surface waters
 - regional water supply

State Agency Review Issues

- ▶ **Department of Environmental Protection**
 - wetlands and other surface waters
 - federal and state-owned lands
 - solid waste
 - water and wastewater treatment
 - pollution
 - the Everglades ecosystem restoration
 - ▶ **Department of Transportation**
 - transportation resources and facilities of state importance
 - ▶ **Department of State**
 - historic and archeological resources
- 

State Agency Review Issues

- ▶ **Fish and Wildlife Conservation Commission ***
 - fish and wildlife habitat and listed species and their habitat
- ▶ **Department of Agriculture and Consumer Services ***
 - agriculture
 - forestry
 - aquaculture issues
- ▶ **Department of Education**
 - public school facilities

* County amendments only

Other Commenting Entities

- ▶ **County** comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan
 - ▶ **Municipal** comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan
 - ▶ **Military Installation** comments shall be provided in accordance with s. 163.3175
- 

State Land Planning Agency

- ▶ **State Land Planning Agency**
 - Important state resources and facilities outside the jurisdiction of other commenting state agencies such as:
 - CHHA/hurricane evacuation
 - urban sprawl
 - May challenge adopted amendments based on other agency comments

Review Time Savings

- ▶ Proposed review 30 days rather than 60 days
- ▶ Adopted review 30 days from completeness rather than 45 days
- ▶ Adopted amendment becomes effective within 31 days of complete package rather than 67 days under old traditional review
- ▶ Total review 65 days rather than 136 days
- ▶ Twice per calendar year limitation removed for all large scale amendments

