

American Planning Association Florida Chapter

Planning In Florida

MULTIMODAL DEVELOPMENT AND DELIVERY (M2D2) LAND USE AND TRANSPORTATION WORKSHOP

MARCH 10, 2015

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Agenda

- Florida Planning History
- Purpose and Intent
- Process
- Special Planning Emphasis
- Innovative Planning Tools
- Plan Implementation
- What Makes Florida Different?

Planning in Florida

"Someday all of this will be infrastructure"

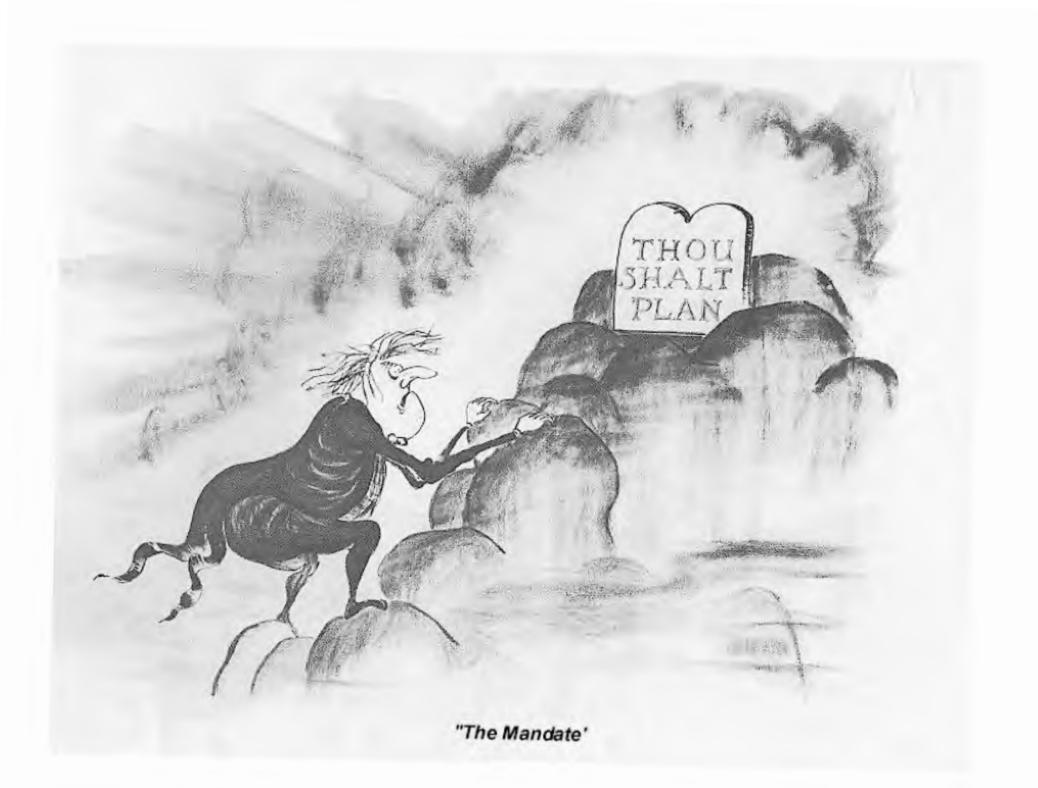
1565: Menendez sighted Florida and dropped anchor off the Indian Village Seloy. He selected the site and laid out the town following The Code of the Indies.

Planning History in Florida

- 1845: Florida becomes a state
- 1882: Henry Plant begins building railroads throughout Florida
- 1928: Zoning enabling act
- 1935: Florida's State Planning Board 1st FL Intergovernmental planning legislation
- 1954: Section 701 Housing Act (Planning Grant Money Available)
- 1960's State takes over 701 planning
- 1972: Environmental Land & Water Management Act
- 1973: State and Regional Comprehensive Planning Act
 - × Regional Planning Councils (Chapter 186, F.S.)
 - × Developments of Regional Impact (Chapter 380, F.S.)
 - × ELMS I Committee (Chaired by John DeGrove)
 - × Division of State Planning (Gov. Askew/Earl Starnes)

Planning History in Florida

- 1975: Local Government Comprehensive Planning Act
- 1979: Resource Management Task Force.
- 1982: House Select Committee on Growth Management
- 1984: State & Regional Planning Act / ELMS II
 State Comprehensive Plan Adopted (Chapter 187, F.S.)
- 1985: Local Government Comprehensive Planning and Land Development Regulation Act (Ch. 163, Part II, F.S.)
- 1985: State Comprehensive Plan (Chapter 187, F.S.)
- 1986: Department of Community Affairs created
- 1986: "Glitch Bill" Sec. 9J-5, F.A.C. and Plan Consistency
- 1991: ELMS III "fine tuning" bill strengthened DCA's review authority.
- 2011: Community Planning Act and the dissolution of DCA. Planning functions moved to DEO



