

MODEL AMENDMENTS FOR LOCAL GOVERNMENT COMPREHENSIVE PLANS

Notes to Users: The following model comprehensive plan policies for local governments in Florida may be considered by local governments which have inadequate plan provisions for protecting future corridors and rights-of-way. Any local government may also consider implementing these plan amendments.

Goal I: The goal of [jurisdiction] is to achieve a modern and adequate system of major roadways to safely and efficiently move people and goods.

Objective IA: Long Range Traffic Circulation Map: The long range traffic circulation map shall be prepared to reflect at least a 20-year time frame, or the MPO Long Range Plan timeframe, and shall be the guiding document for addressing long range transportation needs of local governments.

Policy IA1: The Long Range Traffic Circulation Map shall be derived primarily through use of MPO travel demand forecast models, where applicable, and shall reflect the MPO Adopted Cost Feasible Plan, locally designated corridors, corridors identified for Project Development Studies, and any future corridors identified by the Environmental Technical Advisory Team as good candidates for preservation.

The Long Range Traffic Circulation Map shall not be subject to the financially feasible criteria applied to the five and ten year planning horizon.

Note: As is currently required, the Short Range Traffic Circulation Map would include Short range (five-year) financially feasible transportation improvements and would be consistent with the Capital Improvements Element and the FDOT Five-Year Work Program.

Policy IA2: Utilize the long-range traffic circulation map for:

- a. Review of all proposed development orders for consistency with the map;
- b. Establishing the long range (2015) level of service standards on major existing or future roadways by determining the resultant level of service on each roadway impacted by a project travel demand as determined using the MPO, or other travel demand forecasting models;
- c. Review of all proposed capital projects proposed to widen existing or develop new major roadways. All capital projects shall be consistent with the long range traffic circulation map;
- d. Achieving consistency of this comprehensive plan where appropriate with: the long range transportation plans of all local governments adjacent to [local government]; the FDOT's Transportation Plan and approved work program; and the MPO's transportation improvement plan.

Objective IB: Rights-Of-Way Protection and Reservation: Insure the availability of structure-free rights-of-way for major and important minor roadways and for required mass transit corridors necessary or desirable to accommodate projected travel demand in 2015.

Policies IB1: Adopt a major thoroughfare ordinance which:

- a. references the long range traffic circulation map that will provide for adequate traffic circulation within the local government;
- b. identifies the right-of-way widths for each roadway in a manner consistent with the long range traffic circulation map and in a manner consistent with the inventory of right-of-way already provided by [local government], other local governments, or the State of Florida;
- c. establishes the Long Range Traffic Circulation Map as the official listing of rights-of-way to be reserved pursuant to Policy IB2 below; and
- d. establishes a procedure and guidelines for the appropriate amendment of the above map.

Policy IB2: A right-of-way protection ordinance shall be adopted for the purpose of protecting rights-of-way necessary to develop the roadway network shown on the Long Range Traffic Circulation Map. This right-of-way protection is required so as to insure compliance with long range level of service standards established by those policies within the comprehensive plan. This ordinance shall prohibit the development of any structures, parking areas, or drainage facilities (except as allowable on an interim basis) within the corridors indicated on the Long Range Traffic Circulation Map or within any other surface transportation corridors (i.e. rail corridors) identified by FDOT. Other uses, consistent with this comprehensive plan, may be considered within the protective right-of-way. Nothing in the right-of-way protection ordinance shall preclude location of temporary uses within protected rights-of-way. Any right-of-way protected under the rights-of-way protection ordinance may be dedicated to [local government] during the development of a project. Any such dedication shall not be subject to time limits on rights-of-way reservation as required by Chapter 336 F.S. As used in this policy, “corridors” means that area of protected right-of-way for any roadway, as generally configured and as located on the Long Range Traffic Circulation Map.

Protected rights-of-way shall be defined in this ordinance as:

1. Required right-of-way on either side of the centerline of an existing roadway shown as having more lanes on the Long Range Traffic Circulation Map than the number of lanes currently existing.
2. Required right-of-way for roadway or other transportation corridors for which no centerline has been established. The location of the roadway rights-of-way shall be established during the review of proposed projects in proximity to future roadway corridors located on the Long Range Traffic Circulation Map. These newly established alignments selected during project review shall be continuous so as to provide for a

continuous travel corridor of sufficient width to accommodate an appropriate cross-section as required by local government policy for facility types specified on the Long Range Traffic Circulation Map.

Protected rights-of-way shall be reserved at the time of project review for issuance of a level of service compliance decision. Failure to reserve protected rights-of-way as a condition of level of service determination shall be considered a violation of the 2015 (long range) level of service standard for that roadway, and shall be considered inconsistent with subsection 163.3177(10)(h), F.S., and shall, therefore, be prohibited.

This ordinance shall also contain mitigation measures designed in part to preclude the taking of private property unless fair compensation for any such taking is provided. These measures shall address properties which are located in a manner or exhibit characteristics that precludes the reasonable use of such property if the protected right-of-way is maintained free of drainage facilities, structures, or parking during the development of the property. Measures may include, but not be limited to:

1. The transfer of development rights, which may be considered pursuant to future land use policy from the area within a protected right-of-way to an area outside of the protected right-of-way on the same project site.
2. The reduction of required building setbacks, required buffers, and other requirements otherwise contained in this comprehensive plan or contained in other local land development regulations, if such reduced requirements are considered on a case-by-case basis and are granted pursuant to a finding of overriding public interest by the local government.

Policy IB3: Adopt a right-of-way reservation ordinance that requires the dedication to [local government] as a condition of issuance of a level of service compliance finding. Upon adoption of this ordinance, or upon recording of any update to the Long Range Traffic Circulation Map, the reserved rights-of-way shall be prohibited from all development of drainage facilities, parking or structures, and dedication of the reserved right-of-way shall be required upon issuance of the development order for any property encompassing said right-of-way. Appropriate access through reserved right-of-way as determined by [local government], will be permitted. Any such reservation of right-of-way for a particular transportation corridor shall be effective for a period not to exceed five years from time of initial right-of-way reservation, unless the [local government] extends this five-year period in one-year increments not to exceed an additional five-year period.

Policy IB4: Provide, on an annual basis, and to the Florida Department of Transportation (FDOT) a listing of those State rights-of-way for which right-of-way protection or right-of-way reservation is in effect pursuant to the above policies, and for which level of service is worse than, or is projected within the next five years to decline to a level of service that is worse than, adopted level of service. Also, to coordinate with the Metropolitan Planning Organization and FDOT, so as to establish increased priorities for construction of improvements to such roadways

based on enhanced availability facilitated by [local government] the plan and right-of-way protection or reservation ordinances.

Source: Prepared by Hennigar & Ray, Inc., Hamilton Smith & Associates, and Apgar, Pelham, Pfeiffer & Theriaque, for the Florida Department of Transportation, as amended 12/1/01.