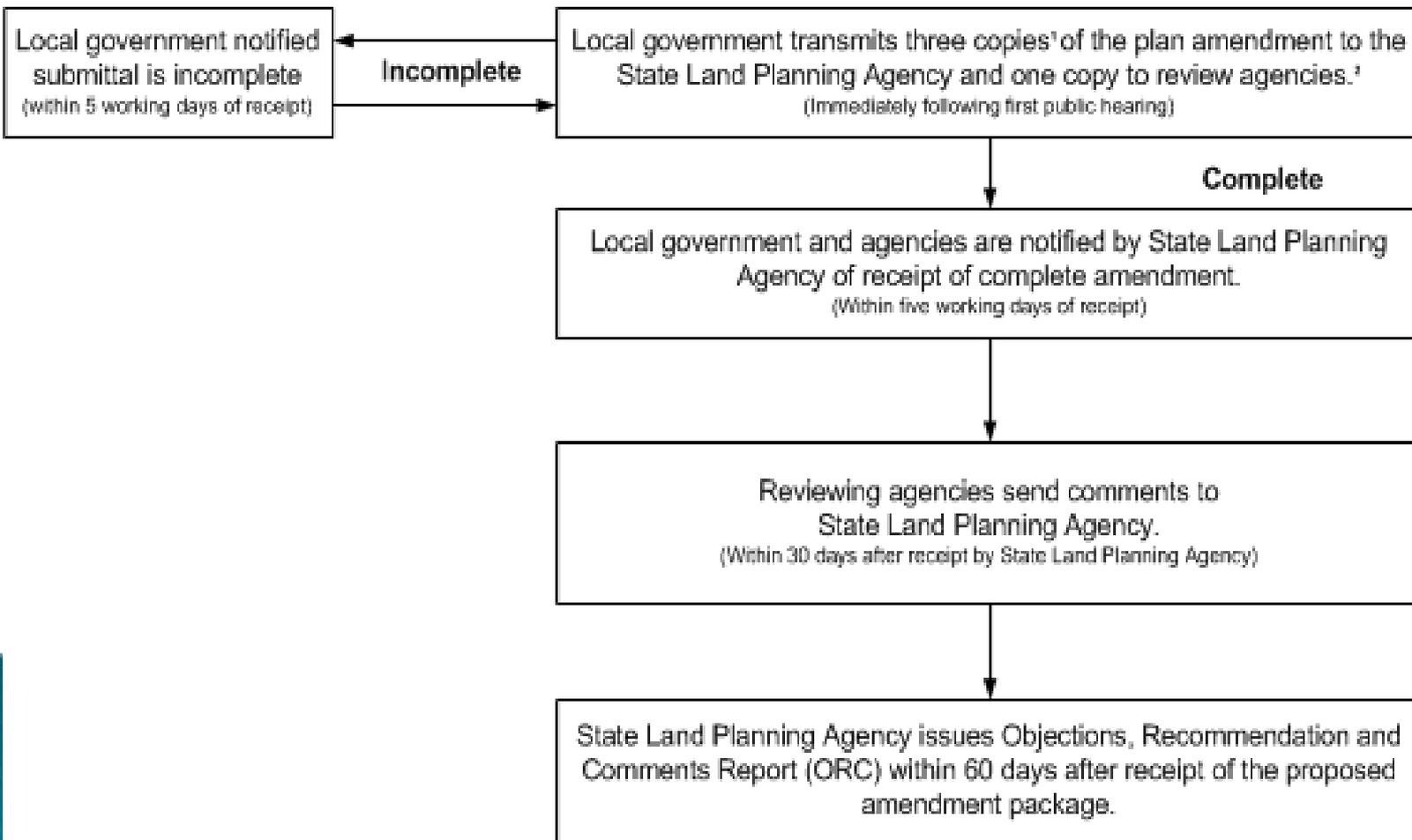


State Coordinated Review Process

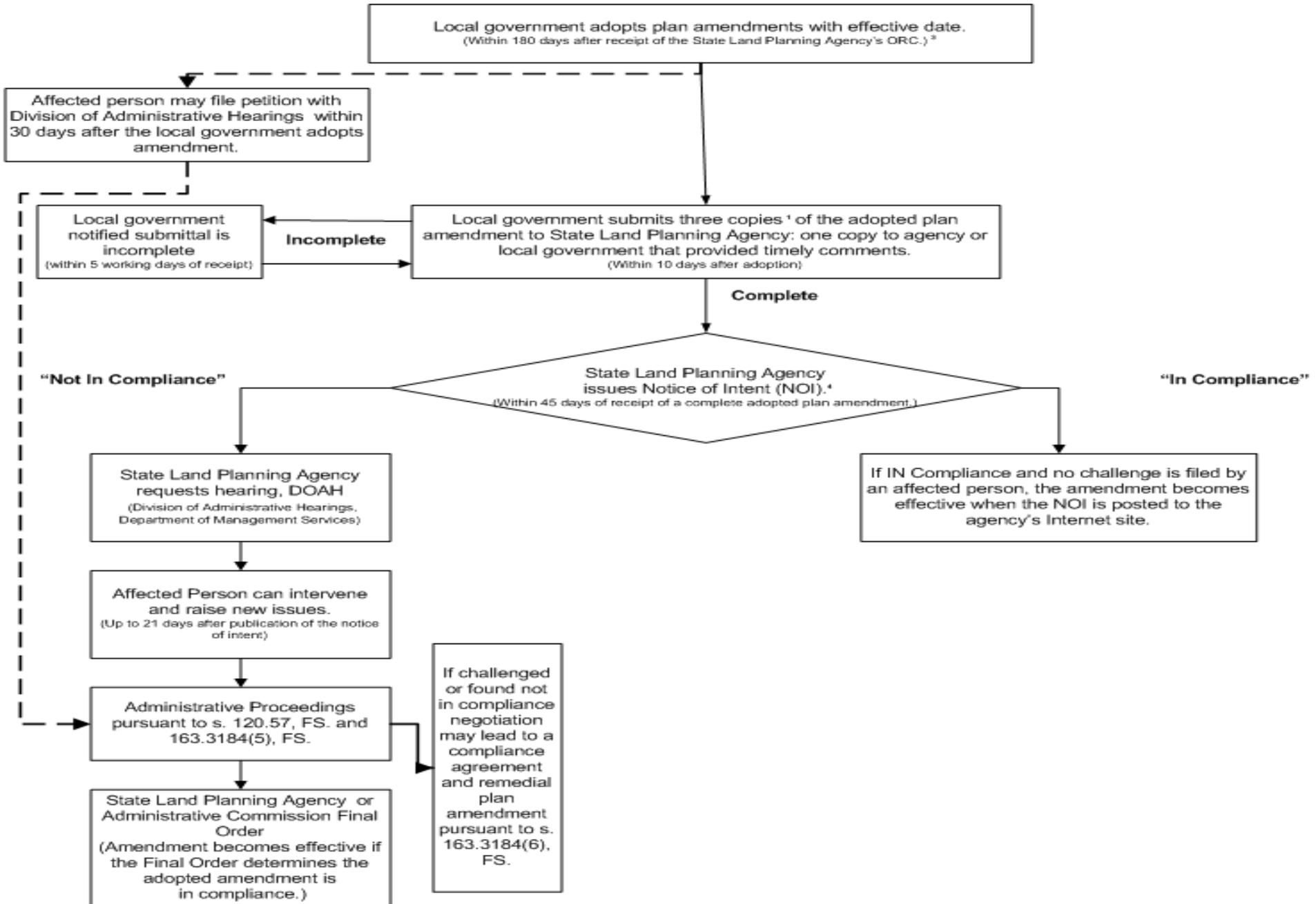
- ▶ The following Amendments shall follow the State Coordinated Review process:
 - Amendments within ACSC pursuant to 380.05, F.S.
 - Rural Land Stewardship pursuant to 163.3248, FS.
 - Sector Plans pursuant to 163.3245, F.S.
 - Updates to Comprehensive Plans based on Evaluation and Appraisal pursuant to 163.3191, F.S.
 - A new plan for newly incorporated municipalities adopted pursuant to 163.3167, F.S.

