

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Borrero offered the following:

Amendment (with title amendment)

Remove lines 115-206 and insert:

6 5. Land that is owned, or that was owned at any time
 7 within the 15 years preceding the effective date of this act, by
 8 a public utility as defined in s. 366.02.

9 (5) DEVELOPMENT REGULATIONS.—Notwithstanding any local
 10 law, ordinance, or regulation to the contrary, a local
 11 government must permit a qualifying parcel to be developed with
 12 residential uses. The density of development pursuant to this
 13 section shall not exceed the average density of all zoning
 14 districts within the same jurisdiction that allow residential
 15 uses as of right adjacent to the qualifying parcel, and its

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16 intensity must comply with the standards of any adjacent zoning
17 district.

18 (6) SUBDIVISION APPROVAL.—A local government must approve
19 an application for the subdivision of a qualifying parcel if the
20 application satisfies the requirements of chapter 177. A local
21 government may not use the subdivision process to restrict
22 development below the density and intensity authorized under
23 subsection (5).

24 (7) BUFFER FROM RESIDENTIAL USES.—If a qualifying parcel
25 is adjacent to single-family homes or townhomes, or both, on all
26 sides, the developer must provide a buffer of at least 20 feet
27 between the new development and the existing single-family homes
28 or townhomes. The buffer area shall be measured from lot line to
29 lot line and must be maintained as open space or improved with
30 passive recreational facilities accessible to the community.
31 Swales and water retention areas shall be considered open space.

32 (8) RECREATIONAL FACILITIES.—

33 (a) If a qualifying parcel includes recreational
34 facilities or areas reserved for recreational use and such
35 recreational facilities or areas are adjacent to single-family
36 homes on all sides, the developer must do all of the following:

37 1. Establish that such facilities or areas, or portions
38 thereof, located on the qualifying parcel have not been in
39 operation or in use for a period of at least 12 consecutive
40 months.

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41 2. Pay double the applicable parks or recreational
42 facilities impact fee that would otherwise apply to the proposed
43 development, to compensate for the loss of open or recreational
44 space.

45 3. Provide written notice delivered by certified mail to
46 all owners of property adjacent to the recreational facilities
47 or areas, which notice includes all of the following
48 information:

49 a. That the developer intends to develop the parcel in
50 accordance with this section.

51 b. That the adjacent property owners may elect to purchase
52 the parcel or portion thereof containing recreational facilities
53 or areas for the purpose of maintaining the parcel, or portions
54 thereof, as recreational areas or open space within 90 days
55 after the date the notice is mailed.

56 c. The price at which the adjacent property owners may
57 purchase the property.

58 (b) Property owners who receive the notice required under
59 subparagraph (a)3. and wish to exercise the option to purchase
60 the parcel or portion thereof containing the recreational
61 facilities or areas must exercise the option and close on the
62 property, including requiring the property to be maintained as a
63 recreational area or open space for at least 30 years through
64 acceptance of a deed restriction or recording of a restrictive
65 covenant, within 90 days after the notice is mailed or forfeit

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66 the option. The parcel or portion thereof must be offered to
67 such property owners for purchase at a price that may not exceed
68 the greater of:

69 1. An amount equal to the price paid by the property owner
70 plus 10 percent; or

71 2. An amount equal to a bona fide offer to purchase the
72 property received by the property owner within the last 12
73 months plus 10 percent.

74 (9) DEVELOPMENT APPLICATIONS.— The proposed development of
75 a qualifying parcel which complies with the requirements of this
76 section must be administratively approved, and no further action
77 by the governing body of a local government is required. A local
78 government may administratively require a proposed development
79 to comply with local regulations relating to architectural
80 design, such as required color palettes or architectural style,
81 provided such standards would apply to, and are generally
82 applicable to, comparable residential development within the
83 jurisdiction and do not affect the density or intensity of the
84 proposed development. Developers shall be required to establish
85 consistency with applicable concurrency requirements before the
86 issuance of a building permit for any project developed pursuant
87 to this section. Each local government shall maintain on its
88 website a policy containing procedures and expectations for
89 administrative approval under this subsection.

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90 (10) APPLICATION AND CONSTRUCTION.—This section applies
91 retroactively to any local law, ordinance, or regulation that is
92 contrary to this section or its intent and must be liberally
93 construed to effectuate its intent.

94 (11) PREEMPTION.—A local government may not adopt or
95 enforce a local law, an ordinance, or a regulation that applies
96 or has the effect of applying a more restrictive or burdensome
97 requirement or procedure to the development of a qualifying
98 parcel which is administratively approved pursuant to this
99 section. Any such law, ordinance, or regulation contrary to this
100 section is void.

101 **Section 2.** The Division of Law Revision is directed to
102 replace the phrase "the effective date of this act" wherever it
103 occurs in this act with the date this act becomes a law.

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105 -----
106 **T I T L E A M E N D M E N T**

107 Remove line 38 and insert:
108 or regulations; providing a directive to the Division
109 of Law Revision; providing an effective date.