Purpose of Planning in Florida

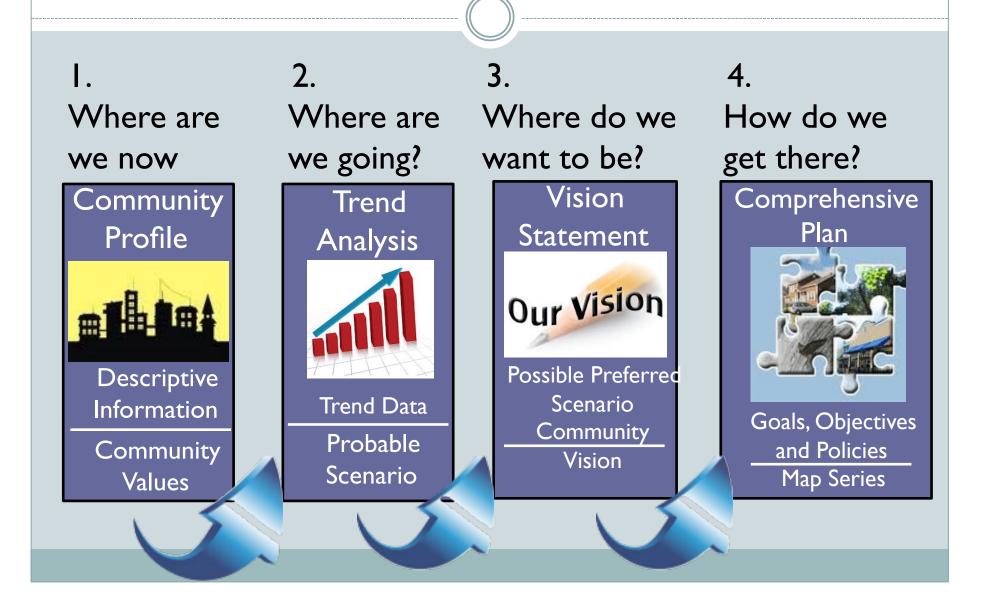
"...to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development consistent with the proper role of local government."

Section 163.3161, F.S.

Intent of the Community Planning Act

- Focus on the state role in managing growth
- Preserve and enhance present advantages
- Encourage the most appropriate use of land, water and resources consistent with the public interest
- Overcome present handicaps
- Deal effectively with future problems that may result from the use and development of land
- Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks, recreation facilities, housing and other requirements and services
- Conserve, develop, utilize and protect natural resources
- Encourage coordination of planning and development activities

The Planning Process





A Coordinated Planning System

Local Level

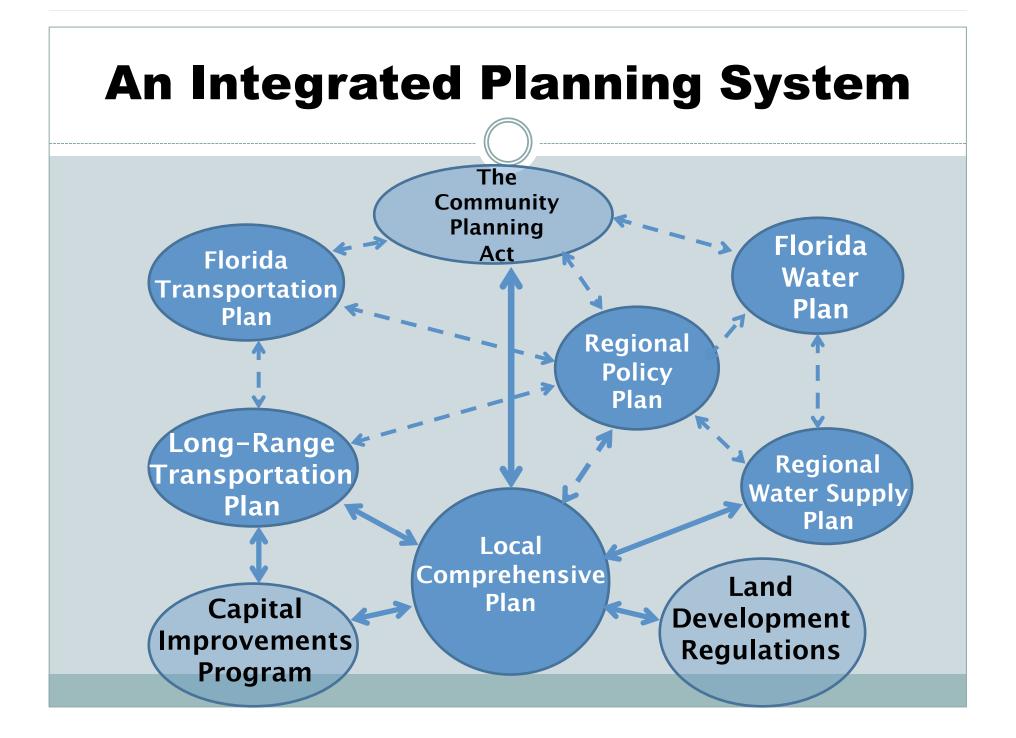
- o Local Comprehensive Plan
- o Land Development Regulations
- o Capital Improvements Programing

