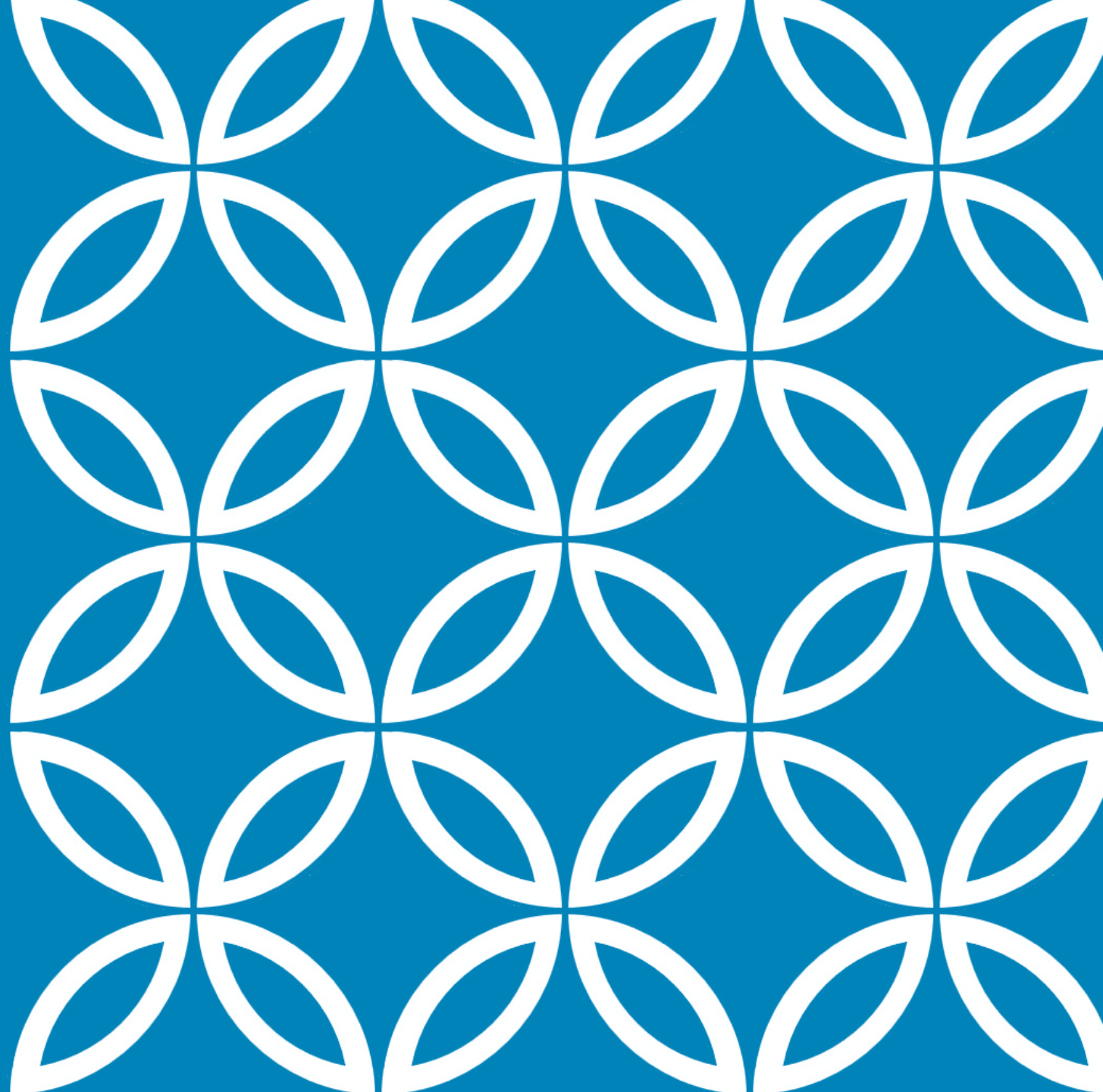


PLANNING AND ZONING 101

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ZONING AND PLANNING DISTINGUISHED

Three integral parts of adequate land planning.

