By the Committee on Judiciary; and Senator Calatayud

590-02690-26 20261434c1

A bill to be entitled

An act relating to infill redevelopment; creating s. 163.2525, F.S.; providing a short title; providing legislative findings; defining terms; providing applicability; requiring that a local government permit qualifying parcels to be developed with residential uses; limiting the density of certain development for a specified purpose; requiring the intensity of certain development to comply with certain standards; requiring a local government to administratively approve an application for the subdivision of a qualifying parcel under certain circumstances; prohibiting a local government from using the subdivision process to restrict development in a certain manner; requiring developers of qualifying parcels to maintain a specified buffer between new developments and single-family homes and townhouses under certain circumstances; providing requirements for such buffer areas; providing construction; requiring developers of qualifying parcels to establish that certain recreational facilities and areas reserved for recreational use have not been in operation or use for a certain timeframe; requiring developers of such parcels to pay double the parks and recreation facilities impact fees for a certain purpose and provide certain written notice to property owners; providing requirements for the written notice; requiring that property owners who receive such written notice and wish to exercise an

option to purchase certain parcels or portions thereof meet specified requirements within a specified timeframe or forfeit the option; limiting the price at which such parcels or portions of parcels may be offered to the property owners for purchase; requiring the administrative approval of certain proposed developments; authorizing a local government to administratively require compliance with architectural design regulations under certain circumstances; requiring a developer to establish consistency with applicable concurrency requirements; requiring each local government to maintain a certain policy on its website; providing applicability; prohibiting a local government from adopting or enforcing certain local laws, ordinances, or regulations; requiring liberal construction of certain provisions; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Section 163.2525, Florida Statutes, is created to read:

163.2525 Infill Redevelopment Act.—

(1) SHORT TITLE.—This section may be cited as the "Infill Redevelopment Act."

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

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

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

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

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

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

(d) "Environmentally impacted land" means a parcel of land:

1. Upon any portion of which a contaminant or pollutant has been detected above the applicable local, state, or federal residential cleanup target levels from Phase II environmental site assessment activities; or

2. Any portion of which is located in a brownfield area designated pursuant to s. 376.80.

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

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

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

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

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

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

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section applies to environmentally impacted land consisting of at least 5 acres adjacent to a parcel of land within the same jurisdiction which is zoned for residential uses as of right and which is within a county that meets both of the following requirements:

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

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

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

1. Designated agricultural land.

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

3. Land outside an urban growth boundary.

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

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

(5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law, ordinance, or regulation, a local government shall permit a qualifying parcel to be developed with residential uses. To ensure compatibility with the character of the local community, the density of development authorized under this section may not exceed the average density of all zoning districts within the same jurisdiction which are applicable to parcels adjacent to the qualifying parcel and which allow residential uses as of right or 25 dwelling units per acre, whichever is lower. The intensity of development must comply with the standards applicable to any parcel adjacent to the qualifying parcel.

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

(7) BUFFER FROM RESIDENTIAL USES.—If a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 20 feet between the new development and the single-family homes or townhouses. The buffer area must be measured from lot line to lot line and must be maintained as open space or improved with passive recreational facilities accessible to the community. For

purposes of this subsection, swales and water retention areas are considered open space.

(8) RECREATIONAL FACILITIES.—

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

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

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

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

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

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

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

(b) Property owners who receive the notice required under

subparagraph (a)3. and wish to exercise the option to purchase the parcel or portion thereof containing the recreational facilities or areas must exercise the option and close on the property, and accept a deed restriction or record a restrictive covenant requiring the property to be maintained as a recreational area or open space for at least 30 years, within 90 days after the notice is mailed or forfeit the option. The parcel or portion thereof must be offered to such property owners for purchase at a price that may not exceed the greater of:

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

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

(9) DEVELOPMENT APPLICATIONS.—The proposed development of a qualifying parcel which complies with the requirements of this section must be administratively approved, and no further action by the governing body of a local government is required. However, a local government may administratively require a proposed development to comply with local regulations relating to architectural design if review by a board is not required and if such regulations would apply, and are generally applicable, to comparable residential development within the jurisdiction and do not limit the density or intensity of development below that authorized by this section. A developer must establish consistency with applicable concurrency requirements at such time as local regulations would require for a comparable residential development within its jurisdiction. Each local

government shall maintain on its website a policy containing procedures and expectations for administrative approval under this subsection.

(10) APPLICATION, PREEMPTION, AND CONSTRUCTION.—This section applies to development applications submitted pursuant to this section on or after the effective date of this act. A local government may not adopt or enforce a local law, an ordinance, or a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with this section. This section shall be liberally construed to effectuate its intent.

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

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