Regional Level

- o Strategic Regional Policy Plan (Regional Planning Councils)
- Long Range Transportation Plan (FDOT)
- Regional Water Supply Plan (FDEP)
- o Developments of Regional Impact Reviews (RPC)

State Level

- State Land Planning Agency (DEO)
- Florida Transportation Plan (FDOT)
- o Florida Water Plan (FDEP)
- Areas of Critical State Concern (DEO)



Local Level

(410 municipalities, 67 Counties)

- Citizens
- Citizen groups/organizations, homeowners
- Business owners
- Civic & Business groups/organizations
- The elected governing body
- Local Planning Agency (LPA)
- Appointed boards, commissions, committees
- Local School District
- Professionals

What is the Local Planning Agency?

- The governing body shall designate and by ordinance establish a "local planning agency" to consider comprehensive plan amendments and rezonings that would, if approved, increase residential density [and intensity] (Sec. 163.3174, F.S.)
- Planning Commission/Board/Zoning Board
- School Board Representative (non-voting)
- Recommends to the governing body regarding the adoption or amendment of the plan.

Regional Level

- 11 Regional Planning Councils
- 5 Water Management Districts
- 7 Department of Transportation Districts
- 26 Metropolitan Planning Organizations (MPO)

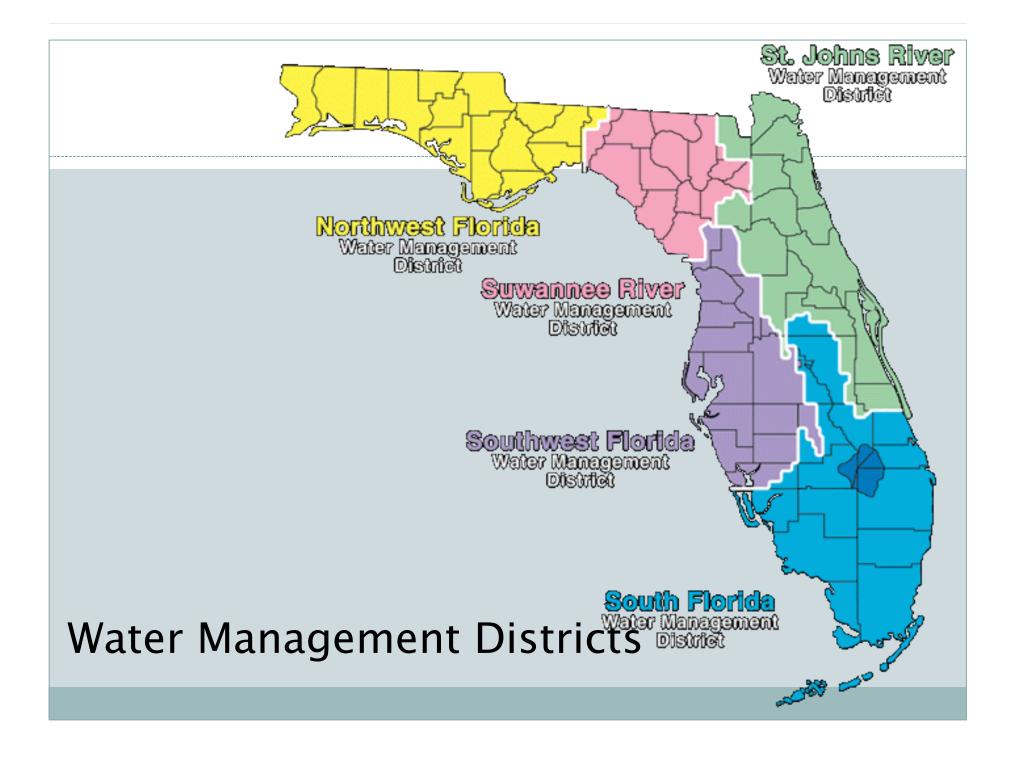


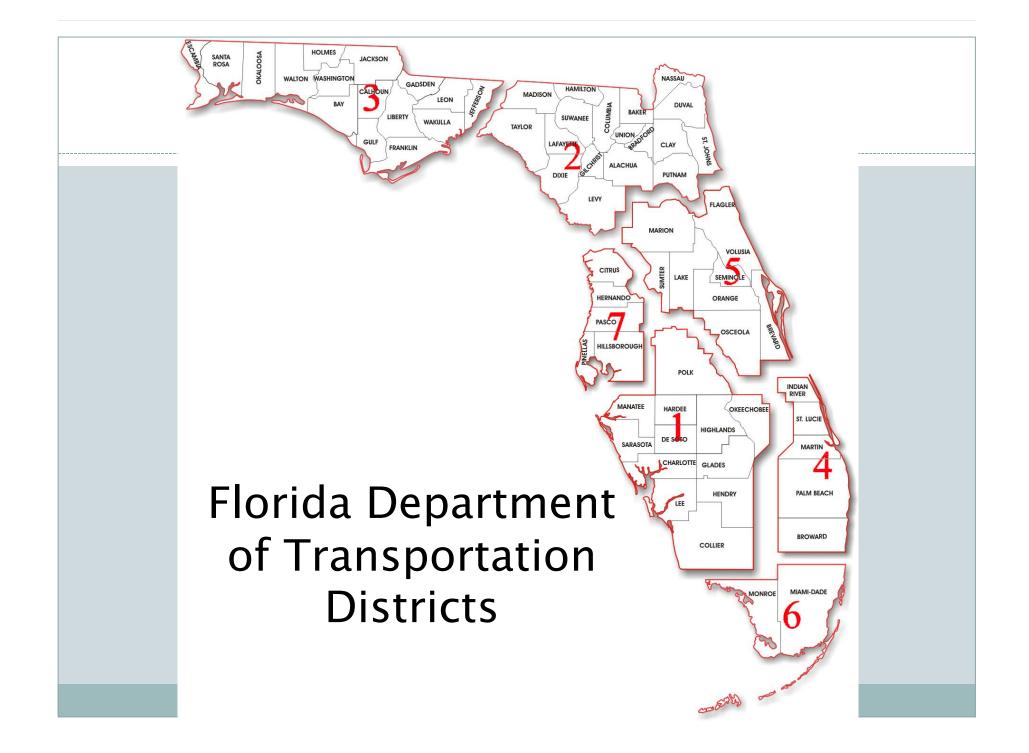


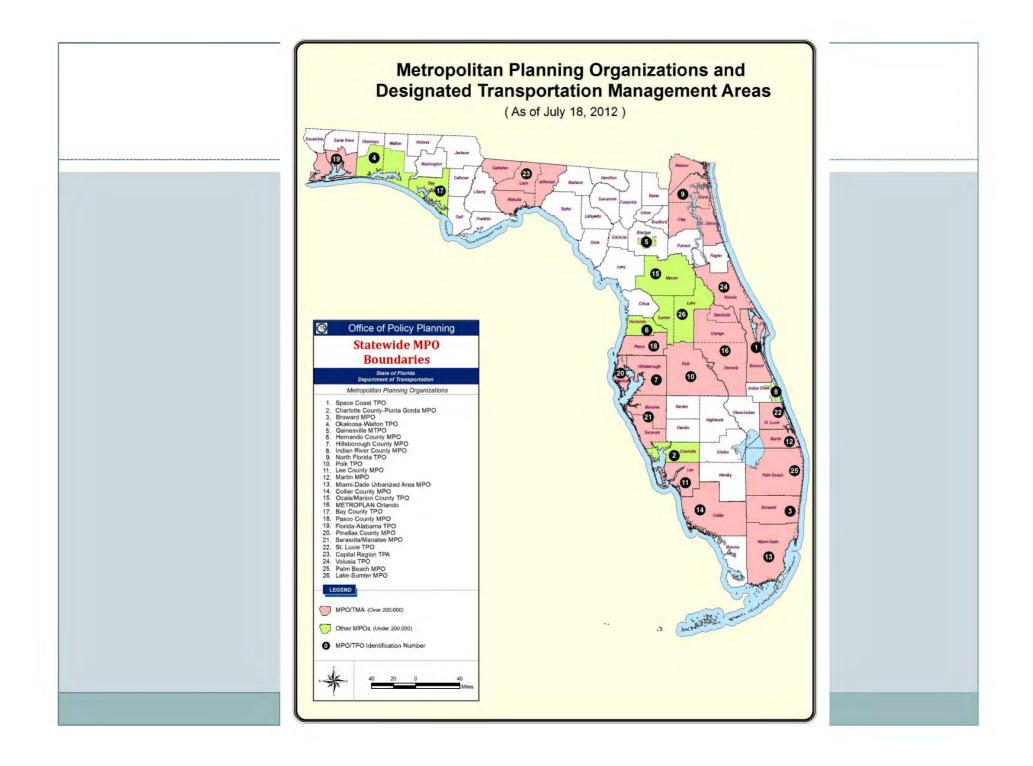


Florida Regional Planning Councils









State Level

- Governor and cabinet
- Department of Economic Opportunity
- Department of State
- Department of Environmental Protection
- Department of Transportation
- Fish & Wildlife Conservation Commission
- Dept. of Agriculture & Consumer Services
- Special Interest and Advocacy Organizations

The Comprehensive Plan

- A clear vision shared by all
- Quality of life is maintained and improved
- Private property rights are protected
- Economic development is encouraged and supported
- Certainty about where, how and when development will occur