1. The Comprehensive Plan
2. Zoning
3. Subdivision Regulations

PLANNING DEFINED

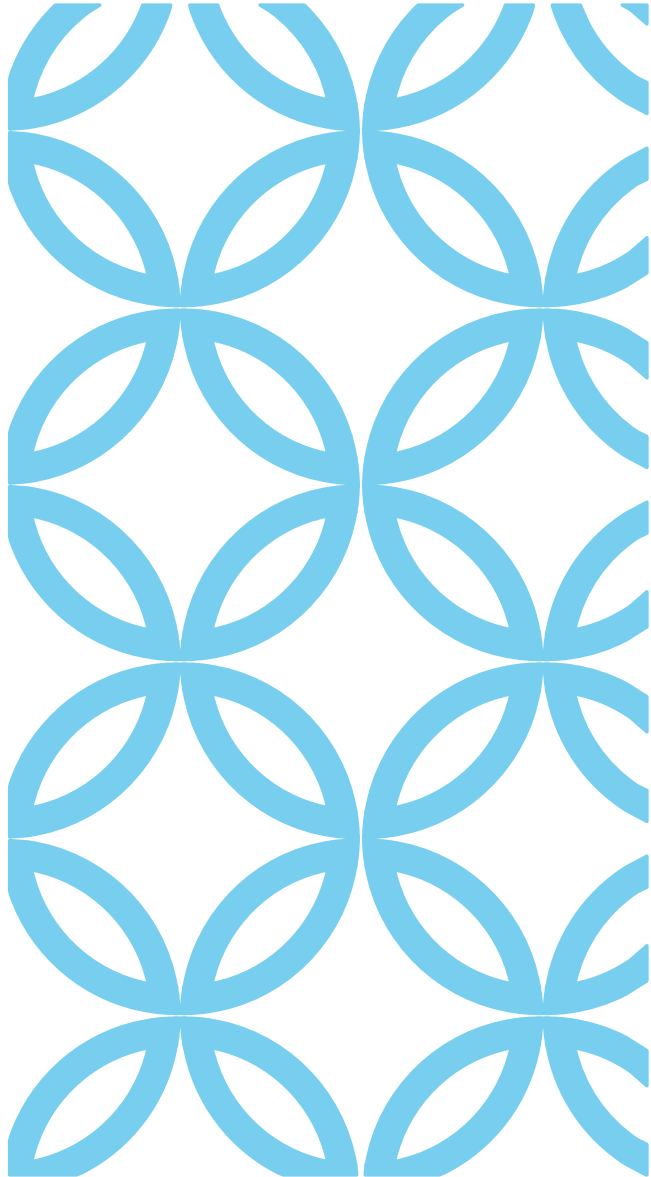
Planning and zoning are not synonymous.

Zoning is concerned with the use of property.

Planning is broader in concept.

Planning is determined through the Comprehensive Plan. More than a suggested pattern of land use – involved the planning of all the usual public improvements and services which go into making a community.





County and Municipal Planning; Land Development Regulation of Florida Statutes regulates local government planning and zoning.

All counties and municipalities are required by Florida Statutes to maintain a comprehensive plan.

CHAPTER 163, PART II, FLORIDA STATUTES

THE COMPREHENSIVE PLAN

- Governs the Future Land Use of properties with general policies for the location and character
- Intended to promote public health, safety and general welfare through efficiency and economy in the process of growth.
- Addresses a wide range of subjects, including: Future Land Use, Conservation, Housing, Potable Water, Sanitary Sewer, and Transportation.
- Describes what the community wants its future to be.



SECTION 163.1377

Requires elements (chapters) of the local comprehensive plan to provide principles that describe how government programs, activities, and land development regulations will implement the



The comprehensive plan explains what the community wants its future to be, and zoning is a tool that helps achieve that vision.

An isometric illustration of a city grid with various buildings, streets, and trees, rendered in shades of blue and white. The buildings vary in height and density, representing different urban zones. The streets are clearly marked with dashed lines, and there are small trees and cars scattered throughout the scene.

ZONING

Zoning is the division of land into distinct districts and the regulation of certain uses and developments within those districts.

It is the process that a community employs to legally control the use which may be made of property and the physical configuration of development upon tracts of land located within its jurisdiction.

