

1 A bill to be entitled
2 An act relating to infill redevelopment; creating s.
3 163.2525, F.S.; providing a short title; providing
4 legislative findings; providing definitions; providing
5 applicability; requiring a local government to permit
6 the development of certain qualifying parcels up to a
7 certain density and intensity; requiring a local
8 government to approve an application for the
9 subdivision of a qualifying parcel under certain
10 circumstances; prohibiting a local government from
11 using the subdivision process to restrict development
12 in a certain manner; requiring developers of
13 qualifying parcels to maintain a specified buffer
14 between new developments and single-family homes and
15 townhouses under certain circumstances; providing
16 requirements for such buffer areas; requiring
17 developers of qualifying parcels to establish that
18 certain recreational facilities and areas reserved for
19 recreational use have not been in operation or use for
20 a certain timeframe, to pay double the parks and
21 recreational facilities impact fees for a certain
22 purpose, and to provide certain written notice to
23 certain property owners; requiring property owners who
24 receive such written notice to exercise an option to
25 purchase certain parcels or portions thereof within a

26 | specified timeframe or forfeit the option; limiting
 27 | the price at which such parcels or portions of parcels
 28 | may be offered to the property owners for purchase;
 29 | requiring the administrative approval of certain
 30 | proposed developments; authorizing local governments
 31 | to apply certain local regulations under certain
 32 | circumstances; requiring development on qualifying
 33 | parcels to meet concurrency requirements; requiring
 34 | each local government to maintain a certain policy on
 35 | its website; providing applicability; providing
 36 | construction; prohibiting a local government from
 37 | adopting or enforcing certain local laws, ordinances,
 38 | or regulations; providing an effective date.

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

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42 | **Section 1. Section 163.2525, Florida Statutes, is created**
 43 | **to read:**

44 | 163.2525 Infill Redevelopment Act.—

45 | (1) SHORT TITLE.—This section may be cited as the "Infill
 46 | Redevelopment Act."

47 | (2) LEGISLATIVE FINDINGS.—The Legislature finds that this
 48 | state's urban areas lack sufficient land for the development of
 49 | additional residential uses, which has led to a shortage of
 50 | supply; that parcels of land within or near urban areas are

51 difficult to develop or redevelop because of environmental
52 issues and local regulations; and that facilitating the
53 expedited permitting of such parcels, particularly in areas in
54 which multiple local governments have jurisdiction, serves
55 important public interests in remediating environmentally
56 challenged land and increasing the supply of housing.

57 (3) DEFINITIONS.—As used in this section, the term:

58 (a) "Adjacent to" means located next to another parcel of
59 land or portion thereof, including where the parcels are
60 separated only by a roadway, railroad, or other public or
61 private right-of-way or easement.

62 (b) "Density" has the same meaning as in s. 163.3164.

63 (c) "Designated agricultural land" means a parcel of land
64 within a zoning district that allows for agricultural uses such
65 as farming, raising livestock, or aquaculture as the main
66 permitted uses and which land is classified as agricultural land
67 under s. 193.461.

68 (d) "Environmentally impacted land" means a parcel of land,
69 any portion of which:

70 1. There is a detection of a containment or pollutant
71 above the applicable local, state, or federal residential clean
72 up levels;

73 2. Is, or, prior to or concurrent with development, would
74 be subject to environmental cleanup or site rehabilitation
75 requirements pursuant to chapter 376, chapter 403, or local

76 environmental ordinances or regulations, as a result of the
 77 presence of environmental containment or pollution present above
 78 applicable cleanup target levels; or

79 3. Is located in a brownfield area designated pursuant to
 80 s. 376.80.

81 (e) "Local government" means a county, municipality,
 82 special district, or political subdivision of the state.

83 (f) "Parcel of land" has the same meaning as in s.
 84 163.3164.

85 (g) "Qualifying parcel" means a parcel of land to which
 86 this section applies under subsection (4).

87 (h) "Recreational facilities" means one or more parcels of
 88 land any portion of which was previously used as a golf course,
 89 tennis court, swimming pool, or clubhouse, or another similar
 90 use.

91 (i) "Townhouse" means a single-family dwelling unit that
 92 is constructed in a series or group of attached units with
 93 property lines separating such units.

94 (j) "Urban growth boundary" means a boundary established
 95 by a comprehensive plan or land development regulation beyond
 96 which the provision of urban services or facilities is limited.
 97 The term includes, but is not limited to, urban development
 98 boundaries and urban service boundaries.

