

**Statutory Requirements
Overview
Chapter 163, Part II, Florida Statutes**

Chapter 163, Part II	Growth Management Act / Local Government Comprehensive Planning and Land Development Regulations Act (LGCPLDRA)
Scope of the Act	<p>163.3167</p> <ul style="list-style-type: none"> ◆ Prepare & adopt a comprehensive plan ◆ Implement the plan through development regulations ◆ Encourage a vision of future appearance & qualities and include within the plan
Local Planning Agency	163.3174
Elements of the Comprehensive Plan Data	<p>163.3177</p> <ul style="list-style-type: none"> ◆ Generally, plans shall: <ol style="list-style-type: none"> (1) describe principles, guidelines, and standards for economic, social, physical, environmental and fiscal development in written or graphic form; (2) Have elements that are coordinated and internally consistent; (3) Include a capital Improvements element that identifies public facilities needed to correct deficiencies and to implement the plan; (4) Contain a policy statement indicating the relationship of the proposed development to the comprehensive plans of adjacent municipalities, the county, adjacent counties, the state and regional plans; (5) Be coordinated with water management districts and areas of critical state concern; and, (6) Have two planning periods, one at least 5 years and another of at least 10 years.
Plan Elements	<p>163.3177 (6)(a) through (k) and (12)</p> <ol style="list-style-type: none"> (1) Future Land Use (2) Traffic Circulation (3) General Sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element (4) Conservation (5) Future land use map or map series (6) Recreation and Open Space Element (7) Housing (8) Coastal Management (9) Intergovernmental Coordination (10) Optional Elements (11) Public School Facilities

Plan Data	<p>163.3177(8)</p> <ul style="list-style-type: none"> (1) Appropriate; (2) not required to be adopted; (3) available for review; (4) Neither data nor data summaries are part of the compliance review; and (5) Goals, objectives, and policy must be clearly based on the appropriate data
Minimum Criteria for Plan Review	<p>163.3177(9) and (10)</p> <ul style="list-style-type: none"> ◆ Required that the minimum criteria for determining compliance with Chapter 163 would be established in the <i>Florida Administrative Code</i> by February 15, 1986. ◆ Compliance means that: <ul style="list-style-type: none"> (1) Elements are related to and consistent with each other; and, (2) Elements are consistent with the state and regional plans <ul style="list-style-type: none"> a. plans that are compatible are not in conflict with state and regional plans. b. Consistency “furthers” state and regional plans by taking actions in the direction of realizing goals or policies of the state or regional plan c. State and regional plans shall be viewed as a whole
Innovative Planning	<p>163.3177(11)</p> <ul style="list-style-type: none"> ◆ Recognizes innovative planning and development strategies ◆ Some of these techniques and strategies include: new towns, clustering and open space provisions, mixed use development, urban infill, rural land stewardship areas, and transfer of development rights
Visioning and Urban Service Boundaries	<p>163.3177(13) and (14)</p> <ul style="list-style-type: none"> ◆ Provides requirements for use of these techniques ◆ If established according to guidelines, may eliminate state review of plans and plan amendments
Accessory Dwelling Units	<p>163.31771</p> <ul style="list-style-type: none"> ◆ Related to affordable housing
Coastal Management	<p>163.3178</p> <ul style="list-style-type: none"> ◆ Contains requirements for preparing the coastal element, definition of coastal high hazard area and applicability

Concurrency**163.3180**

- ◆ Concurrency requirements are established for the following specific facilities:
 - (1) Sanitary sewer
 - (2) Solid waste
 - (3) Drainage
 - (4) Potable water
 - (5) Parks and recreation
 - (6) Schools
 - (7) Transportation facilities
- ◆ establishes the timing of facilities relative to the issuance of either building permits or certificates of occupancy and provides for waivers of transportation concurrency for infill and urban redevelopment areas as part of a designated concurrency exception area
- ◆ also provides for:
 - (6) *de minimis* standards (no development exceeding the adopted level-of-service standard is allowed on designated hurricane evacuation routes)
 - (7) Transportation concurrency management areas
 - (9) Long-term concurrency management system for school and transportation concurrency management systems
 - ◆ Long-term concurrency systems are used if 10 to 15 years are needed to correct significant backlogs in school or transportation facilities. Such a long-term concurrency management system is designed to correct existing deficiencies and set priorities for addressing backlogged facilities
 - (10) Roadway facilities in the Strategic Intermodal System, the Florida Intrastate Highway System and road funded under 339.2819 must adopt the FDOT level-of-service standards
 - ◆ Establishes the fair-share method to allow development even if transportation concurrency cannot be met
 - (13) School concurrency:
 - ◆ levels-of-service standards;
 - ◆ requirements for interlocal agreements for school concurrency; and
 - ◆ criteria for determining exemption from the requirement for a public school element and concurrency
 - (15)(a) Multi-modal transportation districts.

