

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 11, 1998 Revised: 3-13-98 \_\_\_\_\_

Subject: Coastal redevelopment

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Gee</u>	<u>Voigt</u>	<u>NR</u>	<u>Fav/l amendment</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill provides the scope of activities included in community redevelopment of coastal resort and tourist areas and redefines terms associated with those activities. The bill authorizes and provides criteria for establishing and administering a coastal resort area redevelopment pilot project in a specified geographic area.

This bill amends ss. 163.335 and 163.340 and creates s. 163.336 of the Florida Statutes.

**II. Present Situation:**

The Department of Environmental Protection (DEP) regulates construction, development, and other physical activities along the state's sand beaches pursuant to Part I of ch. 161, F.S. The cornerstone of the regulatory program is the coastal construction control line (CCCL) which is established by the DEP, by rule, in each county having sand beaches. Pursuant to s. 161.053(1), F.S., the line is intended to define that portion of the beach-dune system which is subject to severe fluctuations due to a 100-year storm surge, storm waves, or other predictable weather conditions. Physical activities conducted seaward of the CCCL generally require a permit from the DEP. Any significant construction activity relating to structures must meet the department's design and siting requirements in order to be permitted.

Part III of ch. 161, F.S., provides standards for construction in the coastal zone. Pursuant to s. 161.54(1), F.S., the coastal building zone is the land area from the seasonal high-water line landward to a line 1,500 feet landward from the CCCL along sand beach areas, and in other coastal areas, the land area seaward of the most landward velocity zone line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps.

Part III of ch. 163, F.S., is intended to promote and assist the redevelopment of slum and blighted areas. Although Part III provides strategies for the redevelopment of slum and blighted areas, it does not specifically address older tourist and resort areas that are economically underutilized due to such factors as outdated building density patterns, inadequate parking facilities, or faulty lot layout.

When the Natural Resources Committee met on October 8, 1997, to consider strategies leading to the creation of jobs, representatives of business interests in the Daytona Beach area made presentations to the committee. These presentations included concerns that the Daytona Beach area, an older resort community characterized by seawalls, small lots, and inadequate parking facilities, faces difficulties in modernizing to be competitive in the resort environment. They indicated that strict adherence to the DEP's design and siting requirements would not permit effective redevelopment.

### **III. Effect of Proposed Changes:**

Section 1. Section 161.335, F.S., is amended to provide a finding that coastal resort and tourist areas or portions thereof which are deteriorating and economically underutilized due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, could, through the means provided in Part III of ch. 163, F.S., be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

Section 2. Section 163.340, F.S., is amended to revise definitions:

- “Blighted area” is redefined to include economic underutilization as a consequence of the presence of slum, deteriorated, or deteriorating structures and conditions as well as to include inadequate and outdated building density patterns and inadequate transportation and parking facilities as factors leading to blight.
- “Community redevelopment” or “redevelopment” is redefined to include rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically underutilized as appropriate subjects of redevelopment.
- “Community redevelopment area” is redefined to include a coastal and tourist area that is deteriorating and economically underutilized due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout.

Section 3. Section 163.336, F.S., is created to provide a finding that some coastal resort and tourist areas are deteriorating and declining as recreation and tourist centers, that it is appropriate to undertake a pilot project to determine the feasibility of encouraging redevelopment of economically underutilized coastal properties to allow full utilization of existing urban infrastructure such as roads and utility lines, and that such activities can have a beneficial impact on local and state economies and provide job opportunities and revitalization of urban areas.

The DEP is directed to administer a pilot project to facilitate and demonstrate techniques for redevelopment of economically underutilized coastal resort and tourist areas. The pilot project is to be administered in the coastal areas of Florida's Atlantic Coast between the St. Johns River entrance and Ponce de Leon Inlet. In order to participate in the project, all or a portion of the area must be in the coastal building zone defined in s. 161.54, F.S., and must be designated a community redevelopment area, enterprise zone, brownfield area, empowerment zone, or other economically deprived area by the county or municipality having jurisdiction over the area.

