

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION AMENDMENT**

DATE: April 2, 2009

REGULATION NUMBER AND TITLE: 21.204 Future Land Use Element.

SUMMARY: An advisory group has worked over the past year with the Florida Conflict Resolution Consortium to revise and update the Board of Governor Master Planning Regulations. The group is composed of university, local government and community representatives.

The draft document has been circulated as well as posted on the Board of Governor's website, with the goal of soliciting comments and feedback. These revisions were presented at the March 26, 2009 Board of Governors meeting for public notice purposes; and if approved, will be presented for final approval in June 2009.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO AMEND REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED AMENDMENT TO THE REGULATION: Chris Kinsley, Director, Finance & Facilities

COMMENTS REGARDING THE PROPOSED AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

Chris Kinsley, Director, Finance & Facilities, Board of Governors, State University System, 325 W. Gaines Street, Suite 1652, Tallahassee, Florida 32399, (850) 245-9677 (phone), (850) 245-9685 (fax), or Chris.Kinsley@flbog.edu

21.204 Future Land Use Element.

~~The purpose of This element is the designates ion of existing and future land use patterns development as reflected in the goals, objectives and policies of the campus master plan elements, and to describes how future this land use pattern development will be coordinated with that land uses planned by the host community and/or affected local governments in the planning study area. Future land use patterns are depicted on the land use map or map series within the element.~~

~~(1) FUTURE LAND USE DATA REQUIREMENTS. This element shall be based on the following data requirements, pursuant to subsection 21-2023(2), F.A.C.~~

~~(a) A description of the location(s) of university facilities within the State (graphic and narrative).~~

~~(b) A description of the location of university facilities within the host community (graphic and narrative) including an identification of all facilities on university lands not under the jurisdiction or operation of the State University System.~~

~~(c) Student FTE and headcount enrollment projections for the planning time frame, as prescribed in the General Requirements section of this chapter.~~

~~(d) A legal description of the property within the university's jurisdiction and a description of the land acquisition program under which the property was obtained.~~

~~(d)(e) A discussion of title interest held by the Board of Trustees of the Internal Improvement Trust Fund (including reservations and encumbrances such as leases, subleases, or easements, and any other land held by the university and considered as part of the the land within in the context area or included in the Master Plan). A map of all existing encumbrances other than utility easements shall be included.~~

~~(e)(f) Designated single use or multiple use management, as defined in Regulation Rule 18-4.003, F.A.C., for the property.~~

~~(g) A description of alternative (non-educational) uses of the leased premises considered by the university but never adopted, if appropriate.~~

~~(e)(h) Proximity of university property to other significant local, state, or federal land or water resources, as identified in adopted plans.~~

~~(f)(i) A statement as to whether the university property is within an aquatic preserve or a designated area of critical state concern or an area under study for such designation.~~

~~(g)(j) A map description of existing land uses and zoning in for the context area from the local government comprehensive plan. Land use categories shall be identified on the existing land use map or map series and described in accordance with categories adopted by the local government in their comprehensive plan.~~

~~(h)(k) Existing land uses and development on university property shall be shown on the land use map or map series. The university may use the land uses established in the host community's local comprehensive plan or establish its own land use categories. Such land use categories shall be clearly defined labeled in the legend.~~

~~(l) If the university determines it necessary to utilize other categories of land use, or to combine categories of land use, such categories or combinations of categories shall be shown on the land use map or map series and clearly identified in the legend.~~

~~(i)(m) The approximate acreage and general range of uses of structures, density or intensity of use shall be provided in tabular form for the gross land area included in each land use category.~~

~~(j)(n) Natural resources shall be shown on the land use map or map series.~~

~~(k)(o) Historic and archaeological resources (including all sites listed in the Florida Master Site File of the National Register of Historic Places) shall be shown on the existing land use map or map series.~~

~~(2) FUTURE LAND USE ANALYSIS REQUIREMENTS. This element shall be based upon the following analyses which support the campus master plan pursuant to subparagraph 21. 2023(2), Florida Statutes.~~

~~(a) An analysis of the amount of land that will be required to accommodate the projected future enrollment of the university, including:~~

- ~~1. The categories of land use and their densities or intensities of use;~~
- ~~2. The estimated gross acreage for each category; and~~
- ~~3. A description of the methodology used.~~

~~(a)(b) An analysis of projected future space and building needs for academic, support, housing and parking facilities.~~

~~(c) An analysis of projected future space and building needs for support facilities.~~

~~(b)(d) An analysis of existing vacant and undeveloped land on the university campus to determine its suitability for best use.~~

~~(c)(e) An analysis of opportunities for redevelopment of underutilized land and for elimination of uses that are inconsistent with the university's character, density and proposed future land uses.~~

~~(f) A finding as to whether each planned use of university property is consistent with the adopted conceptual State Lands Management Plan.~~

~~(d) An analysis of whether additional land will be required in the context area to meet future needs, and, if so, an analysis of how much additional land will be required to meet future needs.~~

~~(e)(i) In the event additional land is determined to be necessary for the future development of the university, an analysis of the context area shall be undertaken to identify potential land areas for such expansion. Analysis shall be undertaken identifying and evaluating alternatives to additional land acquisition.~~

~~(f) A projection as to whether any university property in the context area may be declared surplus for release by the university for use or disposal by the State.~~

~~(g) If the analyses in subparagraphs (2)(a)-(c) indicate that the existing university campus will not provide sufficient capacity to accommodate the future needs of the university, an analysis shall be undertaken identifying how much additional land would be required to meet future needs.~~

~~(h) An assessment as to whether any portion of the university property should be declared surplus for release by the university for use or disposal by the State.~~

