

736-142AX-02

Bill No. CS/HB 789, 1st Eng.

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Rubio and Cantens offered the following:

**Amendment (with title amendment)**

On page 21, lines 6-17,  
remove: all of said lines

and insert:

Section 2. Paragraphs (c) and (i) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (k) is added to said subsection, 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

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1 or fewer and:

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

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

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

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

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

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

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

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1 change to the future land use map for a site-specific small  
2 scale development activity.

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

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

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

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1 a county or in s. 166.041(3)(c) for a municipality. If a  
2 request for a plan amendment under this paragraph is initiated  
3 by other than the local government, public notice is required.

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

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

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

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

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1 allowable densities or intensities of any land. An amendment  
2 proposed pursuant to this paragraph shall be subject to the  
3 review process for small scale amendments described in  
4 paragraph (c).

5 Section 3. Whopper Way designated; Department of  
6 Transportation to erect suitable markers.--

7 (1) That portion of N.W. 57 Avenue from N.W. 7 Street  
8 to State Highway 836 in Miami-Dade County is hereby designated  
9 as "Whopper Way."

10 (2) The Department of Transportation is directed to  
11 erect suitable markers designating Whopper Way as described in  
12 subsection (1).

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 2, line 2, after "Centers;"

18

19 insert:

20 providing for plan amendment relating to  
21 certain roadways in specified counties under  
22 certain conditions; designating Whopper Way in  
23 Miami-Dade County and directing the Department  
24 of Transportation to erect suitable markers;

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