

CHAPTER 12: CONSISTENCY OF THE LOCAL COMPREHENSIVE PLAN WITH THE STATE COMPREHENSIVE PLAN FOR THE CITY OF MILTON

A. CHANGES IN STATE AND REGIONAL PLANNING POLICY

163.3191(2)(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal review update amendments

To facilitate this assessment, the Department of Community Affairs has developed a table for both Chapter 163 and Rule 9J-5 for inclusion in local government EARs. These tables provide a format by which the changes to the State's growth management regulations and a local government's responses can be quickly assessed. The 2007 EAR included changes that had been made to Chapter 163, F.S. and Rule 9J-5, F.A.C. through December 2005. Table 2-1 of the 2010 EAR addressed changes made between January 1, 2006 and January 1, 2009. The 2002 EAR assessed the 1990 Milton Comprehensive Plan and noted its compliance with the West Florida Regional Planning Council SRPP, which was adopted in 1997. The SRPP has not been updated since that time.

**Table 1:
Growth Management Changes, Chapter 163, Florida Statutes**

	Changes to Chapter 163, F.S. 2006-2008	Chapter 163, F.S. Citation	N/A	Addressed (where/how)	Amendment Needed by Element
154	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33) F.S., and Ch.2006-255, LOF.	163.3162(5)	X		
155	Defines agricultural enclave. Ch.2006-255, LOF.	163.3164(33)	X		
156	Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.	163.3177(6)(g)2.	X		
157		163.3177(11)(d)6.	X		

	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area. Ch. 2006-220, LOF.				
158	Recognizes “extremely-low-income persons” as another income group whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.3177(1), (2), and (4)		Not addressed	May address in Housing Element
159	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans. Ch. 2006-68, LOF.	163.3178(2)(d)	X		
160	Changes definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	163.3178(2)(h)		Definition needs to be updated	Coastal Element

161	<p>Adds a new section allowing a local government to comply with the requirement that is comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.</p>	163.3178(9)(a)		Not addressed	May address in Coastal Element
162	<p>Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.</p>	163.3178(9)(b)	X		May address in Coastal Element
163		163.3178(2)(c)	X		

	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008. Ch.2006-68, LOF.				
164	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.	163.3180(2)(a)		Not addressed - optional	None
165	Changes s.380.065(3)(i) to s. 380.0651 (3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.	163.3180(12)(a)	X		
166	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c)1.f.	X		
167		163.3208		Not Addressed	Future Land Use

	Creates a new section related to electric distribution				
	substations; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.				
168	Creates a new section preventing a local government from requiring a permit or other approval for vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way. Ch. 2006-268, LOF.	163.3209	X	Procedural	None
169				Not yet utilized by the City - optional	

	Community Workforce Housing Innovation Pilot Program; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.				
170	Affordable housing land donation density incentive bonus; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.			Not yet utilized by the City - optional	May be addressed in Housing Element
171	(26) Expands the definition of "urban redevelopment" to include a community redevelopment area. Ch. 2007-204, LOF.	163.3164	X	Procedural	None

	(32) Revises the definition of “financial feasibility” by clarifying that the plan is financially feasible for transportation and schools if level of service standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved. In addition, the provision that level of service standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S. is used was deleted. Ch. 2007-204, LOF.	163.3164		Not addressed	CIE
172	(2) Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation of school concurrency management, in which case a 10 or 15-year period applies). Ch. 2007-204, LOF.	163.3177		Not addressed	CIE
	(3)(a)6. Revises the citation to the TPO’s TIP and long-range transportation plan. Ch. 2007-196, LOF.	163.3177	X		

	(3)(b)1. Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008, and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Ch. 2007-204, LOF.	163,3177		Not addressed	CIE
	(3)© Deletes the requirement that the Department must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place if the annual update is not adopted). Ch. 2007-204, LOF.	163.3177		Procedural	None
		163.3177		Specific to FLUM amendments.	Will add a policy to the CIE listing these requirements.

	<p>(3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.</p>				
	<p>(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch.2007-198, LOF.</p> <p>(6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008, and provides a penalty if this date is missed. Ch. 2007-198, LOF.</p>	163.3177	X	Not addressed	Housing Element

173	<p>(4)(b) Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.</p> <p>(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.</p> <p>(5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Ch. 2007-204, LOF.</p> <p>(12) and (12)(a) Delete the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.</p>	163.3180		The City has been designated a DULA and thus is a TCEA	New objective and policies need to be added to Transportation Element

	(12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.				
	(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.	163.3180		Not addressed	PSFE
	(16)(c) and (f) Allow proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.	163.3180		Because of the City's DULA classification and designation as a TCEA, mobility fees will be established	New objective and policies need to be added to Transportation Element
	(17) Allows an exemption from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.	163.3180		The City has not used this provision.	May be addressed in Housing Element

174	Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defines the powers of the authority to include tax increment financing and requires the preparation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3182 [New]	X	Town is a TCEA	None
175	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]		Procedural	None
176	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p) [New]		Procedural	None
177		163.3191(14) [New]	X		

	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.				
178	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		Procedural	None
179	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]	x		
180	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement. Ch. 2007-196, LOF.	339-282 [New]		Procedural	None
181		420-5095(9)		Procedural	None

	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.				
182	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)		Minimally addressed in FLUE	FLUE
183	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)		Not Addressed	FLUE
184	The future land use plan must be based upon greenhouse gas reduction strategies. Ch.2008-191, LOF.	163.3177(6)(a)		Not Addressed	FLUE

185	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)		Not Addressed	Transportation Element
186	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Addressed in Conservation Element but need more	Conservation Element
187	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Not Addressed	FLUE, FLUM
188	The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.	163.3177(6)(f) 1.h. and i.		Not Addressed	Housing Element

189	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(j)		Minimally addressed in Transportation Element	Transportation Element
190	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan		Not Addressed	All elements will be updated to reflect changes made in the State Comprehensive Plan.

12006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch.2006-268, Laws of Florida