ZONING CLASSES OF USES

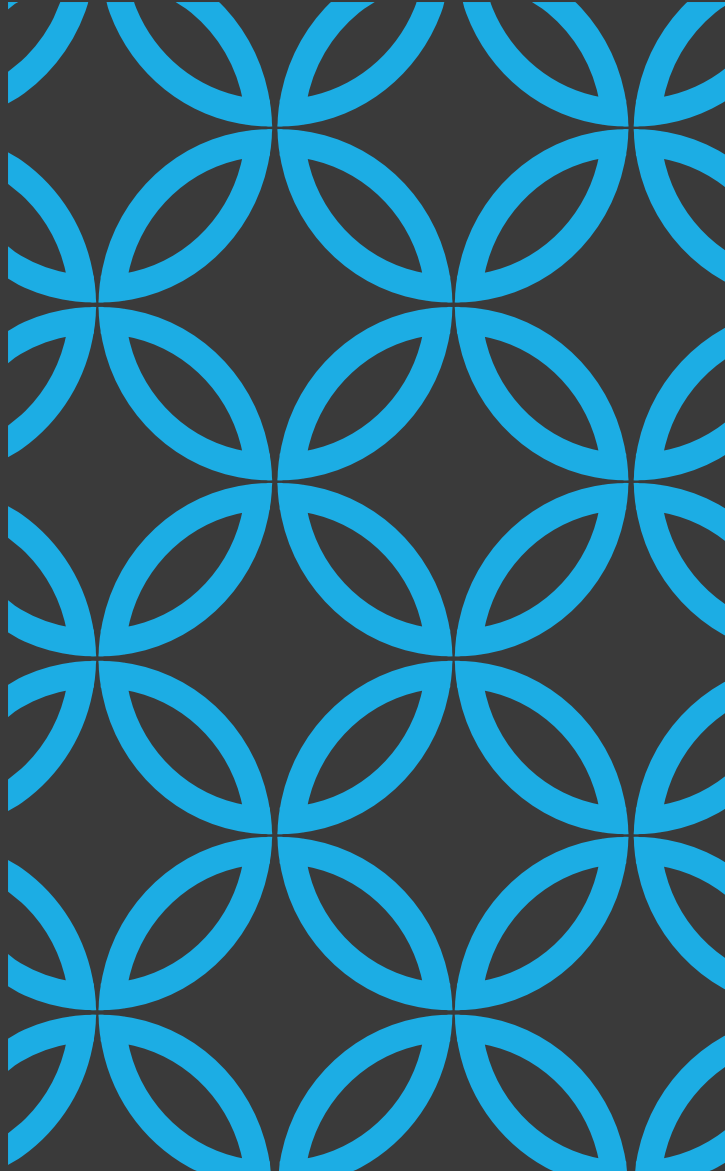
In exercising its zoning powers, a municipality must deal with well-defined classes of uses.

If each parcel of property were zoned on the basis of variables that could enter into private contracts, then the whole scheme and objective of community planning and zoning would collapse.

However, zoning involves much more than mere classification.

It involves the consideration of the future growth and development, the adequacy of drainage and storm sewers, public streets, pedestrian walkways, density of population, and many other factors that are peculiarly within the legislative competence.

It is the means by which a local comprehensive land use plan is implemented.



ZONING AND FUTURE LAND USE

Future Land Use:

Establishes the general land use and density/intensity

Is governed by the *Comprehensive Plan*

Contains designations such as “Commercial”, “High Intensity-Planned Development” and “Low Density Residential”

Regulates number of houses per acre, maximum square footage of commercial, and units of multi-family per acre.

