

Bill No. CS for SB 1020

Barcode 552140

CHAMBER ACTION

Senate

House

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Comm: WD  
03/27/2006 05:29 PM

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The Committee on Environmental Preservation (Baker)  
recommended the following **amendment to amendment** (934324):

**Senate Amendment (with title amendment)**

On page 35, between lines 2 and 3,

insert:

Section 8. Section 360.0652, Florida Statutes, is  
created to read:

380.0652 Comprehensive plan amendments for development  
of regional impact; scale developments creating new towns in  
rural areas.--

(1) This section may be cited as the "Rural Town and  
Conservation Lands Act."

(2) The Legislature finds that through flexible and  
innovative planning and design rural towns may be created  
which promote job creation and economic diversification;  
secure permanent protection for important ecosystems, natural  
lands, wildlife habitats, and agricultural use; and discourage  
urban sprawl as required by rule 9J-5, Florida Administrative  
Code. This section is intended primarily for use by

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1 large-scale developments that would use the  
2 development-of-regional-impact or optional-sector-plan  
3 programs.

4 (3) To be eligible to use this section, a county must  
5 be designated as a rural area of economic concern or have a  
6 population of fewer than 500,000 persons and have a future  
7 land use map whereon rural land, defined as land having a  
8 density of less than or equal to one unit per 5 acres,  
9 comprises 50 percent or more of all land area, excluding lands  
10 designated as conservation areas within the jurisdiction.  
11 Eligibility shall be determined as of the date a plan  
12 amendment is adopted pursuant to this section. A landowner or  
13 a local government may apply for such a plan amendment.

14 (4) An amendment to a comprehensive plan land use map  
15 which increases density and intensity of land use based on  
16 economic need and conservation goals may be adopted in  
17 accordance with this section. Such a plan amendment is not  
18 limited by land-use-needs assessments strictly related to  
19 projected population growth. Prior to, or concurrent with, the  
20 adoption of an amendment to a rural town land use map, a  
21 county meeting the eligibility requirements in subsection (3)  
22 shall adopt an economic objective and implement policies to  
23 define strategies for the development and integration of rural  
24 towns within the county. The economic objective must specify  
25 measurable targets for economic growth and related indices,  
26 such as job creation, economic diversification, capital  
27 investment, and other factors as addressed in the analysis  
28 supporting the amendment. Implementing policies must address  
29 how future rural towns are to be incorporated within the  
30 overall planning strategy for the county as defined in the  
31 comprehensive plan; include strategies to promote the

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1 continued viability of existing downtowns and other  
 2 established business districts; and provide strategies to  
 3 achieve the economic targets set forth in the objective,  
 4 including how achievement of such objectives will be  
 5 accomplished on a countywide basis through integration of  
 6 rural towns by planning for economic linkages, transportation  
 7 connectivity, and social interaction between new rural towns  
 8 and existing downtowns and other significant rural centers.

9       (5) The proposed amendment to the rural town future  
 10 land use map must include a minimum of 25,000 acres and may  
 11 not be located within coastal high-hazard areas, Coastal  
 12 Barrier Resource System Areas, or Areas of Critical State  
 13 Concern. A county meeting the eligibility criteria in  
 14 subsection (2) shall, concurrent with the adoption of any  
 15 amendment to the rural town future land use map, adopt  
 16 comprehensive plan policies to guide the planning and  
 17 development of the rural town that is the subject of the  
 18 amendment. Such planning amendments must be internally  
 19 consistent with the comprehensive plan, including the economic  
 20 objective and economic policies developed pursuant to  
 21 subsection (4), and shall provide adequate policy direction to  
 22 ensure that the rural town complies with the following  
 23 planning and design criteria:

24       1. Contains an integrated mix of land uses which  
 25 includes residential uses, employment uses, retail and service  
 26 uses, community facilities, schools, and conservation uses to  
 27 ensure a balanced, complete community and to minimize external  
 28 impacts, or contains an integrated mix of uses appropriate for  
 29 any portion proposed as a self-contained retirement community;

30       2. Includes a variety of densities and housing types  
 31 necessary to support the objectives of this section, including

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1 a high-density, mixed-use urban core designed pursuant to  
 2 neo-traditional design principles, and providing a minimum  
 3 density of three units per net acre within the developable  
 4 portion of the amendment site which is not included within  
 5 easements;

6       3. Is designed to promote multimodal alternatives,  
 7 including walking, bicycling, motorized personal vehicles, and  
 8 transit by providing interconnectivity between modes, ensuring  
 9 that a minimum of 25 percent of all housing units are located  
 10 within one-half mile of planned, nonresidential centers, and  
 11 by limiting cul-de-sacs, gated subdivisions, and similar  
 12 features that disrupt connectivity and walkability;

13       4. Designates by means of an easement as conservation  
 14 lands or otherwise protects through easement all regionally  
 15 significant wetlands and surface waters, high-quality habitats  
 16 as determined based on the Integrated Wildlife Habitat Ranking  
 17 system, and significant wildlife corridors. If such areas do  
 18 not comprise at least 50 percent of the gross areas of the  
 19 rural town amendment site, additional easements shall be  
 20 applied to other environmentally sensitive habitats or  
 21 agricultural areas to ensure that a minimum of 50 percent of  
 22 the amendment site is protected by easements. In order to  
 23 encourage additional land conservation and further  
 24 neo-traditional design principles, an additional density bonus  
 25 shall be allowed at the rate of one unit per net acre for each  
 26 additional 10 percent, or proportion thereof, of the amendment  
 27 site which is protected through easements over the minimum 50  
 28 percent requirement. Areas protected by easements may also  
 29 include passive recreational uses. The provisions of s.  
 30 163.3177(11)(d) may be used in conjunction with the creation  
 31 of a new town under this section;

