

By the Committee on Community Affairs; and Senator Clary

578-1937-05

1 A bill to be entitled
2 An act relating to small scale comprehensive
3 plan amendments in an area designated as a
4 rural area of critical economic concern;
5 amending s. 163.3187, F.S.; including an area
6 that is designated as a rural area of critical
7 economic concern in an exemption for certain
8 small scale amendments from a limit on the
9 frequency of amendments to the comprehensive
10 plan of a county or a municipality; increasing
11 various acreage limitations governing
12 eligibility for such exemption for a small
13 scale amendment within such an area;
14 authorizing a small scale amendment for
15 property within such an area which involves a
16 site that is near to, and owned by the same
17 person as, property that was the subject of a
18 recent comprehensive plan amendment; amending
19 s. 380.06, F.S.; increasing certain guidelines
20 and standards for development in a county that
21 shares a common border with more than three
22 counties that have been redesignated as a rural
23 area of critical economic concern; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Paragraph (c) of subsection (1) of section
29 163.3187, Florida Statutes, is amended and a new paragraph (o)
30 is added to that subsection to read:

31 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

15 (I) A maximum of 120 acres in a local government that
16 contains areas specifically designated in the local
17 comprehensive plan for urban infill, urban redevelopment, or
18 downtown revitalization as defined in s. 163.3164, urban
19 infill and redevelopment areas designated under s. 163.2517,
20 areas designated by the Governor as a rural area of critical
21 economic concern under s. 288.0656(7), transportation
22 concurrency exception areas approved pursuant to s.
23 163.3180(5), or regional activity centers and urban central
24 business districts approved pursuant to s. 380.06(2)(e);
25 however, amendments under this paragraph may be applied to no
26 more than 60 acres annually of property outside the designated
27 areas listed in this sub-sub-subparagraph. Amendments adopted
28 pursuant to paragraph (k) shall not be counted toward the
29 acreage limitations for small scale amendments under this
30 paragraph.
31

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

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

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

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

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

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

29 f. If the proposed amendment involves a residential
30 land use, the residential land use has a density of 10 units
31 or less per acre, except that this limitation does not apply

1 to small scale amendments described in sub-sub-subparagraph
2 a.(I) that are designated in the local comprehensive plan for
3 urban infill, urban redevelopment, or downtown revitalization
4 as defined in s. 163.3164, urban infill and redevelopment
5 areas designated under s. 163.2517, transportation concurrency
6 exception areas approved pursuant to s. 163.3180(5), or
7 regional activity centers and urban central business districts
8 approved pursuant to s. 380.06(2)(e).

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

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

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

30 4. If the small scale plan amendment involves a site
31 within an area that is designated by the Governor as a rural

1 area of critical economic concern under s. 288.0656(7), for
2 the duration of the designation, sub-subparagraph 1.c. does
3 not apply and the 10-acre limit in subparagraph 1. shall be
4 increased by 150 percent to 25 acres.

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

11 Section 2. Paragraph (e) of subsection (2) of section
12 380.06, Florida Statutes, is amended to read:

13 380.06 Developments of regional impact.--

14 (2) STATEWIDE GUIDELINES AND STANDARDS.--

15 (e) With respect to residential, hotel, motel, office,
16 and retail developments, the applicable guidelines and
17 standards shall be increased by 50 percent in urban central
18 business districts and regional activity centers of
19 jurisdictions whose local comprehensive plans are in
20 compliance with part II of chapter 163. With respect to
21 multiuse developments, the applicable individual use
22 guidelines and standards for residential, hotel, motel,
23 office, and retail developments and multiuse guidelines and
24 standards shall be increased by 100 percent in urban central
25 business districts and regional activity centers of
26 jurisdictions whose local comprehensive plans are in
27 compliance with part II of chapter 163, if one land use of the
28 multiuse development is residential and amounts to not less
29 than 35 percent of the jurisdiction's applicable residential
30 threshold. With respect to resort or convention hotel
31 developments, the applicable guidelines and standards shall be

1 increased by 150 percent in urban central business districts
2 and regional activity centers of jurisdictions whose local
3 comprehensive plans are in compliance with part II of chapter
4 163 and where the increase is specifically for a proposed
5 resort or convention hotel located in a county with a
6 population greater than 500,000 and the local government
7 specifically designates that the proposed resort or convention
8 hotel development will serve an existing convention center of
9 more than 250,000 gross square feet built prior to July 1,
10 1992. The applicable guidelines and standards shall be
11 increased by 150 percent for development in any area
12 designated by the Governor as a rural area of critical
13 economic concern pursuant to s. 288.0656 during the
14 effectiveness of the designation and in any county that shares
15 a common border with more than three counties that are within
16 an area redesignated by the Governor as a rural area of
17 critical economic concern pursuant to s. 288.0656 during the
18 effectiveness of the redesignation.

19 Section 3. This act shall take effect July 1, 2005.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 2490

24 The committee substitute (CS) corrects the reference to rural
25 areas of critical economic concern. It also clarifies that the
26 acreage limitation for small scale amendments is increased by
150 percent to 25 acres in this bill.

27 In addition, the CS increases the percentage thresholds, by
28 150 percent, that determine whether a development is subject
29 to development-of-regional-impact review if it is within a
30 county that shares a common border with more than 3 counties
31 that have been redesignated as a rural area of critical
economic concern.