99 (4) QUALIFYING PARCELS.—

100 (a) Except as provided in paragraph (b), this section
 101 applies to environmentally impacted land consisting of at least
 102 5 acres that is adjacent to a zoning district within the same
 103 jurisdiction that permits residential uses as of right and is
 104 within a county that meets both of the following requirements:

105 1. The county has a population of more than 1.475 million
 106 according to the most recent decennial census.

107 2. There are at least 15 municipalities within the county.

108 (b) This section does not apply to any of the following:

109 1. Designated agricultural land.

110 2. Land owned or operated by a local government for public
 111 park purposes.

112 3. Land outside an urban growth boundary.

113 4. Land within one-quarter mile of a military installation
 114 identified in s. 163.3175(2).

115 (5) DEVELOPMENT REGULATIONS.—Notwithstanding any local
 116 law, ordinance, or regulation to the contrary, a local
 117 government must permit a qualifying parcel to be developed with
 118 residential uses. The density of development pursuant to this
 119 section shall not exceed the average density of all zoning
 120 districts within the same jurisdiction that allow residential
 121 uses as of right adjacent to the qualifying parcel, and its
 122 intensity must comply with the standards of any adjacent zoning
 123 district.

124 (6) SUBDIVISION APPROVAL.—A local government must approve
 125 an application for the subdivision of a qualifying parcel if the
 126 application satisfies the requirements of chapter 177. A local
 127 government may not use the subdivision process to restrict
 128 development below the density and intensity authorized under
 129 subsection (5).

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

138 (8) RECREATIONAL FACILITIES.—

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

143 1. Establish that such facilities or areas, or portions
 144 thereof, located on the qualifying parcel have not been in
 145 operation or in use for a period of at least 12 consecutive
 146 months.

147 2. Pay double the applicable parks or recreational
 148 facilities impact fee that would otherwise apply to the proposed

149 development, to compensate for the loss of open or recreational
150 space.

151 3. Provide written notice delivered by certified mail to
152 all owners of property adjacent to the recreational facilities
153 or areas, which notice includes all of the following
154 information:

155 a. That the developer intends to develop the parcel in
156 accordance with this section.

157 b. That the adjacent property owners may elect to purchase
158 the parcel or portion thereof containing recreational facilities
159 or areas for the purpose of maintaining the parcel, or portions
160 thereof, as recreational areas or open space within 90 days
161 after the date the notice is mailed.

162 c. The price at which the adjacent property owners may
163 purchase the property.

164 (b) Property owners who receive the notice required under
165 subparagraph (a)3. and wish to exercise the option to purchase
166 the parcel or portion thereof containing the recreational
167 facilities or areas must exercise the option and close on the
168 property, including requiring the property to be maintained as a
169 recreational area or open space for at least 30 years through
170 acceptance of a deed restriction or recording of a restrictive
171 covenant, within 90 days after the notice is mailed or forfeit
172 the option. The parcel or portion thereof must be offered to

173 such property owners for purchase at a price that may not exceed
174 the greater of:

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

177 2. An amount equal to a bona fide offer to purchase the
178 property received by the property owner within the last 12
179 months plus 10 percent.

180 (9) DEVELOPMENT APPLICATIONS.— The proposed development of
181 a qualifying parcel which complies with the requirements of this
182 section must be administratively approved, and no further action
183 by the governing body of a local government is required. A local
184 government may administratively require a proposed development
185 to comply with local regulations relating to architectural
186 design, such as required color palettes or architectural style,
187 provided such standards would apply to, and are generally
188 applicable to, comparable residential development within the
189 jurisdiction and do not affect the density or intensity of the
190 proposed development. Developers shall be required to establish
191 consistency with applicable concurrency requirements before the
192 issuance of a building permit for any project developed pursuant
193 to this section. Each local government shall maintain on its
194 website a policy containing procedures and expectations for
195 administrative approval under this subsection.

196 (10) APPLICATION AND CONSTRUCTION.—This section applies
197 retroactively to any local law, ordinance, or regulation that is

198 contrary to this section or its intent and must be liberally
199 construed to effectuate its intent.

200 (11) PREEMPTION.—A local government may not adopt or
201 enforce a local law, an ordinance, or a regulation that applies
202 or has the effect of applying a more restrictive or burdensome
203 requirement or procedure to the development of a qualifying
204 parcel which is administratively approved pursuant to this
205 section. Any such law, ordinance, or regulation contrary to this
206 section is void.

207 **Section 2.** This act shall take effect upon becoming a law.