

# City of Maitland

2035 COMPREHENSIVE DEVELOPMENT PLAN

## Evaluation and Appraisal Review: Summary and Overview

The State of Florida requires municipalities to review and update, where appropriate, their Comprehensive Plan at least every seven (7) years to reflect changes in Growth Management Laws, changing conditions within the community, and updates to policies which may no longer be accurate or effective. The City of Maitland is scheduled to provide the State Land Planning Agency with its review and direction of the current Comprehensive Plan by September 1, 2017 with adoption of the EAR-Based Amendments (Evaluation and Appraisal Review) within one year of that date.

In mid-2017, Kimley-Horn began the process to review the City's Comprehensive Development Plan (CDP) including an update to the City's Data Inventory and Analysis, the supporting analysis on which the CDP is developed. As part of this initial review, Kimley-Horn noted a number of items for consideration specific to the current CDP (2010 Adopted Plan) as follows:

- Changes in the Florida Growth Management Laws which have either rendered certain policies moot or would require an update to existing policies for the Plan to comply,
- An increased number of regulatory policies typically reserved for the City's Zoning Codes/Land Development Codes,
- Updates on the status and timing of certain studies and programs,
- Studies and sub-plans required per the Plan were either not completed (or undertaken by the City based on, but not limited to, extraordinary fiscal / funding requirements to complete the studies identified), no longer relevant, or not envisioned to achieve a specific goal of the City,
- Allow for an updated build out (development) scenario that is sustainable by the City.

### PROCESS

In 2011, the Florida Statutes were amended to remove the requirement for a formal Evaluation and Appraisal Report (EAR) that required not only proposed updates to the Comprehensive Plan but also required communities to analyze certain, specific topics providing detailed analysis and methods to address those topics. The current review process as noted by the Florida Department of Economic Opportunity ("DEO" or "state land planning agency") notes, "local governments no longer need to submit evaluation and appraisal reports to the department for a sufficiency determination. Instead, local governments must follow these new provisions..." The new provisions include the following:

- Determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated;
- Notify the state land planning agency by letter of this determination, and

- If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the state land planning agency within one year of such determination.

The review and update of the City’s CDP follows the State Coordinated Review process and requires review and recommendation by the local planning agency (Planning & Zoning Board) as well as review and approval (transmittal) by the City Council to the state land planning agency and other reviewing agencies (i.e., Florida Department of Transportation, Florida Department of Environmental Protection, Water Management District, etc.). Upon receipt of comments from the state land planning agency and others, the City revises the CDP (adoption).

### Changes in Florida Statutes

The City’s current CDP was adopted in 2010. Per information obtained from the Florida DEO website, specifically the listing of “Statutory Changes to the Community Planning Act”, there have been approximately 270 noted changes from 2010 to 2016. Please note that some of these changes may have only involved changes in wording or references; however, there were some changes that amend what was previously amended so there is some level of redundancy in the number (i.e., change in terms along successive years).

For example, in 2011, Section 163.3177 (7)(a)-(l) was deleted specific to additional (optional) elements including an economic development element. *Note, the following is excerpted from the DEO listing of Statutory Changes.*

69. Section 163.3177(7)(a)-(l) [Deleted]

- Deletes provisions for additional plan elements, or portions or phases thereof, including an economic development element.

In 2012, the required reference to the Bureau of Economic and Business Research (BEBR) was modified to reflect the “Office of Economic and Demographic Research”. Although minimal, the City’s CDP is required to reflect this change in the reference.

15. Section 163.3177(6)(a)4.

- Changes the “University of Florida’s Bureau of Economic and Business Research” to the “Office of Economic and Demographic Research”

### Other (Preliminary) Changes

Kimley-Horn has been tasked with identifying additional, non-FS related changes as a means to assist in the clarity of the CDP as well as simplification. This does not imply that standards deemed important by the City are proposed to be removed; however, it does imply the removal of redundant language (Policies, Standards, etc.,) which are repeated within and or across elements; elements that are no longer required; and the removal of code-oriented language.