The Comprehensive Plan

- Preparation of annual budgets and CIP
- A public guide to community decision making
- An assessment of the community's needs
- A statement of community values, aspirations, goals, and objectives
- A community's blueprint for physical development
- An adopted public document with legal requirements
- Continuously updated as conditions change.

Mandated Elements (Sec. 163.3177(3)-(6), F. S.)

- Future Land Use
- Transportation
- General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge
- Conservation
- Recreation & Open Space
- Housing
- Coastal Management
- Capital Improvements
- Intergovernmental Coordination

Optional Elements (Section 163.3177(3) - (6), F. S.)

- Public School Facilities
- Airport Master Plan
- Public Buildings
- Community Design
- Redevelopment
- Public Safety
- Hazard Mitigation / Post Disaster Plan
- Historic and Scenic Preservation
- Economic

Special Planning Emphasis

- Urban sprawl
- Urban infill and redevelopment
- Water Supply
- School Coordination
- Concurrency

Amending the Comprehensive Plan

(Section 163.3184, F.S.)

- Small Scale Amendments
- Expedited State Review Process
- State Coordinated Review Process

Small Scale Amendments

- Amendment involves 10 acres or less
- Maximum of 120 acres annually
- Only map amendments (no text changes)
- Local Planning Agency

Holds at least one public hearing

Adoption

o Local government holds a public hearing to consider adoption

Effective Date

- The amendment goes into effect upon adoption
- The local government is invited (but not required) to transmit a copy of the small scale amendment to the State Planning Agency

Expedited Review Process

- LPA Public Hearing
- Transmittal Public Hearing
- Prepare & Transmit the Amendment Package
- State Planning Agency Review & Comment
 (within 30 days)
- Adoption Public Hearing
 - o (within 180 days of agency comments)
- Challenge Period
 - o (30 days from the date of adoption)
- Effective Date

o (31 days after the amendment is ruled complete)

