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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AE/3R	.	Floor: C
04/26/2021 01:13 PM	.	04/29/2021 07:32 PM
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Senator Perry moved the following:

Senate Amendment (with title amendment)

Before line 32

insert:

Section 1. Present subsection (5) of section 163.3202, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

163.3202 Land development regulations.—

(5) (a) Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:



12 1. The dwelling is listed in the National Register of
13 Historic Places, as defined in s. 267.021(5); is located in a
14 National Register Historic District; or is designated as a
15 historic property or located in a historic district, under the
16 terms of a local preservation ordinance;

17 2. The regulations are adopted in order to implement the
18 National Flood Insurance Program;

19 3. The regulations are adopted pursuant to and in
20 compliance with chapter 553;

21 4. The dwelling is located in a community redevelopment
22 area, as defined in s. 163.340(10);

23 5. The regulations are required to ensure protection of
24 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
25 161.0531, s. 161.085, s. 161.163, or chapter 373;

26 6. The dwelling is located in a planned unit development or
27 master planned community created pursuant to a local ordinance,
28 resolution, or other final action approved by the local
29 governing body; or

30 7. The dwelling is located within the jurisdiction of a
31 local government that has a design review board or architectural
32 review board.

33 (b) For purposes of this subsection, the term:

34 1. "Building design elements" means the external building
35 color; the type or style of exterior cladding material; the
36 style or material of roof structures or porches; the exterior
37 nonstructural architectural ornamentation; the location or
38 architectural styling of windows or doors; the location or
39 orientation of the garage; the number and type of rooms; and the
40 interior layout of rooms. The term does not include the height,



41 bulk, orientation, or location of a dwelling on a zoning lot; or
42 the use of buffering or screening to minimize potential adverse
43 physical or visual impacts or to protect the privacy of
44 neighbors.

45 2. "Planned unit development" or "master planned community"
46 means an area of land that is planned and developed as a single
47 entity or in approved stages with uses and structures
48 substantially related to the character of the entire
49 development, or a self-contained development in which the
50 subdivision and zoning controls are applied to the project as a
51 whole rather than to individual lots.

52 (c) This subsection does not affect the validity or
53 enforceability of private covenants or other contractual
54 agreements relating to building design elements.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Between lines 2 and 3

59 insert:

60 s. 163.3202, F.S.; prohibiting certain regulations
61 relating to building design elements from being
62 applied to certain dwellings; providing exceptions;
63 defining terms; providing construction; amending