State Coordinated Review Amendment Process Section 163.3184(4) and (5), Florida Statutes

Proposed Phase



Adopted Phase



Notable Changes

- ▶ Local Governments no longer submit Citizen Courtesy Information List as part of package
 - ▶ Affected Parties challenge adopted amendment within 30 days of adoption
 - ▶ Local governments must adopt amendment within 180 days of receiving ORC report or proposed amendment will be deemed withdrawn
- 

Notable Changes

- ▶ Local government only submits adopted amendment to Department and those agencies that timely commented on proposed amendment
- ▶ Department posts notice of intent on agency's website



Review Time Savings

- ▶ Adopted amendment becomes effective within 46 days of complete package rather than 67 days under old traditional review
- ▶ Twice per calendar year limitation removed for all large scale amendments



Small Scale Amendments

- ▶ Amendment requires only one public hearing which shall be an adoption hearing
 - ▶ Amendment must be 10 acres or less
 - ▶ Amendments within RACEC designation may increase 10 acre limit to 20 acres with OTTED certification
 - ▶ A maximum of 120 acres per calendar year
- 

Small Scale Amendments

- ▶ Text change directly related to future land use map change are now permissible
- ▶ Amendment may not be within ACSC unless the project involves construction of affordable housing meeting criteria of Section 420.0004(3), F.S.



Notable Changes

- ▶ No density limitations
 - ▶ Limitations regarding timing and owner's location criteria are eliminated
 - ▶ Maximum acreage per year increased from 80 acres to 120 acres for all local governments
 - ▶ Text changes specifically related to the small scale map amendment permissible
 - ▶ Copies to Department and RPC no longer required but encouraged
- 

Evaluation and Appraisal Process

- ▶ Local governments shall evaluate their comprehensive plans at least once every 7 years only to determine if plan amendments are necessary to address changes to new state requirements
- ▶ New schedule published by Department
- ▶ Local governments shall notify Department by letter of its determination



Evaluation and Appraisal Process

- ▶ Evaluation and Appraisal based amendments must be proposed within 1 year of notification letter
 - ▶ Amendments are transmitted pursuant to the State Coordinated Review Process
 - ▶ Local government may not amend comprehensive plan if it fails to timely submit notification letter or propose amendments within 1 year of notification
- 

