

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
.
.  
.

1 Representative Benson offered the following:

2  
3 **Amendment (with title amendment)**

4 On page 66, between lines 5 and 6, insert:

5 Section 7. Paragraph (c) of subsection (1) of section  
6 163.3187, Florida Statutes, is amended to read:

7 163.3187 Amendment of adopted comprehensive plan.--

8 (1) Amendments to comprehensive plans adopted pursuant to  
9 this part may be made not more than two times during any  
10 calendar year, except:

11 (c) Any local government comprehensive plan amendments  
12 directly related to proposed small scale development activities  
13 may be approved without regard to statutory limits on the  
14 frequency of consideration of amendments to the local

156037

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 360

Amendment No. (for drafter's use only)

15 comprehensive plan. A small scale development amendment may be  
16 adopted only under the following conditions:

17 1. The proposed amendment involves a use of 10 acres or  
18 fewer and:

19 a. The cumulative annual effect of the acreage for all  
20 small scale development amendments adopted by the local  
21 government shall not exceed:

22 (I) A maximum of 120 acres in a local government that  
23 contains areas specifically designated in the local  
24 comprehensive plan for urban infill, urban redevelopment, or  
25 downtown revitalization as defined in s. 163.3164, urban infill  
26 and redevelopment areas designated under s. 163.2517,  
27 transportation concurrency exception areas approved pursuant to  
28 s. 163.3180(5), or regional activity centers and urban central  
29 business districts approved pursuant to s. 380.06(2)(e);  
30 however, amendments under this paragraph may be applied to no  
31 more than 60 acres annually of property outside the designated  
32 areas listed in this sub-sub-subparagraph. Amendments adopted  
33 pursuant to paragraph (k) shall not be counted toward the  
34 acreage limitations for small scale amendments under this  
35 paragraph.

36 (II) A maximum of 80 acres in a local government that does  
37 not contain any of the designated areas set forth in sub-sub-  
38 subparagraph (I).

39 (III) A maximum of 120 acres in a county established  
40 pursuant to s. 9, Art. VIII of the State Constitution.

156037

5/5/2005 9:05:36 AM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 360

Amendment No. (for drafter's use only)

41           b. The proposed amendment does not involve the same  
42 property granted a change within the prior 12 months.

43           c. The proposed amendment does not involve the same  
44 owner's property within 200 feet of property granted a change  
45 within the prior 12 months.

46           d. The proposed amendment does not involve a text change  
47 to the goals, policies, and objectives of the local government's  
48 comprehensive plan, but only proposes a land use change to the  
49 future land use map for a site-specific small scale development  
50 activity.

51           e. The property that is the subject of the proposed  
52 amendment is not located within an area of critical state  
53 concern, unless the project subject to the proposed amendment  
54 involves the construction of affordable housing units meeting  
55 the criteria of s. 420.0004(3), and is located within an area of  
56 critical state concern designated by s. 380.0552 or by the  
57 Administration Commission pursuant to s. 380.05(1). Such  
58 amendment is not subject to the density limitations of sub-  
59 subparagraph f., and shall be reviewed by the state land  
60 planning agency for consistency with the principles for guiding  
61 development applicable to the area of critical state concern  
62 where the amendment is located and shall not become effective  
63 until a final order is issued under s. 380.05(6).

64           f. If the proposed amendment involves a residential land  
65 use, the residential land use has a density of 10 units or less  
66 per acre or the proposed future land use category allows a  
67 maximum residential density of the same or less than the maximum

156037

5/5/2005 9:05:36 AM

Amendment No. (for drafter's use only)

68 residential density allowable under the existing future land use  
69 category, except that this limitation does not apply to small  
70 scale amendments described in sub-sub-subparagraph a.(I) that  
71 are designated in the local comprehensive plan for urban infill,  
72 urban redevelopment, or downtown revitalization as defined in s.  
73 163.3164, urban infill and redevelopment areas designated under  
74 s. 163.2517, transportation concurrency exception areas approved  
75 pursuant to s. 163.3180(5), or regional activity centers and  
76 urban central business districts approved pursuant to s.  
77 380.06(2)(e).

78 2.a. A local government that proposes to consider a plan  
79 amendment pursuant to this paragraph is not required to comply  
80 with the procedures and public notice requirements of s.  
81 163.3184(15)(c) for such plan amendments if the local government  
82 complies with the provisions in s. 125.66(4)(a) for a county or  
83 in s. 166.041(3)(c) for a municipality. If a request for a plan  
84 amendment under this paragraph is initiated by other than the  
85 local government, public notice is required.

86 b. The local government shall send copies of the notice  
87 and amendment to the state land planning agency, the regional  
88 planning council, and any other person or entity requesting a  
89 copy. This information shall also include a statement  
90 identifying any property subject to the amendment that is  
91 located within a coastal high hazard area as identified in the  
92 local comprehensive plan.

93 3. Small scale development amendments adopted pursuant to  
94 this paragraph require only one public hearing before the

156037

5/5/2005 9:05:36 AM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 360

Amendment No. (for drafter's use only)

95 governing board, which shall be an adoption hearing as described  
96 in s. 163.3184(7), and are not subject to the requirements of s.  
97 163.3184(3)-(6) unless the local government elects to have them  
98 subject to those requirements.

99

100 ===== T I T L E A M E N D M E N T =====

101 On page 3, line 15, remove all of said line and insert:  
102 amending s. 163.3187, F.S.; providing an exemption from a  
103 limit on comprehensive plan amendments for certain small  
104 scale developments when the proposed future land use  
105 category allows a maximum residential density of the same  
106 or less than the present category; amending s. 163.3191,  
107 F.S.; providing

156037

5/5/2005 9:05:36 AM