	<ul style="list-style-type: none"> ◆ These districts are to be delineated on the FLUM. ◆ Such districts are designed to set a first priority on the pedestrian environment and connections to transit, rather than vehicular transportation. <p>(16) Methodology for transportation proportionate fair-share mitigation and its relationship to the transportation concurrency management system</p>
<p>Public Participation</p>	<p>163.3181</p> <ul style="list-style-type: none"> ◆ Requires opportunity for public participation and for published notice prior to a public hearing ◆ Notice shall be as provided in s. 125.66(4)(b)2, <i>F.S.</i> for counties, or s. 166.041(3)(c)2b, <i>F.S.</i> for cities
<p>Process for Plan or Plan Amendment Adoption</p>	<p>163.3184</p> <ul style="list-style-type: none"> ◆ 1(b) states that plans or plan amendments are in compliance if they are consistent with the following: <ul style="list-style-type: none"> (1) 163.3177; (2) 163.3178, coastal management; (3) 163.3191, Evaluation and Appraisal requirements; (4) 163.3245, Optional Sector Plans; (5) State Comprehensive Plan (6) Strategic Regional Policy Plan; and with (7) 9J-5, <i>F.A.C.</i> (3) Outlines the process for plan adoption from transmittal through Notice of Intent to find the plan or plan amendment in compliance or not in compliance (11) If a Plan or an EAR-based amendment are determined Not in Compliance by the Administration Commission, the local government may not receive funds for: <ul style="list-style-type: none"> ○ Roads or bridges ○ Water and sewer systems ○ Community Development Block Grants ○ Florida Recreation Development Assistance Program ○ Revenue Sharing ○ Coastal (see s. 161.091, <i>F.S.</i>) (15) Public hearing process that is different, in part, from chapters 125 or 166, <i>F.S.</i> (16) Compliance Agreements to resolve issues raised during the review process (17) Establishes process to adopt a community vision and an urban service boundary that will eliminate state review of plans and plan amendments
<p>Amendment of Adopted Comprehensive</p>	<p>163.3187</p> <ul style="list-style-type: none"> ◆ Twice per year amendment cycles

Plan	<ul style="list-style-type: none"> ◆ Exceptions to the twice per year, includes emergencies, DRIs, Public School Facilities Element, and most small scale future land use map amendments
Process for Amendment of an Adopted Plan	<p>163.3189</p> <ul style="list-style-type: none"> ◆ DCA must issue a final order that the amendment is “in compliance”
Evaluation and Appraisal	<p>163.3191</p> <ul style="list-style-type: none"> ◆ This is an on-going process required every 7 years ◆ Provides possible sanctions if the Report is not adopted & submitted; or, is not implemented in a timely manner
Legal Status of the Comprehensive Plan	<p>163.3194</p> <ul style="list-style-type: none"> ◆ All development and development orders shall be consistent with the adopted plan ◆ Land development regulations shall be adopted that further the goals, objectives & policies of the plan ◆ Densities and intensities shall be consistent with the plan ◆ Plans are to “set general guidelines and principles” to guide development within the local jurisdiction
Regulations	<p>163.3201</p> <ul style="list-style-type: none"> ◆ Comprehensive plans are to be implemented through adoption and enforcement of local regulations of development of land and waters within the jurisdiction
Other Laws	<ul style="list-style-type: none"> ◆ 380.06, F.S. Developments of Regional Impact (DRI0 ◆ 163.3221-3243 Development Agreements