Notable Changes

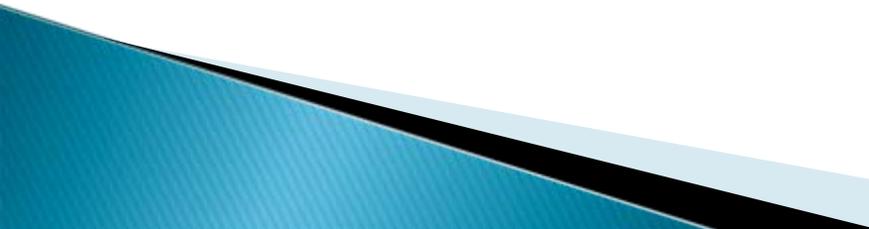
- ▶ Removal of past EAR schedule prohibitions
 - ▶ Local government not required to adopt EAR
 - ▶ Local government only required to evaluate if state requirements are met in plan; however local governments are encouraged to comprehensively evaluate and update plan based on changes to local conditions
 - ▶ Local government only required to notify Department of its determination of whether Evaluation and Appraisal amendments are required
- 

Evaluation and Appraisal Data

- ▶ Of 478 LOCAL GOVERNMENTS:
 - 285 Timely adopted EAR-based amendments
 - 116 Never adopted EAR-based amendments
 - 49 Adopted EAR-based amendments more than 7 years ago
 - 26 Currently have proposed EAR-based amendments under review
 - 2 New Comprehensive Plans not in effect

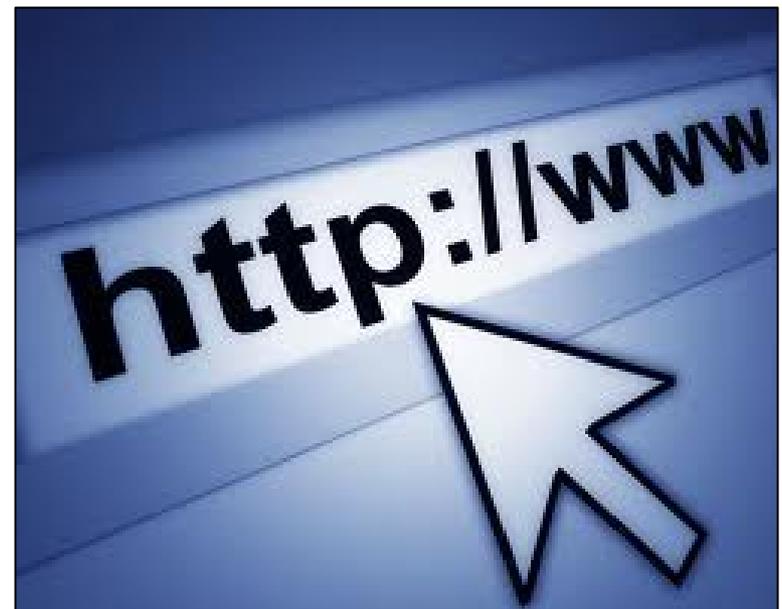


Methodology For Scheduling

- ▶ Reviewed local governments last adopted EAR-based amendment and added 7 years to the adoption date
 - ▶ Assigned those local governments that never adopted an EAR-based amendment and the local governments that adopted EAR-based amendments more than 7 years ago to years 2012-2014
 - ▶ Assigned those local governments that have pending EAR-based amendments under review and the local governments that do not have plans in effect to the year 2018
- 

