

Bill No. SB 2490

Barcode 864862

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
. .  
. .  
. .  
. .  
. .

The Committee on Community Affairs (Clary) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended and a new paragraph (o) is added to that 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

Bill No. SB 2490

Barcode 864862

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 areas designated by the Governor as a rural area of critical  
11 economic concern under s. 288.0656(7), transportation  
12 concurrency exception areas approved pursuant to s.  
13 163.3180(5), or regional activity centers and urban central  
14 business districts approved pursuant to s. 380.06(2)(e);  
15 however, amendments under this paragraph may be applied to no  
16 more than 60 acres annually of property outside the designated  
17 areas listed in this sub-sub-subparagraph. Amendments adopted  
18 pursuant to paragraph (k) shall not be counted toward the  
19 acreage limitations for small scale amendments under this  
20 paragraph.

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

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

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

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

31 d. The proposed amendment does not involve a text

Bill No. SB 2490

Barcode 864862

1 change to the goals, policies, and objectives of the local  
 2 government's comprehensive plan, but only proposes a land use  
 3 change to the future land use map for a site-specific small  
 4 scale development activity.

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

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

29 2.a. A local government that proposes to consider a  
 30 plan amendment pursuant to this paragraph is not required to  
 31 comply with the procedures and public notice requirements of

Bill No. SB 2490

Barcode 864862

1 s. 163.3184(15)(c) for such plan amendments if the local  
2 government complies with the provisions in s. 125.66(4)(a) for  
3 a county or in s. 166.041(3)(c) for a municipality. If a  
4 request for a plan amendment under this paragraph is initiated  
5 by other than the local government, public notice is required.

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

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

19       4. If the small scale plan amendment involves a site  
20 within an area that is designated by the Governor as a rural  
21 area of critical concern under s. 288.0656(7), for the  
22 duration of the designation, sub-subparagraph 1.c. does not  
23 apply and the 10-acre limit in subparagraph 1. shall be  
24 increased by 150 percent to 25 acres.

25       (o) A comprehensive plan amendment that is submitted  
26 by an area designated by the Governor as a rural area of  
27 critical economic concern under s. 288.0656(7) and that meets  
28 economic development objectives may be approved without regard  
29 to the statutory limits on the frequency of adoption of  
30 amendments to the comprehensive plan.

31       Section 2. This act shall take effect July 1, 2005.

Bill No. SB 2490

Barcode 864862

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

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                       A bill to be entitled

7           An act relating to small scale comprehensive  
8           plan amendments in an area designated as a  
9           rural area of critical economic concern;  
10          amending s. 163.3187, F.S.; including an area  
11          that is designated as a rural area of critical  
12          economic concern in an exemption for certain  
13          small scale amendments from a limit on the  
14          frequency of amendments to the comprehensive  
15          plan of a county or a municipality; increasing  
16          various acreage limitations governing  
17          eligibility for such exemption for a small  
18          scale amendment within such an area;  
19          authorizing a small scale amendment for  
20          property within such an area which involves a  
21          site that is near to, and owned by the same  
22          person as, property that was the subject of a  
23          recent comprehensive plan amendment; providing  
24          an effective date.

25  
26  
27  
28  
29  
30  
31