

Practices & Industries

Florida Land Use & Zoning

Overview

Florida continues to experience tremendous growth, fueled by a continued migration of people and capital from across the United States and Latin America. With this growth, cities and counties are continuously revisiting land use and zoning regulations to manage and shape the built environment. Day Pitney's attorneys have technical expertise and real world experience working with design professionals and regulatory agencies, using Florida's growth policies on a daily basis. Our attorneys leverage their deep understanding of Florida's state, county and local land use regulations to effectively advocate for clients and secure regulatory approvals for projects small and large in every asset class throughout the entire lifecycle of a project.

Specifically, our attorneys represent clients in the following:

- Conducting land use and zoning due diligence and issuing zoning opinions.
- Preparing applications for site plan, variances, conditional use, re-zoning, subdivision and special permit approvals.
- Representing applicants before local planning boards, zoning boards, historic preservation boards, and other governmental authorities in Miami-Dade County, Broward County and Palm Beach County
- Negotiating development agreements and seeing projects through resolution compliance.
- Representing clients for special use approvals, including alcohol service establishments, entertainment venues, temporary uses and recreational facilities
- Securing site-specific applications to amend municipal zoning and future land use maps
- Advising and lobbying on special purpose legislation and text amendments to facilitate policy changes

Redevelopment and Emerging Neighborhoods

Redevelopment can be a powerful tool for transforming properties into a productive and economically viable asset to clients and the community. Day Pitney's attorneys are active in representing transformative projects throughout South Florida – securing entitlements and other local government approvals needed to revitalize former industrial districts and emerging neighborhoods. Notably Day Pitney's attorneys have been integral in the revitalization of the Miami Design District and Wynwood Arts District, including serving as special counsel to the Wynwood Business Improvement District and representing developers of more than 3 million square feet of new office, residential, hotel and redevelopment constructed or under construction within the Wynwood Neighborhood Revitalization District (NRD-1) since 2015. Our attorneys regularly appear in front of the Wynwood Design Review Committee and City of Miami's Urban Development Review Board.

Day Pitney's attorneys bring past experience in representation of local government agencies and business improvement districts in the creation of zoning overlays and innovative zoning policies that give our team a deep knowledge base and the ability to effectively navigate the intricacies of local government for clients. Representation of clients often involves identifying and securing development incentives available for the specific geographic area of revitalization, which may include negotiation with Community Redevelopment Agencies for TIF recapture agreements and infrastructure grants, mobility and impact fee credits, and purchase and sale of transferable development rights (TDRs).

Transit Oriented Development (TOD)

Cities are rapidly evolving to embrace shared economy transportation and the density and compact communities that inherently congregate to support transit investments. Day Pitney's attorneys assist clients with entitlement strategy for projects within Transit Corridors and TOD Areas and utilizing TOD zoning incentives to deliver projects that leverage investments in the transportation infrastructure of the surrounding neighborhood. These include Miami-Dade County Rapid Transit Zone (RTZ) and municipal incentives for parking reductions, microunits and height/floor area bonuses.

Florida Affordable Housing

With Florida experiencing rising housing costs and a significant housing shortage, affordable housing has become the top priority at all levels of government. This has translated into a myriad of affordable and workforce housing programs at the local and county level intended to spark development. Day Pitney's attorneys have experience shepherding affordable and workforce housing projects through the local government approval process, including securing zoning approvals and economic incentives.

In response to headwinds in the real estate market coupled with a growing affordable housing crisis, in 2023, Florida Legislature adopted the Live Local Act (Senate Bill 102) – a landmark bill that created significant tax incentives for affordable housing and substantial development bonuses (including height and density) for qualifying projects to spark the production of mixed-income housing statewide. Notably, the Live Local Act pre-empts local zoning ordinances for qualified projects to access the maximum density permitted within the local jurisdiction, 150% of the maximum floor area permitted within the local jurisdiction and the maximum height permitted within 1 miles, with exceptions for projects adjacent to single family neighborhoods and airport flight paths. Our attorneys are regularly advising clients on assessing potential development capacity under Florida's Live Local Act and advancing projects through the entitlement and permitting process to bring new mixed income projects to fruition.