

1 A bill to be entitled
2 An act relating to local government land development
3 actions; amending ss. 125.022 and 166.033, F.S.;
4 specifying the deficiencies which a county or
5 municipality, respectively, may provide comments on
6 regarding applications for development permits or
7 development orders; amending s. 163.3202, F.S.;
8 requiring local governments to adopt residential
9 infill development standards by a specified date;
10 providing a description of the term "residential
11 infill development"; providing guidelines to be used
12 by certain local governments in developing residential
13 infill development standards; requiring certain local
14 governments to adopt guidelines to be used by
15 applicants seeking areas to be designated as a
16 residential infill development; prohibiting a local
17 government from approving deficient applications;
18 prohibiting a local government from denying
19 applications if the applicant has complied with the
20 regulations; authorizing the process for applicants to
21 appeal application denials; providing timeframes for a
22 local government to issue a final decision; requiring
23 local governments to amend their development
24 regulations and comprehensive plans to incorporate
25 residential infill developments as zoning

26 | classifications; amending s. 553.792, F.S.; specifying
 27 | the deficiencies over which a local government may
 28 | provide comments or request information on regarding
 29 | applications for building permits; providing an
 30 | effective date.

31 |

32 | Be It Enacted by the Legislature of the State of Florida:

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34 | Section 1. Subsection (1) of section 125.022, Florida
 35 | Statutes, is amended to read:

36 | 125.022 Development permits and orders.—

37 | (1) (a) Within 30 days after receiving an application for
 38 | approval of a development permit or development order, a county
 39 | must review the application for completeness and issue a letter
 40 | indicating that all required information is submitted or
 41 | specifying with particularity any areas that are deficient. If
 42 | the application is deficient, the applicant has 30 days to
 43 | address the deficiencies by submitting the required additional
 44 | information.

45 | (b) Once the applicant has provided responses concerning
 46 | the areas that were deficient, the county may only provide
 47 | additional comments on the deficiencies that are directly
 48 | related to the deficiencies that were identified during the
 49 | first review period or that directly address the responses given
 50 | by the applicant. The county may also make additional comments

51 as a result of new information submitted by the applicant.

52 (c) Within 120 days after the county has deemed the
53 application complete, or 180 days for applications that require
54 final action through a quasi-judicial hearing or a public
55 hearing, the county must approve, approve with conditions, or
56 deny the application for a development permit or development
57 order. Both parties may agree to a reasonable request for an
58 extension of time, particularly in the event of a force majeure
59 or other extraordinary circumstance. An approval, approval with
60 conditions, or denial of the application for a development
61 permit or development order must include written findings
62 supporting the county's decision. The timeframes contained in
63 this subsection do not apply in an area of critical state
64 concern, as designated in s. 380.0552.

65 Section 2. Subsection (1) of section 166.033, Florida
66 Statutes, is amended to read:

67 166.033 Development permits and orders.—

68 (1)(a) Within 30 days after receiving an application for
69 approval of a development permit or development order, a
70 municipality must review the application for completeness and
71 issue a letter indicating that all required information is
72 submitted or specifying with particularity any areas that are
73 deficient. If the application is deficient, the applicant has 30
74 days to address the deficiencies by submitting the required
75 additional information.

76 (b) Once the applicant has provided responses concerning
 77 the areas that were deficient, the municipality may only provide
 78 additional comments on the deficiencies that are directly
 79 related to the deficiencies that were identified during the
 80 first review period or that directly address the responses given
 81 by the applicant. The municipality may also make additional
 82 comments as a result of new information submitted by the
 83 applicant.

84 (c) Within 120 days after the municipality has deemed the
 85 application complete, or 180 days for applications that require
 86 final action through a quasi-judicial hearing or a public
 87 hearing, the municipality must approve, approve with conditions,
 88 or deny the application for a development permit or development
 89 order. Both parties may agree to a reasonable request for an
 90 extension of time, particularly in the event of a force majeure
 91 or other extraordinary circumstance. An approval, approval with
 92 conditions, or denial of the application for a development
 93 permit or development order must include written findings
 94 supporting the municipality's decision. The timeframes contained
 95 in this subsection do not apply in an area of critical state
 96 concern, as designated in s. 380.0552 or chapter 28-36, Florida
 97 Administrative Code.