## Redundancy

**Example:** The reference to Level of Service (LOS) appears more than 25 times in the current CDP with respect to transportation/mobility, adjacent municipalities, annexation and development requirements. Similar language specific to adjacent municipalities is included in the Capital Improvements Element Policy 3.4, Intergovernmental Coordination Element Policy 4.4, 4.5, and 4.6, and the Infrastructure – Fire Department Sub-Element 6.1. Similar references are included regarding the timing of development and/or annexation including Future Land Use Element Policy 2.1, 3.17 (specific to residential care facilities), 3.21 (specific to affordable housing), Intergovernmental Coordination Element Policy 5.3, Economic Element Policy 1.6 and 2.1, and Capital Improvements Program Element Policy 2.1.

**Example:** Capital Improvements Element Policy 1.2 requires the City to amend the Capital Improvements Element and Program one time per year to reflect the City’s adopted levels of service (this was modified in the Florida Statutes in 2011 specific to 163.3177(3)(a) and (b)).

## Required Elements

The Florida Statutes identify those Elements which are required and those that are optional. The City’s current Elements are listed below and identified as to “Required” (R) or “Optional” (O):

- Future Land Use (R)
- Transportation (R)
- Housing (R)
- Infrastructure (R)
  - Sanitary Sewer (R)
  - Solid Waste (R)
  - Stormwater (R)
  - Potable Water (R)
  - Pavement (O)
  - Fire Department (O)
  - Police Department (O)
- Conservation (R)
- Recreation and Open Space (R)
- Intergovernmental Coordination (R)
- Economic Development (O)
- Capital Improvements (R)
- Public Schools Facility (O)

The above listing is not intended to indicate that certain information from the optional elements is not to be retained within the updated CDP; however, it is not required, and not current practice, to provide that information as a separate, stand-alone element of the CDP.

## “Code” Language

Chapter 163.3177 (1) provides a “link” between the Comprehensive Plan and the subsequent land development regulations. Specifically, the statutes note, “The sections of the comprehensive plan containing the principles and strategies, generally provided as 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. **It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations** that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out.

Kimley-Horn has identified a number of “code” related items within the current CDP which should be modified or removed consistent with the information in the Statutes.

**Example:** STANDARD 3.14.5: Heights shall be restricted to one hundred and fifty feet for properties within two hundred feet of Keller Road right-of-way to Interstate-4. All other properties may be permitted to a height of two hundred and five feet, consistent with other applicable requirements.

- This Standard in Future Land Use Element restricts the maximum heights which are generally controlled by the City’s Zoning Code, Chapter 21-6. Specifically, this Standard is also noted in the OC, OC-3 Office Commercial Zoning District.

**Example:** Redundancy. Future Land Use Policy 3.9.A includes Standards for the mix of residential scale retail and personal service uses within the high density land use district. Standards 3.9.A. 3 and 3.9.A.4 provide similar language that could be consolidated into one succinct Standard. Generally, “performance standards” include items necessary to achieve compatibility between uses (internal and external).

- STANDARD 3.9.A.3: Provide, within development regulations, standards to regulate hours of operation for residential scale retail and personal service uses.
- STANDARD 3.9.A.4: Include performance standards to ensure conformity and compatibility with surrounding uses.

## Master Plans

Chapter 163.3177 (1)(a) allows the local government to include as part of its adopted plan, documents by reference but not incorporated verbatim. For example, the 2017-2027 Parks and Recreation Master Plan 2.0 provides information previously included in the CDP including but not limited to parks and recreation level of service (LOS), parks facilities, capital improvements plans and strategies to implement parks and related facilities within

the City. The current LOS per the CDP requires 2.5 acres of Neighborhood and 2.5 acres of Community Parks. As noted in the Master Plan, this is an older standard and does not recognize the City's complete parks and facilities, and can be difficult analyze and implement. The Parks Master Plan identifies a new LOS standard of 10 acres of parks land and open space per 1,000 residents. This new standard must be incorporated into the CDP; however, certain strategies in Sections 7 and 8 of the Plan including Figure 23: Future Park System Map may be included by reference.