Coordinated Review Process

Amendments required to follow this process:

- Within Areas of Critical State Concern
- Rural Land Stewardship Areas
- Sector Plans
- Amendments based on Evaluation and Appraisal Reports
- A new plan for newly incorporated municipalities

Coordinated Review Process cont'd

- LPA Public Hearing
- Transmittal Hearing
- Prepare and Transmit Amendment Package
- Review & Comment Period (30 days)
- State Land Planning Agency Review
 ORC report issued within 60 days)
- Adoption Hearing

(within 180 days of receipt of the ORC Report)

- Challenge Period (30 days)
- Effective date (45 days to issue Notice of Intent)

Evaluation and Appraisal (EAR)

- Every 7 years
- Plans must reflect changes in State requirements since the last update
- Local Government has the discretion to determine if an update is needed
- Schedule for EAR contained in Chapter 73C-49, F.A.C.
- Local government must notify DEO of its determination
- One year to prepare and transmit changes
- Failure to submit amendments results in the inability to amend the Plan
- The evaluation and appraisal should address changes in state requirements since the last update of the plan and based on changes to local conditions

Best Planning Practices Monitoring and Evaluating Plans

- Keep track of issues and problems as they arise
- Keep good data on trends in order to gauge results
- Be able to articulate what is working and what is not
- Avoid the temptation to write a very specific or detail policy to address a particular problem
- Be realistic with time frames for amendments
- Set benchmarks for preparing evaluation and amendments
- Base the evaluation on data and identifiable outcomes.
- Be visionary and realistic
- Involve the public and steak holders
- Recognize that infrastructure needs will continue to be critical to building and sustaining a livable community

Innovative Planning Tools

"Local governments are encouraged to apply innovative planning tools" (Section 163. 3168, F. S.)

