

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Environmental Preservation Committee

BILL: CS/SB 2490

SPONSOR: Community Affairs Committee and Senator Clary

SUBJECT: Small Scale Comprehensive Plan Amendments

DATE: April 14, 2005 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	Fav/CS
2.	Kiger	Kiger	EP	Fav/1 amendment
3.			CM	
4.				
5.				
6.				

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This committee substitute (CS) increases from 10 to 25 the annual acreage limit on small scale comprehensive plan amendments in counties designated a rural area of critical economic concern by the Governor. It provides a waiver for small scale amendments in these designated areas from the ownership and contiguity restriction in s. 163.3187(1)(c)1.c., F.S. Also, it exempts plan amendments in a rural area of critical economic concern from the twice-per-year limitation on plan amendments.

In addition, the CS increases the percentage thresholds, by 150 percent, that determine whether a development is subject to development-of-regional-impact review if it is within a county that shares a common border with more than 3 counties that have been redesignated as a rural area of critical economic concern.

This CS substantially amends section 163.3187 of the Florida Statutes.

II. Present Situation:

Small Scale Plan Amendments

A local government may amend its comprehensive plan provided certain conditions are met including two advertised public hearings on a proposed amendment before its adoption and mandatory review by the Department of Community Affairs (DCA). A local government may

amend its comprehensive plan only twice per year with certain exceptions. Small-scale plan amendments are treated differently. These amendments may not change goals, policies, or objectives of the local government's comprehensive plan. Instead, these amendments propose changes to the future land use map for site-specific small scale development activity.

In order to be considered a small-scale amendment, the property(s) must be 10 acres or fewer, be no closer than 200 feet from a property owned by the same person and which was granted a plan amendment during the previous year, and not located within an area of critical state concern. A proposed small scale amendment only requires one hearing for the amendment to be adopted by the local government, is not affected by the twice-per-year restriction on plan amendments, and is not subject to mandatory review by DCA. The local government submitting the small scale amendment is limited to a cumulative acre limit per year for such amendments. The annual limit is 80 or 120 acres within a local government's jurisdiction depending on whether the local government has an urban infill and redevelopment area, a transportation concurrency exception area, or regional activity center and urban central business district.

Rural Areas of Critical Economic Concern

In 1999, the Legislature enacted the Rural Economic Development Initiative (REDI) that authorized the Governor to establish up to three areas for designation as rural areas of critical economic concern. This legislation is intended to coordinate efforts of state and regional agencies for rural communities that are adversely affected by extraordinary economic events. The following three regions have been designated as rural areas of critical economic concern:

- 1st Rural Area of Critical Economic Concern – Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, and Washington counties and the city of Freeport.
- 2nd Rural Area of Critical Economic Concern – Desoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties; the cities of Belle Glade, Pahokee, and South Bay; and the unincorporated community of Immokalee.
- 3rd Rural Area of Critical State Concern – Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwanee, Taylor, and Union.

The Governor, by executive order, redesignated the 1st Rural Area of Critical Economic Concern and added the City of Freeport on December 6, 2004.¹ The redesignation is effective for five years.

Development of Regional Impact Program

Section 380.06, F.S., governs the Development of Regional Impact (DRI) program and establishes the basic process for DRI review. The DRI program is a vehicle that provides state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one county.² For those land uses that are subject to review, numerical thresholds are identified in s. 380.0651, F.S., and Chapter 28-24, Florida Administrative Code. Examples of the land uses for which guidelines are established include: airports; attractions and recreational facilities; industrial plants and industrial parks; office parks;

¹ Executive Order No. 04-250

² S. 380.06(1), F.S.

port facilities, including marinas; hotel or motel development; retail and service development; recreational vehicle development; multi-use development; residential development; and schools.

State Guidelines and Standards under the DRI Program

Section 380.06(2)(e), F.S., increases the applicable guidelines and standards by 50 percent for residential, hotel, motel, office, and retail developments in urban central business districts and regional activity centers if the local government's comprehensive plan is in compliance with part II of ch. 163, F.S. It also increases the applicable guidelines and standards by 150 percent for multiuse projects in urban central business districts and regional activity centers if the local comprehensive plan is in compliance and one land use in the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. An urban central business district is defined as the urban core area of a municipality with a population of 25,000 or greater which is located within an urbanized area as identified in the 1990 census.³ Such a district must contain high intensity, high density multi-use development which includes "retail, office, cultural, recreational and entertainment facilities, hotels or motels, or other appropriate industrial activities. In addition, this section provides a 150-percent increase in the applicable guidelines and standards for development in an area designated as a rural area of critical economic concern pursuant to s. 288.0656(7), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3187, F.S., to increase the annual acreage limit for small scale comprehensive plan amendments in counties designated as rural areas of critical economic concern by the Governor by 150 percent. This takes the limit on each amendment from 10 acres in s. 163.3187(1)(c)1., F.S., to 25 acres and increases the cumulative annual total from 120 acres in s. 163.3187(1)(c)1.a.(I), F.S., to 300 acres.

This CS provides a waiver for rural areas of critical economic concern from the restriction in s. 163.3187(1)(c)1.c., F.S., against a small scale plan amendment involving property within 200 feet of the same owner's property that was granted a plan amendment within the last year.

Finally, it exempts plan amendments submitted by a county that has been designated as a rural area of critical economic concern and which meets the county's economic development objectives from the twice-per-year limitation on the frequency of plan amendments.

Section 2 amends s. 380.06(2)(e), F.S., to increase the percentage thresholds, by 150 percent, that determine whether a development is subject to development-of-regional-impact review if it is within a county that shares a common border with more than 3 counties that are within an area that has been redesignated as a rural area of critical economic concern. The increase in the threshold is limited to the period of redesignation.

Section 3 provides the act shall take effect July 1, 2005.

³ Rule 28-24.014(10)(c)1., Fla. Admin. Code

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DCA reports that the proposed increase in acreage and the elimination of the ownership and contiguity provisions could allow up to 3,000 units and more than 13 million square feet of commercial or industrial development without going through the plan amendment review process.

VIII. Summary of Amendments:

Barcode 565932 by Environmental Preservation:

The amendment changes a proposed revision concerning comprehensive plan changes not subject to the twice a year amendment limitation. The bill creates an exemption for small scale plan amendments within an area that is designated as a rural area of critical economic concern for areas of 10 acres provided that the proposed increase shall not be greater than 150 percent to 25 acres. The amendment changes the threshold to 100 percent to 20 acres and directs that the Office of Tourism, Trade, and Economic Development must certify that the amendment furthers economic development. In addition the plan amendment shall also undergo public review to ensure that all concurrency requirements are met.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