Additional Information

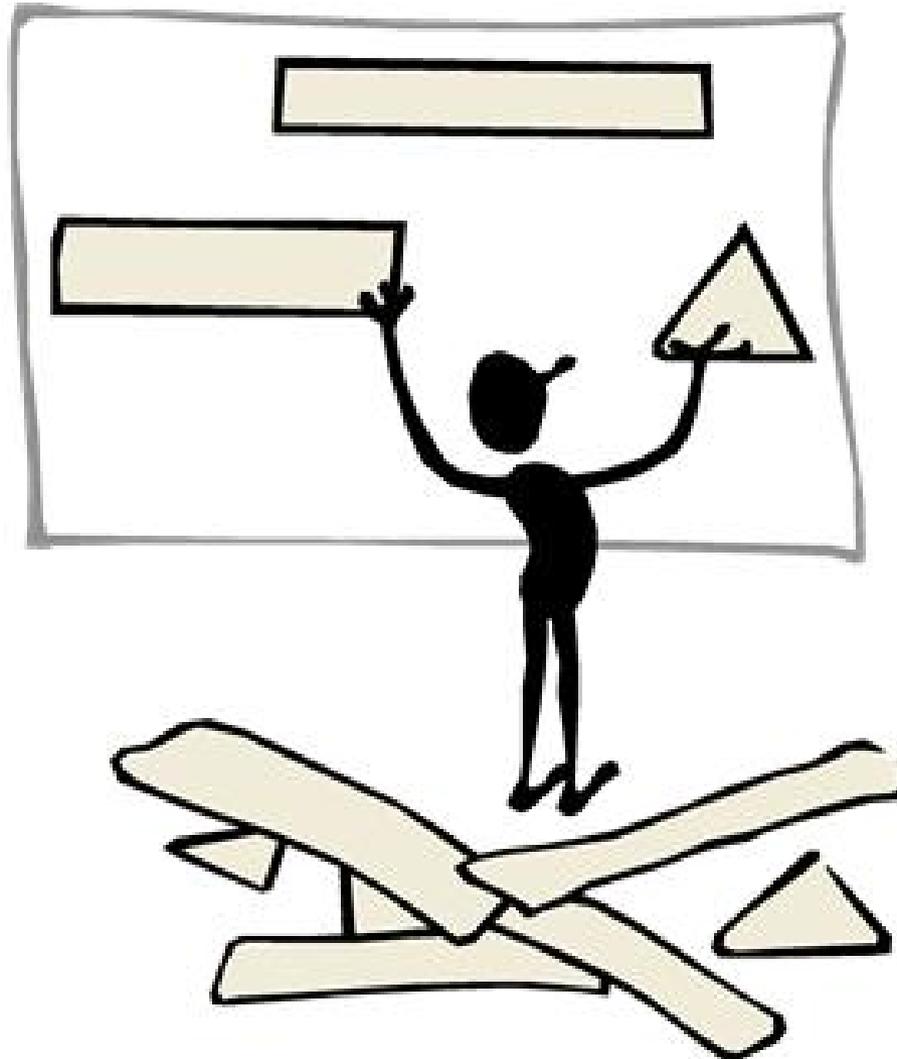
[HTTP://WWW.DCA.STATE.FL.US/](http://www.dca.state.fl.us/)