- Visioning
- Sector Planning
- Rural Land Stewardship Areas
- Urban Service Areas
- Urban Growth Boundaries
- Mixed-Use high density in urban areas
- Transit Oriented Development (TOD)
- Planned Unit Developments (PUD or PD)
- Transfer of Development Rights (TDR)
- Traditional Neighborhood Developments (TND)

Comprehensive Plan Implementation

Land Development Regulations (Section 163.3202, F.S.)

"...the sections of the comprehensive plan containing goals, objectives and policies shall describe how the local government's programs, activities, and land development regulations will be initiated, modified or continued to implement the comprehensive plan in a consistent manner..."

Land Development Regulations

- The use of land and water (zoning)
- Subdivision of land
- Protection of potable water wellfields
- Seasonal and periodic flooding
- Protection of environmentally sensitive lands
- Signage
- Public facilities and services
- Safe and convenient on-site traffic flow

Land Development Regulations

- Consistency Land Development Regulations must be "compatible with," "further" and "implement" the Comprehensive Plan.
 - Type of land use;
 - o Intensity and density of land use'
 - Location of land use;
 - o Extent of land use; and
 - o Other aspects of development
- Compatible "Not in conflict" with the Comprehensive Plan
- Further takes action in the direction of realizing the goals or policies of the comprehensive plan.
- Implement includes provisions that implement the objectives and policies of the Comprehensive Plan and implementing regulations to be realized.

Land Development Regulations

- Title Authority and Purpose
- General Provisions
- Zoning Districts and Allowable Uses
- Conditional Uses
- Subdivision Regulations
- Site Design Standards and Improvements
- Adequate Public Facility Requirements (Concurrency)
- Administration and Procedures
- Interpretation, Exceptions, Equitable Relief & Enforcement
- Definitions

Concurrency (Section 163.3180, F. S.)

"...development orders shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development. Unless public facilities and services which meet or exceed such standards are available at the time the development permit is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development."

"The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard."

Concurrency cont'd

Mandatory

- o Sanitary Sewer
- o Solid Waste
- o Drainage
- o Potable Water

Optional

- o Transportation
- o Public Schools
- Parks and Recreation

Transportation Concurrency (Section 163.3180(5), F.S.)

- Provide principles, guidelines, standards, strategies and levels of service to guide the application of concurrency
- Encouraged to develop policy guidelines & techniques to address negative impacts on future development
 - o In urban infill, redevelopment and urban service areas
 - With special part-time demand on the transportation system.
 - With de minimis impacts
 - On community desired types of development (redevelopment, job creation)

Transportation Concurrency cont'd

- Complement concurrency with special tools and techniques:
 - o multi-modal solutions (levels of service)
 - o areawide level of service
 - o exempting or discounting locally desired development
 - o assign priority to pedestrian connectivity and use of transit
 - incentives for urban infill, redevelopment, mixed uses, affordable or workforce housing
 - Reduced impact fees or local access fees to promote development in urban areas, multimodal transportation districts, and mixed-use development areas

Transportation Concurrency cont'd

- Encouraged to coordinate with adjacent local governments.
- To implement transportation concurrency, local governments must:
 - Consult with FDOT for strategic intermodal facilities
 - Exempt public transit facilities
 - Allow an applicant to satisfy concurrency by:
 - binding agreement to pay for or construct a facility based on the development's proportionate share
 - × Prop-share contribution must benefit a regional transportation facility
 - × Applicants are not responsible for additional cost
 - × Prop-share calculation based on peak-hour impacts
 - Prop-share formula based on facilities significantly impacted by the project's traffic
 - The necessary improvements to correct the deficiency shall be considered to be in place for the purpose of proportionate share calculation

Transportation Concurrency cont'd

- Applicants are given a credit for impact fees, mobility fees and other transportation concurrency mitigation requirements
- A facility is deficient when the adopted level of service standard is exceeded by the projected trips from any source except the project's trips under review, and trips that are forecast by established traffic modeling

