

By Senator Clary

4-1555-05

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A bill to be entitled
An act relating to small scale comprehensive
plan amendments in a county designated as a
rural area of economic concern; amending s.
163.3187, F.S.; including an area in a county
that is designated as a rural area of critical
concern in an exemption for certain small scale
amendments from a limit on the frequency of
amendments to the comprehensive plan of a
county or a municipality; increasing various
acreage limitations governing eligibility for
such exemption for a small scale amendment
within such a county; authorizing a small scale
amendment for property within such a county
which involves a site that is near to, and
owned by the same person as, property that was
the subject of a recent comprehensive plan
amendment; 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 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

1 on the frequency of consideration of amendments to the local
2 comprehensive plan. A small scale development amendment may be
3 adopted only under the following conditions:

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

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

9 (I) A maximum of 120 acres in a local government that
10 contains areas specifically designated in the local
11 comprehensive plan for urban infill, urban redevelopment, or
12 downtown revitalization as defined in s. 163.3164, urban
13 infill and redevelopment areas designated under s. 163.2517,
14 areas within a county that is designated by the Governor as a
15 rural area of critical concern under s. 288.0656(7),

16 transportation concurrency exception areas approved pursuant
17 to s. 163.3180(5), or regional activity centers and urban
18 central business districts approved pursuant to s.
19 380.06(2)(e); however, amendments under this paragraph may be
20 applied to no more than 60 acres annually of property outside
21 the designated areas listed in this sub-sub-subparagraph.
22 Amendments adopted pursuant to paragraph (k) shall not be
23 counted toward the acreage limitations for small scale
24 amendments under this paragraph.

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

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

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

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

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

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

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

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

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

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

24 4. If the small scale plan amendment involves a site
25 within a county that is designated by the Governor as a rural
26 area of critical concern under s. 288.0656(7), for the
27 duration of the designation, sub-subparagraph 1.c. does not
28 apply and each acreage limitation in sub-subparagraph 1.a. is
29 increased by 150 percent.

30 (o) A comprehensive plan amendment that is submitted
31 by a county designated by the Governor as a rural area of

1 critical concern under s. 288.0656(7) and that meets the
2 county's economic development objectives may be approved
3 without regard to the statutory limits on the frequency of
4 adoption of amendments to the comprehensive plan.

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

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8 SENATE SUMMARY

9 Includes an area in a county that is designated as a
10 rural area of critical concern in an exemption for small
11 scale amendments from a limit on the frequency of
12 amendments to a local government comprehensive plan.
13 Increases, by 150 percent, various acreage limitations
14 governing eligibility for such exemption for a small
15 scale amendment within such a county. Authorizes a small
16 scale amendment for property within such a county which
17 involves a site that is near to, and owned by the same
18 person as, property that was the subject of a recent
19 comprehensive plan amendment.
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