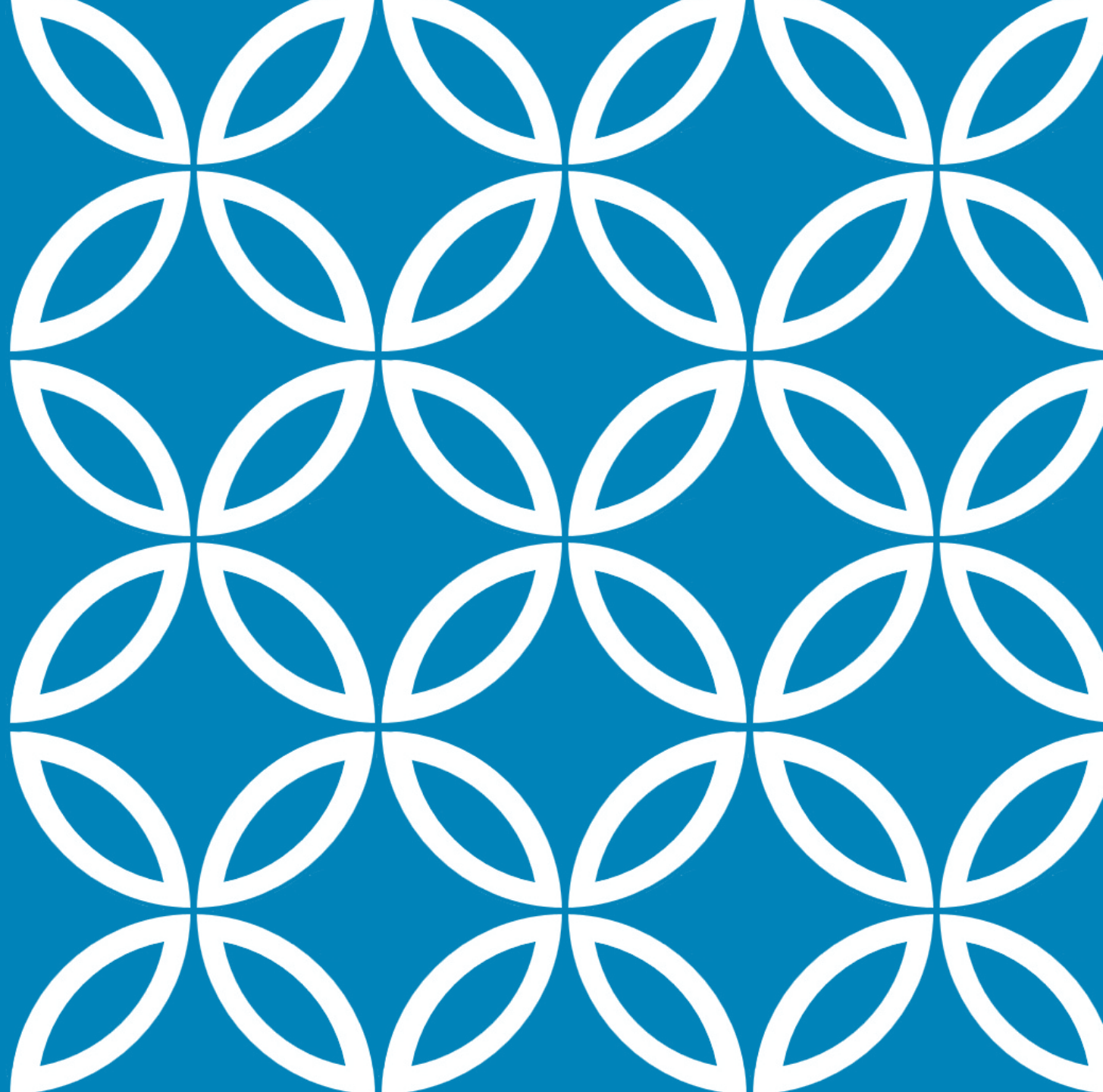
ZONING

Implements the land use and establishes regulations

Is governed by the *Land Development Code*

Contains classifications such as “C-1 Retail Commercial”, “Planned Development”, and “R-1A Single Family Dwelling”

Regulates lot sizes, building heights, setbacks, and limits uses.