School Concurrency

- Local governments shall include guidelines and standards, including adopted levels of service, in their comprehensive plans and inter-local agreements
- Local governments are encouraged to apply school concurrency to development on a district-wide basis
- a local government may elect to apply concurrency on a less than district-wide basis using school attendance zones or concurrency service areas
- Relocatable facilities that are in a local government's inventory of student stations shall include such facilities in its school capacity
- The capital improvements element shall identify facilities necessary to meet adopted levels of service during a five-year period consistent with the school board's educational facilities plan
- a landowner to proceed with development, notwithstanding the failure of the development to meet concurrency, if all the following factors exist:
 - o The development is consistent with the comprehensive plan
 - Plans provide for facilities adequate to serve the development
 - Assess a proportionate share of the cost of providing the facilities necessary

Comprehensive Plan Implementation

Permitting

 The application of regulations which set forth minimum requirements for the use of land and construction, including site design & layout, subdivision of land, buildings, surface water management, flood control, etc.

Minimum standards are set forth by ordinance:

- o Zoning
- o Site design regulations
- o Building Codes
- Subdivision Regulations
- Flood Protection (FEMA)
- o Public facilities (access, roads, utilities)

o Signs

What Makes Florida Different?

- DRI's & DULA's
- Baby Boomers & Beyond
- Theme Park Capital of the World
- Frozen Oranges



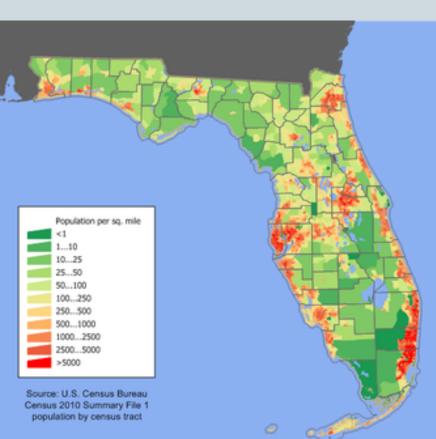
DRI's & DULA's

- DRI's process
- Required by Section 380.06(1), F.S.
 West Florida Apalachee Bay
- "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county."



DRI's & DULA's cont'd

- What are DULA's?
- Required by Section 380.06(29), F.S.
- Florida Legislature Office of Economic and Demographic Research
- List of counties and municipalities meeting population and density criteria - 2010 Census
- Posted on DEO's website June 26, 2014



DRI's & DULA's cont'd

- Municipality
 - Average 1,000 ppsmMin. 5,000 pop.

County (w/ municipalities)

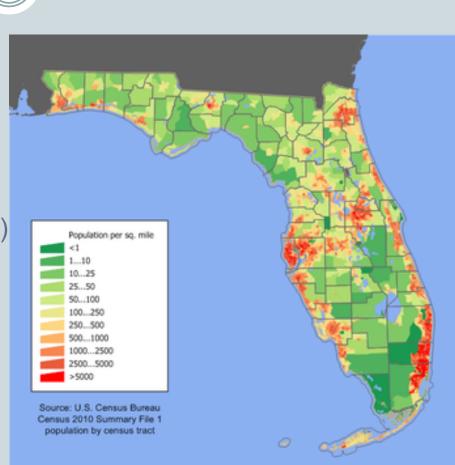
- o 1,000 ppsm
- o Within "USA" (S. 163.3164, F.S)

County (w/ municipalities)

- o Min. 900K pop.
- o 1,000 ppsm
- o Without "USA"

County (w/ municipalities)

- o Min. 1M pop.
- Within "USA"

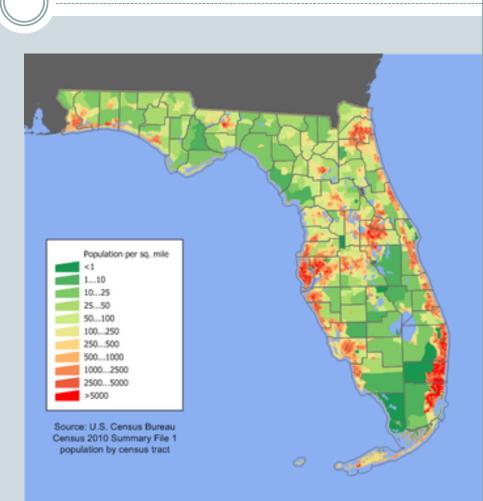


DRI's & DULA's cont'd

- 8 Counties
 - Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas, Seminole

242 Municipalities (2010)

- o 7 no longer meet criteria
 - Daytona Beach Shores
 - Flagler Beach
 - × Fort Meade
 - Holmes Beach
 - × Lake City
 - × Marathon
 - Palm Coast
- o 1 municipality added
 - × Quincy



What Makes Florida Different?