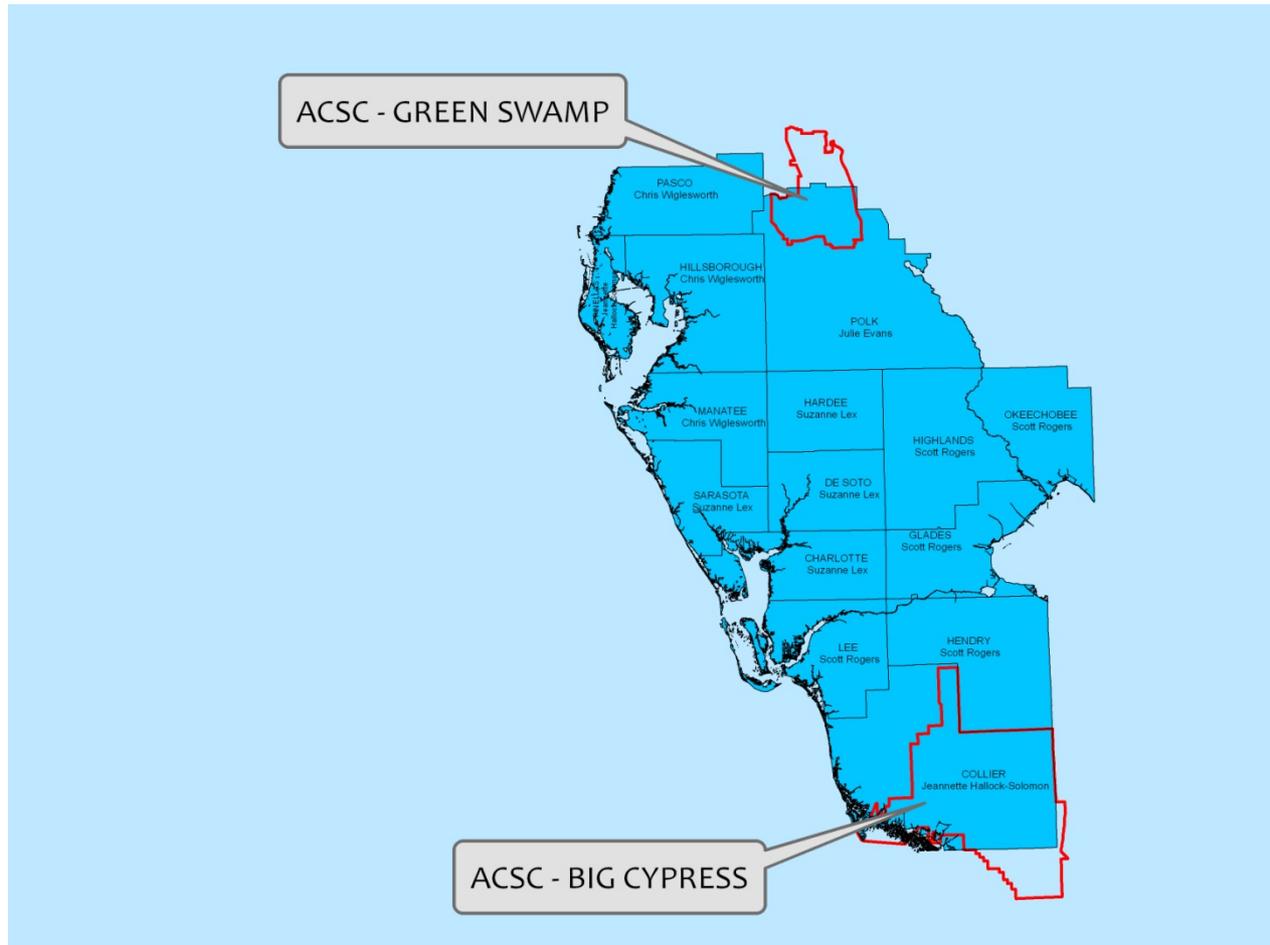
Questions



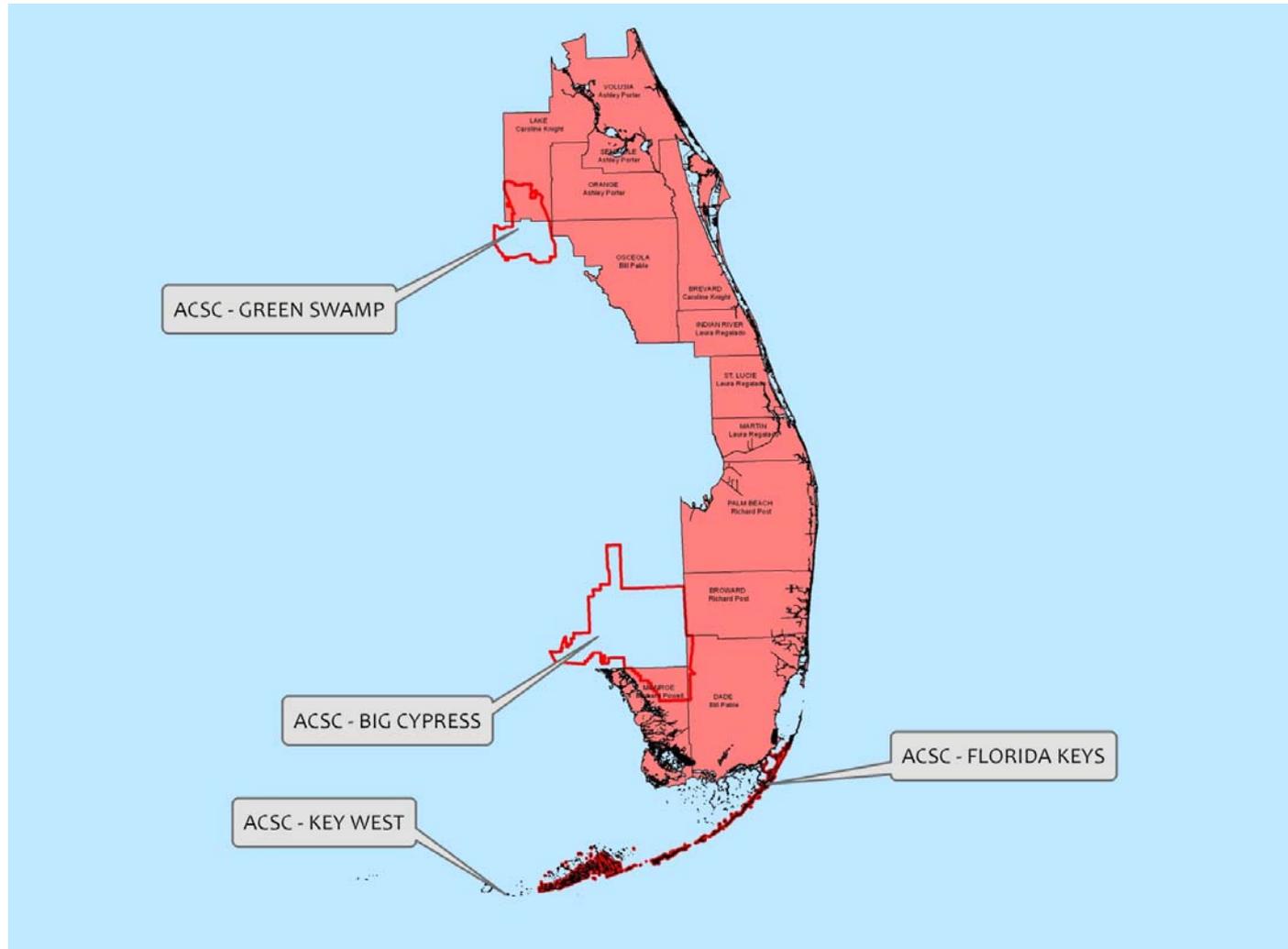
Regional Planning Administrators



