

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Jones

316-1950-00

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A bill to be entitled  
An act relating to affordable housing; amending  
s. 163.3187, F.S.; allowing small scale  
development amendments involving affordable  
housing within an area of critical state  
concern; providing an effective date.

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

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

163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

(I) A maximum of 120 acres in a local government that  
contains areas specifically designated in the local  
comprehensive plan for urban infill, urban redevelopment, or  
downtown revitalization as defined in s. 163.3164, urban  
infill and redevelopment areas designated under s. 163.2517,

1 transportation concurrency exception areas approved pursuant  
2 to s. 163.3180(5), or regional activity centers and urban  
3 central business districts approved pursuant to s.  
4 380.06(2)(e); however, amendments under this paragraph may be  
5 applied to no more than 60 acres annually of property outside  
6 the designated areas listed in this sub-sub-subparagraph.

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

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

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

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

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

22 e. The property that is the subject of the proposed  
23 amendment is not located within an area of critical state  
24 concern, unless the project subject to the proposed amendment  
25 involves the construction of affordable housing units under an  
26 affordable housing program financed through chapter 420 or  
27 part IV of chapter 159 and is located within an area of  
28 critical state concern designated by s. 380.0552 or by the  
29 Administration Commission pursuant to s. 380.05(1). Such  
30 amendment is not subject to the density limitations of s.  
31 163.3187(1)(c)1.f., and shall be reviewed by the state land

1 planning agency for consistency with the principles for  
2 guiding development applicable to the area of critical state  
3 concern to which the amendment relates and shall not become  
4 effective until a final order is issued under s. 380.05(6).

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

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

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

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1           3. Small scale development amendments adopted pursuant  
2 to this paragraph require only one public hearing before the  
3 governing board, which shall be an adoption hearing as  
4 described in s. 163.3184(7), and are not subject to the  
5 requirements of s. 163.3184(3)-(6) unless the local government  
6 elects to have them subject to those requirements.

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

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9                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10                   COMMITTEE SUBSTITUTE FOR  
11                   SB 324

12 Provides an exception to s. 163.3187(1)(c), F.S., allowing  
13 comprehensive plan amendments involving affordable housing  
14 projects located in eligible areas of critical state concern  
to be treated as small-scale amendments.

15 Defines those areas of critical state concern which may use  
16 the exception created by the CS as those designated by s.  
380.0552, F.S., or by the Administration Commission under s.  
380.05(1), F.S.

17 Defines affordable housing in terms of units financed under an  
18 affordable housing program financed through chapter 420 or  
part IV of chapter 159, F.S.

19 Provides that these amendments are not subject to the density  
20 limitation of s. 163.3187(1)(c)1.f., F.S., of 10 units per  
21 acre for residential development, and that the amendments must  
22 be reviewed by the Department of Community Affairs for  
consistency with the principles guiding development applicable  
to the relevant area of critical state concern.

23 Provides that the comprehensive plan amendment for the  
24 affordable housing project in the applicable areas of critical  
25 state concern shall not become effective until the Department  
26 of Community Affairs issues a final order under s. 380.05(6),  
27 F.S.