

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 a directive to the Division
 39 | of Law Revision; providing an effective date.

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

42 |

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

45 | 163.2525 Infill Redevelopment Act.-

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

48 | (2) LEGISLATIVE FINDINGS.-The Legislature finds that this
 49 | state's urban areas lack sufficient land for the development of
 50 | additional residential uses, which has led to a shortage of

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

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

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

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

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

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

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

74 2. Is, or, prior to or concurrent with development, would
75 be subject to environmental cleanup or site rehabilitation

76 requirements pursuant to chapter 376, chapter 403, or local
77 environmental ordinances or regulations, as a result of the
78 presence of environmental containment or pollution present above
79 applicable cleanup target levels; or

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

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

84 (f) "Parcel of land" has the same meaning as in s.
85 163.3164.

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

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

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

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

100 (4) QUALIFYING PARCELS.—

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

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

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

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

110 1. Designated agricultural land.

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

113 3. Land outside an urban growth boundary.

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

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

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

126 intensity must comply with the standards of any adjacent zoning
127 district.

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

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

142 (8) RECREATIONAL FACILITIES.—

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

147 1. Establish that such facilities or areas, or portions
148 thereof, located on the qualifying parcel have not been in
149 operation or in use for a period of at least 12 consecutive
150 months.

151 2. Pay double the applicable parks or recreational
152 facilities impact fee that would otherwise apply to the proposed
153 development, to compensate for the loss of open or recreational
154 space.

155 3. Provide written notice delivered by certified mail to
156 all owners of property adjacent to the recreational facilities
157 or areas, which notice includes all of the following
158 information:

159 a. That the developer intends to develop the parcel in
160 accordance with this section.

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

166 c. The price at which the adjacent property owners may
167 purchase the property.

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

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

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

181 2. An amount equal to a bona fide offer to purchase the
182 property received by the property owner within the last 12
183 months plus 10 percent.

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

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

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

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

214 **Section 3.** This act shall take effect upon becoming a law.