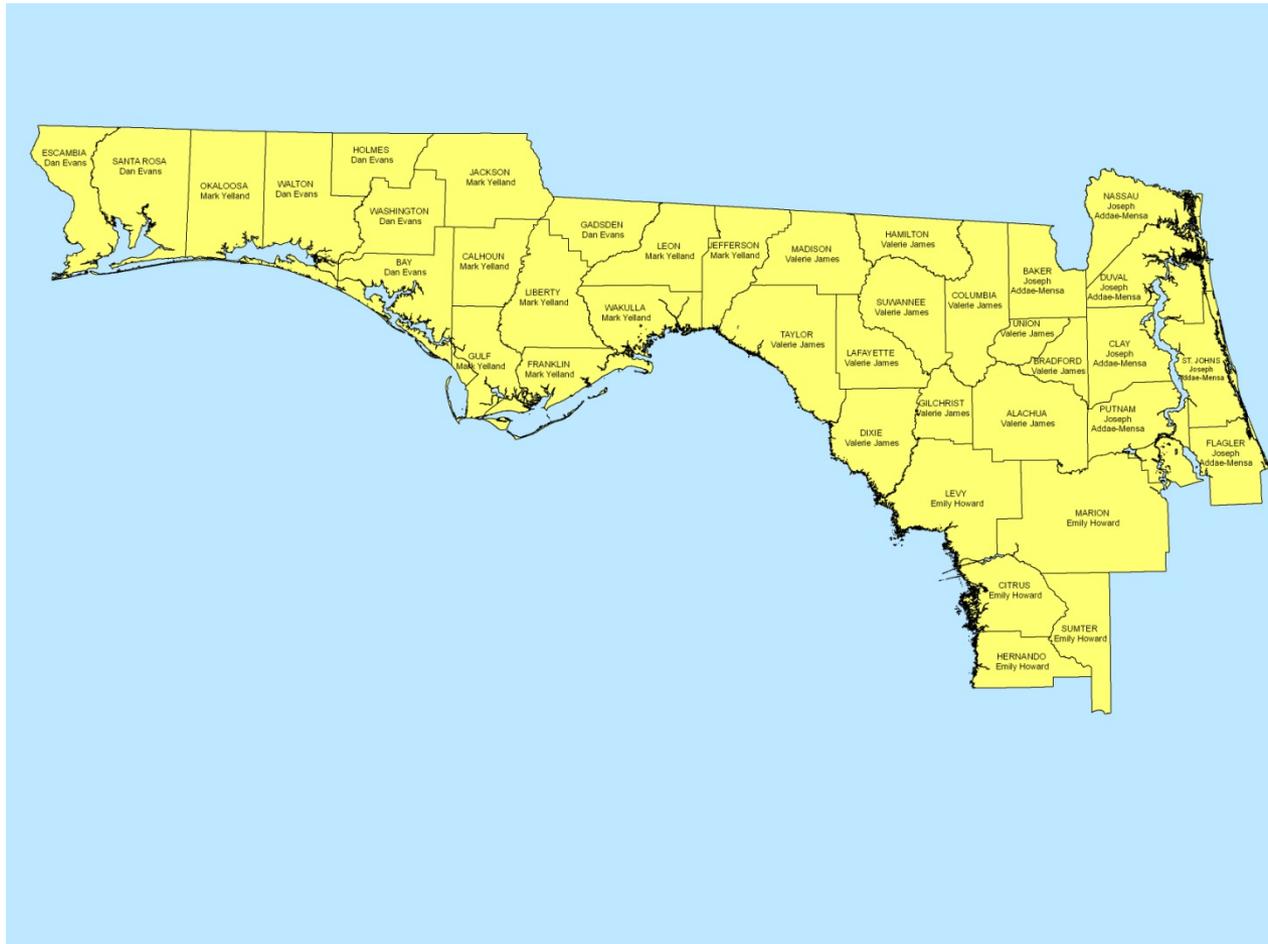
Southwest Team



Southeast Team

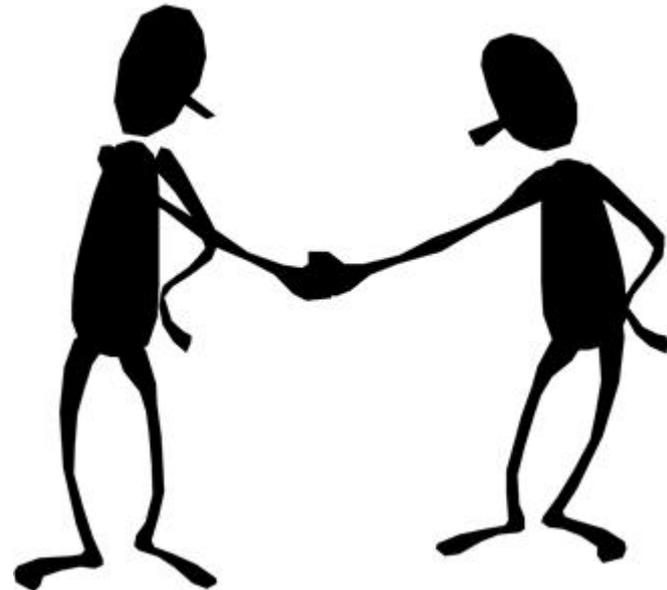


North Team



How We Can Help

- ▶ Courtesy reviews
- ▶ Planning guidance
- ▶ Interagency co-ordination
- ▶ Help with legislative interpretation



Questions