- Tropical weather
- Mild winters
- 1,200 mi sand beaches
- 1,800 mi coastline
- Summer
 - 81° F − 83° F
- Winter
 - o 53° F − 69° F
- Haven for retirees and "snowbirds"



Baby Boomers & Beyond

- Population fluctuation in winter months
- Aging Baby Boomers and need for "complete" communities
- The Villages "Florida's Friendliest Retirement Hometown."
- Census-designated place
- Ranked No. 1 fastest-growing small city in US (Forbes)
- 51,442 pop. (2010 Census)
- Master-planned
 - 12 CDD
 - Town squares village centers
 - Public transportation

What Makes Florida Different?

- "Theme Park Capital of the World"
- 94.7 million visitors (2013)
- 1.08M tourist-related jobs
- Every 85 visitors = 1 job
- Mobility of visitors and employees
- Need for housing and jobs in close proximity



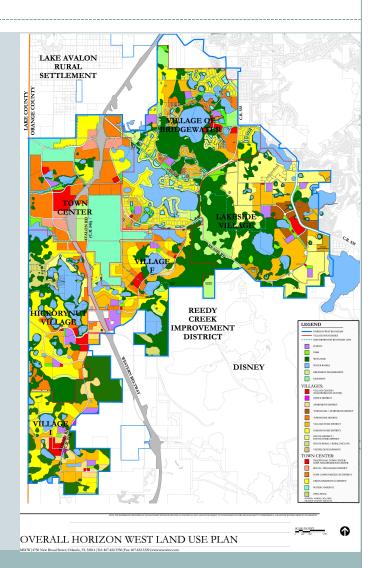
Frozen Oranges

- Citrus Freezes mid-1980's
- Frost line FL 60 from Clearwater to Vero Beach
- Central Florida citrus
 industry devastated
- Relocated to South FL
- Development pressure on rural/ag land
- Proximity to large employer
- Needed more sustainable development



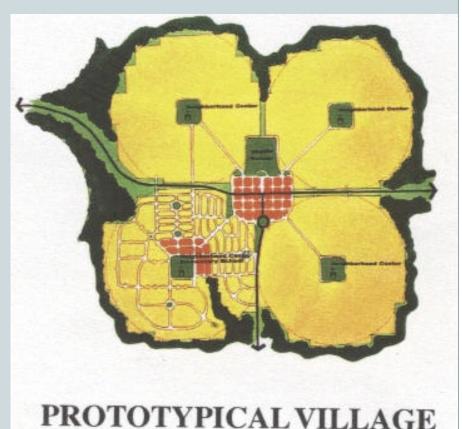
Sector Planning

- Florida's First Sector Plan
- Horizon West, Orange County, FL (1995)
- CDP 14,000 pop. (2010 census)
- 38,000 acres
- Concept Plan state approval
- Specific Area Plan local approval
- Timeline
 - o 1993 Planning process initiated
 - o 1995 Framework policies
 - o 1997 Lakeside Village SAP
 - 1997 APF and TDR ordinances
 - o 1999 Village of Bridgewater
 - o 2004 Town Center SAP
 - o 2006 Village H and Village F
 - o 2008 Village I



Sector Planning cont'd

- Ebenezer Howard's Garden Cities model and Clarence Perry's neighborhood unit concept
- Mixed-use Urban Villages vs. Euclidian zoning model
- Each Village
 - o 1,000 3,000 acres
 - o 2-4 neighborhoods
 - Schools and parks within $\frac{1}{4} \frac{1}{2}$ mi
 - Mixed use commercial, residential, civic, office and entertainment
- Promote connectivity
- Autos do not dominate
- Multimodal planning and walkability



Sector Planning cont'd

- Florida Legislature adopted Optional Sector plan (1998)
- Sec. 163.3245, F.S.
- Pilot 5 Sector plans
 - o 4 adopted prior to 2011
 - Orange, Bay and Escambia counties & City of Bartow
- Chapter 2011-139 Laws of Florida no limit on # of plans
- Remove "pilot" status
- Conversion agreement
 - Nassau, Hendry and Osceola counties
- Two-stage approval
 - o Long-term master plan
 - State coordinated review
 - o Detailed specific area plan (DSAP)
 - × Local development order
- Min. 15,000 acres

Sector Planning cont'd

Long-term master plan

- o Framework map
- Policies guiding development form, intergovernmental coordination and protection of natural resources
- General identification of water supplies, transportation facilities, and regionally significant public facilities

Detailed specific area plan (DSAP)

- o Min. 1,000 acres
- Address same issues as master plan
- o Greater detail
- DSAP must have a buildout date

Review

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- Process
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