98 Section 3. Subsection (7) is added to section 163.3202,
 99 Florida Statutes, to read:

100 163.3202 Land development regulations.—

101 (7) To ensure a uniform process for new development, each
102 local government with \$10 million or more in total revenue must
103 adopt residential infill development standards in its land use
104 regulations by January 1, 2023, and each local government with
105 \$10 million or more in total revenue after July 1, 2022, must
106 adopt residential infill development standards in its land use
107 regulations within 18 months after reaching the \$10 million
108 revenue threshold. The residential infill development standards
109 must be considered in local decisionmaking. A local government
110 may adopt its own residential infill development standards or
111 may use the guidelines set forth in paragraphs (b) and (c) in
112 developing its standards. All residential infill development
113 standards must provide that a residential infill development
114 project that is located within an area that has a basin
115 management action plan adopted under s. 403.067 must comply with
116 the water quality standards established in the basin management
117 action plan.

118 (a) A residential infill development is an important
119 component and useful mechanism for a local government to promote
120 redevelopment and revitalization. A residential infill
121 development is not intended to promote the premature subdivision
122 of land which exceeds the average densities of the immediate
123 vicinity and produces excessively smaller lots than those found
124 on surrounding parcels, but should consider the current land
125 development patterns within the immediate vicinity. Residential

126 infill developments are intended to aid in the revitalization of
127 existing communities by encouraging consistent and compatible
128 redevelopment and to promote reinvestment in established
129 neighborhoods and cure blighted parcels. For purposes of this
130 subsection, a residential infill development is an area
131 consisting of a development or subdivision of land designated as
132 such by a local government wherein the dimensional requirements
133 of the land use district are relaxed and the local government
134 review process is expedited.

135 (b) Local governments must use the following guidelines in
136 developing the residential infill development standards:

137 1. The size of the land development or subdivision may be
138 below the minimum dimensional requirements of the land use
139 category in which it is located.

140 2. A residential infill development may not exceed the
141 maximum allowable density established by the local government's
142 comprehensive plan.

143 3. A residential infill development area must be located
144 in an area with a defined development pattern.

145 4. A residential infill development area must be located
146 within one or more residential suburban or residential low land
147 use districts.

148 5. A residential infill development area must be located
149 in an area with sufficient services to avoid future public
150 service deficiencies. A local government, in reviewing an

151 application for a residential infill development, shall consider
152 the availability of schools, public water, public sewer, road
153 capacities, law enforcement protection, fire protection,
154 emergency medical service, and reasonable proximity to public
155 parks.

156 6. A residential infill development may be allowed on a
157 parcel that is adjacent to similar development.

158 7. Lots within a residential infill development must be at
159 least as large as the average lot size in the immediate
160 vicinity.

161 8. Building setbacks may be greater than or equal to the
162 average building setback found on abutting parcels. Building
163 setbacks may also be consistent with the dimensional
164 requirements of the land use district as specified in the local
165 government's land development code.

166 9. If a residential infill development abuts a roadway
167 stub-out, the new roadways built must connect to the roadway
168 stub-out.

169 10. Stormwater retention facilities within a residential
170 infill development may not be constructed to degrade or
171 adversely affect the existing character of the immediate
172 vicinity.

173 11. A residential infill development may not be larger
174 than 120 acres. Developments shall not be phased or
175 incrementally expanded with the intent to circumvent the acreage

176 limit.

177 12. Building types within the residential infill
178 development may only include types that exist on any parcel in
179 the immediate vicinity, but may not include mobile homes.

180 (c) Each local government must adopt guidelines to be used
181 by applicants seeking designations as residential infill
182 developments. The guidelines must provide procedures for the
183 review of applications. The guidelines must require that the
184 applicant:

185 1. Consider whether the residential infill development
186 recognizes the surrounding pattern of development and whether
187 the residential infill development is contrary to the density
188 and dimensional requirements of land tracts that abut the
189 development.