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1           5. Includes buffers to protect adjacent agricultural  
2 and natural resources, requires agricultural easements or open  
3 space designations for all prime farmland as defined by Title  
4 7, Part 657, of the Code of Federal Regulations, and provides  
5 incentive-based policies to promote retention of highly  
6 productive agriculture and agribusiness as an economic sector  
7 within the county;

8           6. Requires that a conceptual overlay site plan be  
9 adopted into the comprehensive plan which generally depicts  
10 the organization of land uses, habitat conservation areas,  
11 major open space and buffer areas, waterbodies, roadways, and  
12 other features and is consistent with the policies adopted in  
13 the comprehensive plan pursuant to this subsection.

14 Development-of-regional-impact development orders and other  
15 permitted development within the proposed amendment site must  
16 be consistent with the conceptual site plan and may be adopted  
17 concurrent with, or subsequent to, the adoption of the plan  
18 amendment;

19           7. Achieves a positive net fiscal impact on the  
20 jurisdiction as determined through the use of a professionally  
21 acceptable fiscal-impact model or methodology;

22           8. Is financially feasible and supported by policies  
23 to ensure infrastructure is provided on a phased basis to  
24 address identified needs through the long-range planning  
25 period of the adopted comprehensive plan; a development  
26 agreement or development-of-regional-impact development order  
27 shall be referenced in the capital improvements schedule to  
28 address financial feasibility and to provide appropriate  
29 phasing strategies for the long-term provision of required  
30 infrastructure. Infrastructure within the rural town may not  
31 be extended beyond the boundaries of the rural town, except

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1 where appropriate to serve existing developments that are  
2 proximate to the rural town; and

3 9. Includes a phasing schedule to ensure that  
4 nonresidential uses are developed on a timely basis to support  
5 planned residential uses and that at least 50 percent of the  
6 residential units in a proposed phase are permitted prior to  
7 issuance of permits for residential uses in the next phase of  
8 the development.

9 (6) The Legislature finds that a rural town created  
10 pursuant to this section is an appropriate approach to  
11 conversion of rural lands and that the planning strategies  
12 required by this section discourage urban sprawl. In  
13 conducting the compliance review required pursuant to s.  
14 163.3184, the state land planning agency may not find a rural  
15 town map amendment or rural town text amendment not in  
16 compliance as related to need or urban sprawl as addressed in  
17 s. 163.3177(6)(a) and rule 9J-5.006, Florida Administrative  
18 Code, if the requirements of this section are met. This  
19 section does not limit the ability of the state land planning  
20 agency to find an amendment to a rural town future land use  
21 map or rural town policies adopted consistent with this  
22 section not in compliance based on other statutory criteria  
23 not related to need or urban sprawl, including internal  
24 consistency with the goals, objectives, and policies of the  
25 local government comprehensive plan.

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27 (Redesignate subsequent sections.)

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

31 And the title is amended as follows:

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1 On page 43, line 21, after the first semicolon,

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3 insert:

4 creating s. 380.0652, F.S.; creating the "Rural

5 Town and Conservation Lands Act"; providing

6 legislative findings and intent; providing for

7 eligibility of a county to use the act;

8 providing criteria for adoption of a

9 comprehensive land use amendment increasing

10 density and intensity of land use regardless of

11 otherwise applicable requirements concerning

12 land use need assessment and projected

13 population growth; providing for adoption of an

14 amendment to a rural town future land use map;

15 requiring an eligible county to adopt an

16 economic objective and implementing policies

17 concerning strategies relating to rural towns;

18 providing criteria applicable to such objective

19 and policies; providing size and location

20 requirements for an amendment to a proposed

21 rural town future land use map; requiring an

22 eligible county to adopt comprehensive plan

23 policies applicable to the rural town that is

24 the subject of the amendment, concurrent with

25 its adoption of such a rural town map

26 amendment; requiring an amendment to a rural

27 town future land use map plan to be internally

28 consistent with the comprehensive plan,

29 including the economic objective and

30 implementing policies concerning rural towns;

31 requiring such planning amendments concerning a

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1 rural town to provide adequate policy direction  
2 to ensure that the rural town complies with a  
3 diverse list of planning and design criteria  
4 addressing land uses, densities, housing types,  
5 transportation, conservation lands,  
6 environmentally sensitive habitats,  
7 agricultural areas, buffers, natural resources,  
8 agribusiness, fiscal impact on the county,  
9 financial feasibility, and provision of  
10 infrastructure, reference to a development of  
11 regional impact or development agreement in the  
12 capital improvements schedule of the county,  
13 and phased development; authorizing use of s.  
14 163.3177(11)(d), F.S., concerning encouragement  
15 of implementation of innovative and flexible  
16 planning and development strategies and  
17 creative land-use-planning techniques, in  
18 conjunction with creation of a new town under  
19 the act; providing for adoption of a  
20 development order authorizing a development of  
21 regional impact or other development within the  
22 site of a proposed amendment to a rural town  
23 future land use map; providing additional  
24 legislative findings; prohibiting, under  
25 specified conditions, a finding of  
26 noncompliance by the state land planning agency  
27 regarding a proposed amendment to a rural town  
28 future land-use map or a rural town text  
29 amendment to a comprehensive plan if such  
30 amendment meets the requirements of the act;  
31 authorizing a finding of noncompliance for such

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1 an amendment if the noncompliance is based on  
2 certain other statutory criteria;  
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