

By Representative Bush

1 A bill to be entitled
2 An act relating to local government
3 comprehensive planning; amending s. 163.3187,
4 F.S.; providing that certain plan amendments
5 that involve construction of affordable housing
6 in certain areas of critical state concern are
7 eligible as small scale development amendments
8 that are exempt from the limits on the
9 frequency of amendments to a local
10 comprehensive plan; providing an effective
11 date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (c) of subsection (1) of section
16 163.3187, Florida Statutes, is amended to read:

17 163.3187 Amendment of adopted comprehensive plan.--

18 (1) Amendments to comprehensive plans adopted pursuant
19 to this part may be made not more than two times during any
20 calendar year, except:

21 (c) Any local government comprehensive plan amendments
22 directly related to proposed small scale development
23 activities may be approved without regard to statutory limits
24 on the frequency of consideration of amendments to the local
25 comprehensive plan. A small scale development amendment may
26 be adopted only under the following conditions:

27 1. The proposed amendment involves a use of 10 acres
28 or fewer and:

29 a. The cumulative annual effect of the acreage for all
30 small scale development amendments adopted by the local
31 government shall not exceed:

1 (I) A maximum of 120 acres in a local government that
2 contains areas specifically designated in the local
3 comprehensive plan for urban infill, urban redevelopment, or
4 downtown revitalization as defined in s. 163.3164, urban
5 infill and redevelopment areas designated under s. 163.2517,
6 transportation concurrency exception areas approved pursuant
7 to s. 163.3180(5), or regional activity centers and urban
8 central business districts approved pursuant to s.
9 380.06(2)(e); however, amendments under this paragraph may be
10 applied to no more than 60 acres annually of property outside
11 the designated areas listed in this sub-sub-subparagraph.

12 (II) A maximum of 80 acres in a local government that
13 does not contain any of the designated areas set forth in
14 sub-sub-subparagraph (I).

15 (III) A maximum of 120 acres in a county established
16 pursuant to s. 9, Art. VIII of the State Constitution.

17 b. The proposed amendment does not involve the same
18 property granted a change within the prior 12 months.

19 c. The proposed amendment does not involve the same
20 owner's property within 200 feet of property granted a change
21 within the prior 12 months.

22 d. The proposed amendment does not involve a text
23 change to the goals, policies, and objectives of the local
24 government's comprehensive plan, but only proposes a land use
25 change to the future land use map for a site-specific small
26 scale development activity.

27 e. The property that is the subject of the proposed
28 amendment is not located within an area of critical state
29 concern, unless the property subject to the proposed amendment
30 involves the construction of affordable housing units under a
31 housing program authorized under chapter 420 and is located

1 within an area of critical state concern designated by s.
2 380.0552.

3 f. If the proposed amendment involves a residential
4 land use, the residential land use has a density of 10 units
5 or less per acre, except that this limitation does not apply
6 to small scale amendments described in sub-sub-subparagraph
7 a.(I) that are designated in the local comprehensive plan for
8 urban infill, urban redevelopment, or downtown revitalization
9 as defined in s. 163.3164, urban infill and redevelopment
10 areas designated under s. 163.2517, transportation concurrency
11 exception areas approved pursuant to s. 163.3180(5), or
12 regional activity centers and urban central business districts
13 approved pursuant to s. 380.06(2)(e).

14 2.a. A local government that proposes to consider a
15 plan amendment pursuant to this paragraph is not required to
16 comply with the procedures and public notice requirements of
17 s. 163.3184(15)(c) for such plan amendments if the local
18 government complies with the provisions in s. 125.66(4)(a) for
19 a county or in s. 166.041(3)(c) for a municipality. If a
20 request for a plan amendment under this paragraph is initiated
21 by other than the local government, public notice is required.

22 b. The local government shall send copies of the
23 notice and amendment to the state land planning agency, the
24 regional planning council, and any other person or entity
25 requesting a copy. This information shall also include a
26 statement identifying any property subject to the amendment
27 that is located within a coastal high hazard area as
28 identified in the local comprehensive plan.

29 3. Small scale development amendments adopted pursuant
30 to this paragraph require only one public hearing before the
31 governing board, which shall be an adoption hearing as

1 described in s. 163.3184(7), and are not subject to the
2 requirements of s. 163.3184(3)-(6) unless the local government
3 elects to have them subject to those requirements.

4 Section 2. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

9 Provides that certain amendments that involve
10 construction of affordable housing in certain areas of
11 critical state concern are eligible as small scale
12 development amendments that are exempt from the limits on
13 the frequency of amendments to a local comprehensive
14 plan.

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