190 2. Consider the surrounding pattern of development,
191 including existing road layout, densities, lot sizes, and
192 setbacks of parcels and developments that abut the subject site.

193 3. Confirm the following in the designation application:

194 a. The residential infill development connects or will
195 connect to central water and sewer.

196 b. Law enforcement for the local government jurisdiction
197 has no objection to the residential infill development.

198 c. The average response time of the local government fire
199 and emergency medical services and the area of the residential
200 infill development is within the average response times.

201 d. At least one park or playground is located within 2
202 miles of the residential infill development.

203 e. The schools serving the area of the residential infill
204 development have sufficient capacity for the residential infill
205 development or concurrency provisions have been made to ensure
206 adequate capacity.

207 f. The roads within the residential infill development
208 will be constructed to conform with the existing roadway network
209 found in the immediate vicinity. New roads will be required to
210 connect to stub-outs that were originally constructed to connect
211 new development with existing developments.

212 g. The sidewalks within the residential infill development
213 will be installed along one side of collector and arterial roads
214 when existing sidewalk infrastructure is located within 100 feet
215 of the development.

216 h. Minimum lot sizes will be determined by the average lot
217 size of parcels in the immediate vicinity or at least 5,500
218 square feet, whichever is greater.

219 i. Infill development will be either determined by the
220 dimensional requirements established for the land use district
221 in which the site is located or determined by the average
222 setback and height of existing structures on parcels in the
223 immediate vicinity.

224 (d)1. A local government may not approve a deficient
225 application as a residential infill development. Where

226 deficiencies exist, the applicant bears the burden to prove the
 227 benefits of the residential infill development outweigh the
 228 deficiencies in services.

229 2. A local government may not deny an applicant's request
 230 for designation as a residential infill development if the
 231 applicant has complied with the development standards of this
 232 subsection.

233 (e) An applicant may appeal a denial of an application
 234 through an administrative appeal. The local government must
 235 render a decision within 30 days after receiving the
 236 administrative appeal. If the local government fails to issue a
 237 final decision within 30 days, the application is deemed
 238 approved.

239 (f) Each local government must amend its development
 240 regulations to include residential infill development as a
 241 zoning classification and must incorporate it as an appropriate
 242 land use classification under the local government comprehensive
 243 plan.

244 Section 4. Paragraph (a) of subsection (1) of section
 245 553.792, Florida Statutes, is amended and paragraph (c) is added
 246 to subsection (2) of that section, to read:

247 553.792 Building permit application to local government.—

248 (1)(a) Within 10 days after ~~of~~ an applicant submits
 249 ~~submitting~~ an application to the local government, the local
 250 government shall advise the applicant what information, if any,

251 is needed to deem the application properly completed in
252 compliance with the filing requirements published by the local
253 government. If the local government does not provide written
254 notice that the applicant has not submitted the properly
255 completed application, the application shall be automatically
256 deemed properly completed and accepted. Within 45 days after
257 receiving a completed application, a local government must
258 notify an applicant if additional information is required for
259 the local government to determine the sufficiency of the
260 application, and shall specify the additional information that
261 is required. However, the local government may only request more
262 information on the additional information provided to the local
263 government by the applicant and may not make new comments on the
264 original application. The applicant must submit the additional
265 information to the local government or request that the local
266 government act without the additional information. While the
267 applicant responds to the request for additional information,
268 the 120-day period described in this subsection is tolled. Both
269 parties may agree to a reasonable request for an extension of
270 time, particularly in the event of a force majeure or other
271 extraordinary circumstance. The local government must approve,
272 approve with conditions, or deny the application within 120 days
273 after ~~following~~ receipt of a completed application.

274 (2)

275 (c) Notwithstanding any local ordinance that may otherwise

276 apply to the contrary, if an applicant provides additional
277 information based on deficiencies identified by the local
278 government in the application, the local government may only
279 provide additional comments that are directly related to the
280 deficiencies that were identified during the first review period
281 or that directly address the responses given by the applicant.
282 The local government may also make additional comments as a
283 result of new information submitted by the applicant.

284 Section 5. This act shall take effect July 1, 2022.