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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AE/3R

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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:



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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,



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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