

By the Committee on Community Affairs

578-706D-05

1 A bill to be entitled

2 An act relating to comprehensive planning and

3 land development; amending s. 163.3164, F.S.;

4 defining the term "antiquated subdivision" for

5 purposes of the Local Government Comprehensive

6 Planning and Land Development Regulation Act;

7 amending s. 163.3177, F.S.; requiring that the

8 future land use plan element of a comprehensive

9 plan identify areas where the local government

10 seeks to consolidate or vacate platted or

11 subdivided lots; requiring that a local

12 government address necessary plan amendments

13 related to antiquated subdivisions by a

14 specified time; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (32) is added to section

19 163.3164, Florida Statutes, to read:

20 163.3164 Local Government Comprehensive Planning and

21 Land Development Regulation Act; definitions.--As used in this

22 act:

23 (32) "Antiquated subdivision" means a subdivision, or

24 a large number of lots within a platted subdivision, in which:

25 (a) The plat of the subdivision was recorded as

26 provided by law before 1980 or was otherwise approved pursuant

27 to law before 1980;

28 (b) Less than 20 percent of the total subdivision area

29 has been built in accordance with the subdivision's zoned or

30 land-use purposes; and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 (c) The continued buildout of the subdivision would
2 cause an imbalance of land uses and would be detrimental to
3 the local and regional economies and environment, hinder
4 current planning practices, and lead to inefficient
5 development patterns.

6 Section 2. Paragraph (a) of subsection (6) of section
7 163.3177, Florida Statutes, is amended to read:

8 163.3177 Required and optional elements of
9 comprehensive plan; studies and surveys.--

10 (6) In addition to the requirements of subsections
11 (1)-(5), the comprehensive plan shall include the following
12 elements:

13 (a) A future land use plan element designating
14 proposed future general distribution, location, and extent of
15 the uses of land for residential uses, commercial uses,
16 industry, agriculture, recreation, conservation, education,
17 public buildings and grounds, other public facilities, and
18 other categories of the public and private uses of land.
19 Counties are encouraged to designate rural land stewardship
20 areas, pursuant to the provisions of paragraph (11)(d), as
21 overlays on the future land use map. Each future land use
22 category must be defined in terms of uses included, and must
23 include standards to be followed in the control and
24 distribution of population densities and building and
25 structure intensities. The proposed distribution, location,
26 and extent of the various categories of land use shall be
27 shown on a land use map or map series which shall be
28 supplemented by goals, policies, and measurable objectives.
29 The future land use plan shall be based upon surveys, studies,
30 and data regarding the area, including the amount of land
31 required to accommodate anticipated growth; the projected

1 population of the area; the character of undeveloped land; the
2 availability of public services; the need for redevelopment,
3 including the renewal of blighted areas and the elimination of
4 nonconforming uses which are inconsistent with the character
5 of the community; the compatibility of uses on lands adjacent
6 to or closely proximate to military installations; and, in
7 rural communities, the need for job creation, capital
8 investment, and economic development that will strengthen and
9 diversify the community's economy. The future land use plan
10 may designate areas for future planned development use
11 involving combinations of types of uses for which special
12 regulations may be necessary to ensure development in accord
13 with the principles and standards of the comprehensive plan
14 and this act. The future land use plan element shall include
15 criteria to be used to achieve the compatibility of adjacent
16 or closely proximate lands with military installations. In
17 addition, for rural communities, the amount of land designated
18 for future planned industrial use shall be based upon surveys
19 and studies that reflect the need for job creation, capital
20 investment, and the necessity to strengthen and diversify the
21 local economies, and shall not be limited solely by the
22 projected population of the rural community. The future land
23 use plan of a county may also designate areas for possible
24 future municipal incorporation. The future land use plan
25 element must identify any antiquated subdivision where the
26 local government seeks to consolidate platted or subdivided
27 lots and the vacation of all or a portion of such lots to
28 allow appropriate development, redevelopment, or reassembly or
29 any other use. The land use maps or map series shall generally
30 identify and depict historic district boundaries and shall
31 designate historically significant properties meriting

1 protection. The future land use element must clearly identify
2 the land use categories in which public schools are an
3 allowable use. When delineating the land use categories in
4 which public schools are an allowable use, a local government
5 shall include in the categories sufficient land proximate to
6 residential development to meet the projected needs for
7 schools in coordination with public school boards and may
8 establish differing criteria for schools of different type or
9 size. Each local government shall include lands contiguous to
10 existing school sites, to the maximum extent possible, within
11 the land use categories in which public schools are an
12 allowable use. All comprehensive plans must comply with the
13 school siting requirements of this paragraph no later than
14 October 1, 1999. The failure by a local government to comply
15 with these school siting requirements by October 1, 1999, will
16 result in the prohibition of the local government's ability to
17 amend the local comprehensive plan, except for plan amendments
18 described in s. 163.3187(1)(b), until the school siting
19 requirements are met. Amendments proposed by a local
20 government for purposes of identifying the land use categories
21 in which public schools are an allowable use or for adopting
22 or amending the school-siting maps pursuant to s. 163.31776(3)
23 are exempt from the limitation on the frequency of plan
24 amendments contained in s. 163.3187. The future land use
25 element shall include criteria that encourage the location of
26 schools proximate to urban residential areas to the extent
27 possible and shall require that the local government seek to
28 collocate public facilities, such as parks, libraries, and
29 community centers, with schools to the extent possible and to
30 encourage the use of elementary schools as focal points for
31 neighborhoods. For schools serving predominantly rural

1 | counties, defined as a county with a population of 100,000 or
2 | fewer, an agricultural land use category shall be eligible for
3 | the location of public school facilities if the local
4 | comprehensive plan contains school siting criteria and the
5 | location is consistent with such criteria. Local governments
6 | required to update or amend their comprehensive plan to
7 | include criteria and address compatibility of adjacent or
8 | closely proximate lands with existing military installations
9 | in their future land use plan element shall transmit the
10 | update or amendment to the department by June 30, 2006. If a
11 | plan amendment is needed to address requirements related to
12 | the consolidation or vacation of platted or subdivided lands
13 | in antiquated subdivisions, the amendment must be addressed in
14 | the first evaluation and appraisal report that is due to be
15 | submitted after July 1, 2008.

16 | Section 3. This act shall take effect July 1, 2005.

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19 | SENATE SUMMARY

20 | Revises the Local Government Comprehensive Planning and
21 | Land Development Regulation Act to require that the
22 | future land use plan element identify areas where the
23 | local government seeks to consolidate or vacate platted
24 | or subdivided lots. Requires that the local government
25 | amend its plan to identify those antiquated subdivisions
26 | where it seeks to consolidate or vacate the lots by a
27 | specified time.
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