~~(g)(i) In the event additional land is determined to be necessary for the future development of the university, an analysis of the context area shall be undertaken to identify potential land areas for such expansion. Analysis shall be undertaken identifying and evaluating alternatives to additional land acquisition.~~

~~(j) In conjunction with the analysis conducted in subparagraph (2)(i), an analysis shall be undertaken identifying and evaluating alternatives to additional land acquisition.~~

~~(k) An analysis of constraints that may limit the amount or location of future land use development on the university campus.~~

~~(h)(l) An analysis of the future land use element of the host local government's comprehensive plan, for the context area, including off-campus constraints that may limit the amount or location of future land use development on the university campus.~~

~~(m) An analysis of off-campus constraints that may limit the amount or location of future land use development on the university campus.~~

~~(i)(n) An analysis of the goals, objectives and policies adopted by the host community in their comprehensive plan related to development of land uses in the context area.~~

(1) FUTURE LAND USE DATA AND ANALYSIS REQUIREMENTS. This element shall be based on the following data and analysis requirements, pursuant to Subparagraph 21.202(2).

(a) Inventory and assess existing and projected space and building needs, both within the planning study area and throughout the state, for academic, support, housing and parking facilities. Such assessment shall be based on student FTE and headcount enrollment projections for the planning time frame, and shall include a graphical and narrative section. Existing land uses and development on university controlled property shall be shown on the land use map or map series, using either the land uses established in the host local government's comprehensive plan or using its own land use categories which shall be clearly labeled in the legend. The narrative section shall include the approximate acreage and general range of uses of structures.

(b) Inventory and assess existing and projected vacant, open or underdeveloped university-controlled lands to determine the potential opportunities for meeting the needs shown above in subsection (1)(a). This assessment shall include plans for the redevelopment of university-controlled land that is underutilized or inconsistent with the university's character, density and future land uses, as well as plans for the release of surplus lands to the state for use or disposal.

(c) Inventory and assess properties within the planning study area where title interest is held by the Board of Trustees of the Internal Improvement Trust Fund (including reservations and encumbrances such as leases, subleases, or easements, and any other land held by the university within the planning study area or included in the Master Plan). A map of all existing encumbrances to university-controlled property, other than utility easements, shall also be included.

(d) Inventory and assess properties within the planning study area which may serve to meet existing or future needs shown above in subsection (1)(a). This assessment shall include opportunities for expansion that do not include additional land acquisition.

(e) Inventory and assess existing natural, archeological or historic resources within the planning study area to determine their impact on meeting the needs shown above in subsection (1)(a). As utilized above, the phrase "natural resources" shall be read to include aquatic preserves and areas designated (or under study for designation) as an Area of Critical State Concern.

(f) Inventory and assess all facilities on university-controlled lands that are not under the jurisdiction or operation of the State University System to determine their impact on meeting the needs shown above in subsection (1)(a).

(g) Inventory and assess existing and projected land uses, goals, objectives, policies and zoning within the planning study area as defined in the local government's comprehensive plan to determine their impact on meeting the needs shown above in subsection (1)(a).

~~(2)(3) REQUIREMENTS FOR FUTURE LAND USE GOALS, OBJECTIVES AND POLICIES.~~

~~(a) The element shall contain one or more goals which address the long-range development of land use on the campus and the coordination of future land use~~

development on the campus with future land use development in the host ~~community~~ and/or affected local governments.

(b) The element shall contain one or more objectives for each goal which address, at a minimum:

1. Protection of natural resources (including existing surface waters and wetlands) and historic and archaeological resources;
2. Eliminating or minimizing land use compatibility problems between the university and host ~~and/or affected local governments~~ ~~community~~;
3. Correcting land use underutilization and compatibility problems on the university campus;
4. Coordinating future ~~land uses~~ development with the appropriate topography and soil conditions;
5. Coordinating future ~~land uses~~ development with the availability of facilities and services;
6. Ensuring the availability of suitable land on campus for utility facilities required to support proposed on-campus development; and
7. Minimizing off campus constraints to limit future development on campus (i.e., traffic, utilities) and minimizing on campus conflicts with land uses within the planning study area.
8. Promote compact, efficient, and environmentally sensitive land use planning.

(c) The element shall contain one or more policy statements for each objective which address at a minimum:

1. Establishment of standards ~~for densities or intensities~~ of use for each land use category;
2. Provisions for stormwater management, open space, ~~and~~ safe and convenient on-campus traffic flow, ~~considering needed vehicle parking and parking facilities~~;
3. Provisions for the identification, designation, and protection of historically and archaeologically significant properties;
4. Provisions for the compatibility with adjacent land uses;
5. Coordination of land use and development decisions with a schedule of capital improvements in the Capital Improvements Element;
6. ~~Administrative procedures to amend the campus master plan to incorporate unforeseen land uses that may arise from grant awards or other circumstances~~;
- 6.7. Establishment or description of land use management procedures within the university's administrative structure which will encourage careful use of the university's existing land resources and minimize deviations from the land use plan; and
- 7.8. Establishment of a process, timetable and funding sources for future land acquisition (if applicable).
8. Provisions for encouraging sustainable development practices such as compact mixed use development.

(d) The Future Land Use Element shall be described, at a minimum, in the Future Land Use Map and explanatory text. A map of all existing and projected encumbrances shall be included. Land uses on the map shall be the same as those categories with which existing land uses are described in subparagraph (1)(k) above. In addition, land use categories for on-campus uses shall be coordinated, as possible, with land use categories used by the host community in its comprehensive plan to facilitate coordination of planning efforts. The

~~Future Land Use Map and text shall be accompanied by explanatory tabular information as required.~~

~~Specific Authority 240.209(1), (3)(g), 240.155(22) FS. Law Implemented 240.155(3), 253.034(4) FS. History New 2-15-94.~~