

## Florida Legislature Passes Bill Increasing Acreage for “Small-Scale” Comprehensive Plan Amendments

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May 26, 2021



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On April 29, 2021, the Florida Legislature passed HB 487, which increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres. It also increases the maximum acreage for a small-scale comprehensive plan amendment within a rural area of opportunity from 20 acres to 100 acres.

This bill would reduce the approval time for projects that were otherwise considered large-scale future land use map amendments and would be a win for the real estate and development industry. Unless vetoed by the Governor, the bill will become effective on July 1, 2021.

So what exactly is a comprehensive plan and why does this even matter?

The comprehensive plan is essentially a blueprint for development, establishing a specific local community's policies and priorities regarding future growth. The Community Planning Act governs community and land development in Florida by providing how local governments create, adopt, maintain, and amend their

comprehensive plans, which in turn impact property rights and land uses within their respective jurisdictions. The Act requires each local government to adopt a comprehensive plan to provide for orderly and balanced future economic, social, physical, environmental, and fiscal development while taking into account projected population growth, public facility needs, development over a five-year and 10-year period, comprehensive plans of adjacent local governments, and future land use.

Comprehensive plans contain future land use designations, which set forth the land use types and intensities and densities of development that a local government has determined to be the most compatible for a particular area. Future land use categories can include designations such as residential, industrial, commercial, planned development, agricultural, etc. Zoning, which is established by local codes, more narrowly define the allowable uses on a specific property and the development standards (such as parking ratios, building heights, setbacks, etc.) that apply.

Comprehensive plans can be amended if an applicant or local government submits an application to change to the future land use map and/or the text of the comprehensive plan itself. HB487 applies to amendments of the comprehensive plan's future land use map.

Currently, a comprehensive plan amendment may be classified as a small-scale amendment if the amendment to the future land use involves less than 10 total acres of land, does not impact land located in an area of critical state concern, preserves the internal consistency of the overall local comprehensive plan, and does not require substantive changes to the actual text of the comprehensive plan. Small-scale plan amendments typically take less time to be processed since they do not require a transmittal to and review by the Department of Economic Opportunity (DEO).

A large-scale comprehensive plan amendment, however, is currently for any development over 10 acres and must be transmitted to the DEO for review before a second and final hearing by a local government's city council or board of county commissioners, which increases the review time by at least 45 days. Some local governments run their large-scale comprehensive plan amendments on cycles, meaning applications are only accepted at certain intervals of the year, which can significantly delay the process of approvals and impact contractual deadlines for development.

Thus, this bill has the ability to significantly reduce the approval time and expense for projects that were otherwise considered large-scale future land use map amendments.

Our highly-experienced land use attorneys routinely help clients successfully navigate comprehensive plan amendments and other complex zoning changes. Contact us today if you have any questions or concerns regarding a land use or planning matter.