This section encourages local governments to use the full range of economic and tax incentives available to facilitate and promote redevelopment and revitalization within the pilot project areas.

The Office of the Governor, DEP, and the Department of Community Affairs (DCA) must provide technical assistance to expedite permitting for redevelopment projects and construction activities within the pilot project areas. Where appropriate, the provisions of s. 403.973, F.S., should be followed to expedite the process.

The DEP is directed to exempt construction activities within the pilot project area in locations seaward of a CCCL and landward of existing armoring from certain siting and design criteria pursuant to s. 161.053, F.S. However, such an exemption may not exempt property within the pilot project area from applicable local land development regulations, including but not limited to, set back, side lot line, and lot coverage requirements. The exemption will also apply to construction and redevelopment of structures involving the coverage, excavation, and impervious surface criteria of s. 161.053, F.S., and related adopted rules, as follows:

- The DEP's review of applications for permits for coastal construction within the pilot project area must apply to construction and redevelopment of structures subject to the coverage, excavation, and impervious surface criteria of s. 161.053, F.S., and related adopted rules. Intent is provided that the pilot project area be enabled to redevelop in a manner which meets the economic needs of the area while preserving public safety and existing resources, including natural resources.
- The criteria for review under s. 161.053, F.S., is applicable within the pilot project area, except that the structures are allowed to exceed 60 percent shore parallel coverage and 50 percent impervious surface. Structures are also not bound by the restrictions on excavation unless the construction will adversely affect the integrity of the existing seawall or rigid coastal armoring structure or stability of the existing beach and dune system. It is specifically contemplated that underground structures, including garages, will be permitted. All beach-compatible material excavated under this authority must be maintained on site, seaward of the coastal construction control line.
- The review criteria set out above will apply to all construction within the pilot project area lying seaward of the coastal construction control line and landward of an existing viable seawall or rigid coastal armoring structure, if the construction is fronted by a seawall or rigid coastal armoring structure extending at least 1,000 feet without any interruptions other than

beach access points. For these purposes, a viable seawall or rigid coastal armoring structure is a structure that has not deteriorated, become dilapidated, or been damaged to such a degree that it no longer provides adequate protection to the upland property when considering the following criteria, including, but not limited to:

- The top must be at or above the still-water level, including setup, for the design storm of 30-year return storm plus the breaking wave calculated at its highest achievable level based on the maximum eroded beach profile and highest surge level combination, and must be high enough to preclude runup overtopping;
- The armoring must be stable under the design storm of 30-year return storm including maximum localized scour, with adequate penetration; and
- The armoring must have sufficient continuity or return walls to prevent flooding under the design storm of 30-year return storm from impacting the proposed construction.

This section provides that where a continuous line of rigid coastal armoring structure exists on either side of unarmored property and the adjacent lines of rigid coastal armoring structures are having an adverse effect on or threaten the unarmored property, the department may grant the necessary permits under s. 161.085, F.S., to close the gap.

The authorization for the pilot project and the provisions of s. 163.336, F.S., expire December 31, 2002. The Legislature will review these requirements before their scheduled expiration.

This act shall take effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

**Economic Impact and Fiscal Note:**

A.

None.

B.

If enactment of this bill results in redevelopment that enhances economic conditions and opportunities in the pilot project area, businesses and others could benefit from increased

C. Government Sector Impact:

requirement that the DEP, DCA, and Governor's Office provide technical assistance to expedite permitting are not expected to impose significant workload requirements.

**Technical Deficiencies:**

None.

**Related Issues:**

None.

**Amendments:**

#1 by Natural Resources:

replace a non-viable rigid coastal armoring structure with a viable rigid coastal armoring structure, where a continuous line of viable rigid coastal armoring structure exists on either side of the non-