THE LAND DEVELOPMENT CODE (LDC)

- Governs zoning and implements the Comprehensive Plan through specific regulations
- Has lists of permitted uses for the zoning classifications
- Provides standards for lot size, building height, setbacks, etc.
- Regulates subdivision of land
- Establishes requirements for floodplain, wetlands, and tree protection
- Lists site plan standards including required parking

SUMMARY

- The future land use map explains what types of development the policies of the comprehensive plan can allow to be built in particular areas.
- The land development regulations (such as zoning) explain how those developments can be built. Zoning provides guidance about such factors as:
 - Maximum height
 - Minimum and maximum lot size
 - Setbacks
 - Required landscaping and buffers
 - Amount of parking spaces required



DO'S AND DON'TS

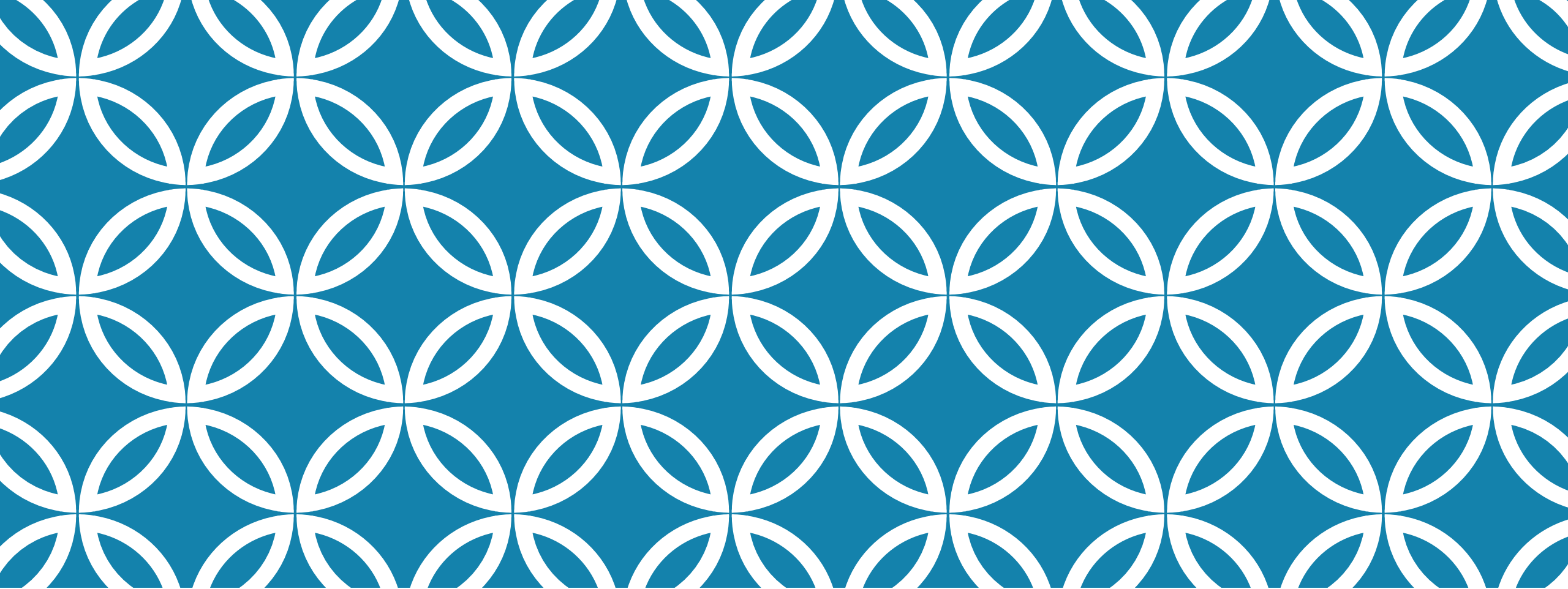
Do

Do follow the LDC.

Don't

Don't attempt to interpret any part of the LDC that you do not understand.

- Confer with your supervisor
- Seek legal opinion



PERMITTING REGULATED BY CH. 125 |

PERMITS

No absolute right to obtain a permit.

A permit may be denied where there is a substantial question as to the effect of the construction upon the public health. BUT...

DEVELOPMENT PERMIT DENIAL REQUIREMENTS

Chapter 125.022, Fla. Statutes.

Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient.

Within 120 days after the county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order.



LEGAL ISSUES THAT ARE TRENDING

Takings claims

Vacation Rentals

Notices to affected persons

Bert Harris claims – broadened in 2021

Private Provider Inspections and Plans Reviews

Failure to comply with Sec. 125.022



QUESTIONS????