

Bill No. CS for SB 728

Amendment No.      Barcode 725684

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1		.	
2		.	
3		.	
4		.	

---

5			
6			
7			
8			
9			

---

11 Senator Silver moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 On page 6, between lines 22 and 23,

15

16 insert:

17 Section 6. Paragraphs (c) and (i) of subsection (1) of

18 section 163.3187, Florida Statutes, are amended, and paragraph

19 (k) is added to said subsection, to read:

20 163.3187 Amendment of adopted comprehensive plan.--

21 (1) Amendments to comprehensive plans adopted pursuant

22 to this part may be made not more than two times during any

23 calendar year, except:

24 (c) Any local government comprehensive plan amendments

25 directly related to proposed small scale development

26 activities may be approved without regard to statutory limits

27 on the frequency of consideration of amendments to the local

28 comprehensive plan. A small scale development amendment may be

29 adopted only under the following conditions:

30 1. The proposed amendment involves a use of 10 acres

31 or fewer and:

Bill No. CS for SB 728

Amendment No. \_\_\_\_ Barcode 725684

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

4 (I) A maximum of 120 acres in a local government that  
5 contains areas specifically designated in the local  
6 comprehensive plan for urban infill, urban redevelopment, or  
7 downtown revitalization as defined in s. 163.3164, urban  
8 infill and redevelopment areas designated under s. 163.2517,  
9 transportation concurrency exception areas approved pursuant  
10 to s. 163.3180(5), or regional activity centers and urban  
11 central business districts approved pursuant to s.  
12 380.06(2)(e); however, amendments under this paragraph may be  
13 applied to no more than 60 acres annually of property outside  
14 the designated areas listed in this sub-sub-subparagraph.  
15 Amendments adopted pursuant to paragraph (k) shall not be  
16 counted toward the acreage limitations for small scale  
17 amendments under this paragraph.

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

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

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

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

28 d. The proposed amendment does not involve a text  
29 change to the goals, policies, and objectives of the local  
30 government's comprehensive plan, but only proposes a land use  
31 change to the future land use map for a site-specific small

Bill No. CS for SB 728

Amendment No. \_\_\_\_ Barcode 725684

1 scale development activity.

2 e. The property that is the subject of the proposed  
3 amendment is not located within an area of critical state  
4 concern, unless the project subject to the proposed amendment  
5 involves the construction of affordable housing units meeting  
6 the criteria of s. 420.0004(3), and is located within an area  
7 of critical state concern designated by s. 380.0552 or by the  
8 Administration Commission pursuant to s. 380.05(1). Such  
9 amendment is not subject to the density limitations of  
10 sub-subparagraph f., and shall be reviewed by the state land  
11 planning agency for consistency with the principles for  
12 guiding development applicable to the area of critical state  
13 concern where the amendment is located and shall not become  
14 effective until a final order is issued under s. 380.05(6).

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

26 2.a. A local government that proposes to consider a  
27 plan amendment pursuant to this paragraph is not required to  
28 comply with the procedures and public notice requirements of  
29 s. 163.3184(15)(c) for such plan amendments if the local  
30 government complies with the provisions in s. 125.66(4)(a) for  
31 a county or in s. 166.041(3)(c) for a municipality. If a

Bill No. CS for SB 728

Amendment No. \_\_\_\_ Barcode 725684

1 request for a plan amendment under this paragraph is initiated  
2 by other than the local government, public notice is required.

3         b. The local government shall send copies of the  
4 notice and amendment to the state land planning agency, the  
5 regional planning council, and any other person or entity  
6 requesting a copy. This information shall also include a  
7 statement identifying any property subject to the amendment  
8 that is located within a coastal high hazard area as  
9 identified in the local comprehensive plan.

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

16         (i) A comprehensive plan amendment for the purpose of  
17 designating an urban infill and redevelopment area under s.  
18 163.2517 or a Rural Heritage Area or Rural Activity Center  
19 under the Florida Rural Heritage and Economic Stimulus Act may  
20 be approved without regard to the statutory limits on the  
21 frequency of amendments to the comprehensive plan.

22         (k) A local comprehensive plan amendment directly  
23 related to providing transportation improvements to enhance  
24 life safety on Controlled Access Major Arterial Highways  
25 identified in the Florida Intrastate Highway System, in  
26 counties as defined in s. 125.011, where such roadways have a  
27 high incidence of traffic accidents resulting in serious  
28 injury or death. Any such amendment shall not include any  
29 amendment modifying the designation on a comprehensive  
30 development plan land use map nor any amendment modifying the  
31 allowable densities or intensities of any land. An amendment

Bill No. CS for SB 728

Amendment No. \_\_\_\_ Barcode 725684

1 proposed pursuant to this paragraph shall be subject to the  
2 review process for small scale amendments described in  
3 paragraph (c).

4  
5 (Redesignate subsequent sections.)

6  
7  
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, line 22, after the semicolon,

11  
12 insert:

13 amending s. 163.3187, F.S.; providing for plan  
14 amendment relating to certain roadways in  
15 specified counties under certain conditions;

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31