

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
June 13, 2011–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Invocation/Pledge of Allegiance to the Flag.
3. Proof of Publication.
4. Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Summary Minutes of the May 9, 2011 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for June 2011.

C. Planning Board 6-Month Outlook for June 2011.

5. Public Hearings.

LDC Ordinance - Article 6 "Uses and Parking of Recreational Vehicles"

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) amending Article 6 "General Provisions", Section 6.04.04 to redefine "uses and parking of recreational vehicles."

6. Action/Discussion/Info Items.

A. Discussion Item -- New Growth Management Legislation, presented by Lloyd Kerr, Director, Development Services

7. Public Forum.
8. Director's Review.
9. County Attorney's Report.
10. Scheduling of Future Meetings.

A. The next Regular Planning Board meeting is scheduled for **Monday, July 11, 2011 at 8:35 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.

12. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-856

Item #: 4.

Planning Board-Regular

Meeting
Date: 06/13/2011

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Summary Minutes of the May 9, 2011 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for June 2011.

C. Planning Board 6-Month Outlook for June 2011.

Attachments

Meeting Summary

Monthly Action Followup

6 Month Outlook

**SUMMARY OF THE
ESCAMBIA COUNTY PLANNING BOARD
HELD ON MAY 9, 2011
ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, FIRST FLOOR
PENSACOLA, FLORIDA**

(8:31 A.M. – 10:55 A.M.)

MEMBERS PRESENT: Wayne Briske, Chairman
Tim Tate, Vice Chair
Steven Barry
Dorothy Davis
Vann Goodloe
Karen Sindel
Alvin Wingate
Stephanie Oram, Navy Representative (non-voting)

MEMBERS ABSENT: Patty Hightower, School Board Representative (non-voting)

STAFF PRESENT: Stephen West, Assistant County Attorney
Horace Jones, Division Manager, Planning & Zoning
Andrew Holmer, Senior Planner, Planning & Zoning
Allyson Cain, Planner II, Planning & Zoning
John Fisher, Planner II, Planning & Zoning
Juan Lemos, Urban Planner I, Planning & Zoning
Karen Spitsbergen, Board Clerk, Planning & Zoning

8:31 AM Quasi-Judicial Meeting Convened

1. The meeting was called to order at 8:31 a.m. with 7 voting members present.
2. Invocation and pledge was given by Wingate.
3. Proof of Publication was given by the Board Clerk.
4. Rezoning Public Hearings

A. Case No.:	Z-2011-08
Location:	310 E Johnson Ave
From:	R-5, Urban Residential/Limited Office District (cumulative) High Density, (20 du/acre)
To:	C-1, Retail Commercial District, (cumulative) (25 du/acre)
Requested by:	Robert Payne, Agent for G. M. and Louise Jernigan, Owners
Speakers:	Robert Payne, Agent Olive Davis Priscilla Baldwin

Motion was made by Barry to accept staff's findings of fact and recommend denial of the C-1 request; however, recommend approval of R-6 based on the submitted compatibility analysis resulting in a logical and orderly

development pattern and waiving the locational criteria for the proposed amendment seconded by Sindel and passed unanimously (7-0).

B. Case No.: Z-2011-09
Location: 3411 John St
From: R-4, Multiple-Family District, (cumulative)
Medium High Density (18 du/acre)
To: R-5, Urban Residential/Limited Office District,
(cumulative) High-Density (20 du/acre)
Requested by: Tanaya Rosa, Agent for
Keith L. Davis, Owner
Speakers: Tanaya Rosa, Agent
Ronetta Jones

Motion was made by Davis to accept staff's findings of fact and recommend approval of the R-5 request, seconded by Tate and passed unanimously (7-0).

9:35 AM Quasi-Judicial Meeting Adjourned

9:54 AM Regular Meeting Convened

1. The meeting was called to order at 9:54 a.m. with 7 voting members present.
2. No Proof of publication was requested.
3. Board Minutes
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Summary Minutes of the April 11, 2011 Planning Board Meeting.
Motion was made by Barry to approve the meeting minutes, seconded by Sindel and passed unanimously (7-0).
 - B. Planning Board Monthly Action Follow-up Report for May 2011.
No Action Taken.
 - C. Planning Board 6-Month Outlook for May 2011.
No Action Taken.
4. Public Hearings
 - A. **LDC Ordinance** – Article 6, “Motorized Commercial Recreation”, presented by Horace Jones, Division Manager, Planning & Zoning
Motion was made by Barry to recommend to the BCC for adoption an Ordinance to the Land Development Code (LDC) Article 6, Section 6.05.22.B to add motorized commercial recreational uses (with a minimum lot size of 20 acres) as a permitted use in the VAG zoning districts, and add golf courses, tennis centers, swimming clubs and customary attendant facilities and accessory buildings as permitted

uses in the VAG zoning districts, seconded by Goodloe and passed unanimously (7-0).

5. Action/Discussion/Info Items

- A. **Discussion Item** – AICUZ Briefing, presented by Stephanie Oram, Navy Representative

Ms. Oram introduced Captain Chris Plummer to the Planning Board and Mr. Fred Pearson, AICUZ expert who gave a brief presentation on the changes to the AICUZ and JLUS Studies for Escambia County.

- B. **Action Item** – Proposed LDC Ordinance – RVs as living quarters; presented by Andrew Holmer, Senior Planner, Planning & Zoning.

Motion was made by Barry that language “(any time in excess of 14 days is subject to a conditional use permit)” be deleted from LDC Article 6, Section 6.04.04, seconded by Sindel and passed unanimously (7-0).

- C. **Discussion Item** – Proposed LDC Ordinance – Provision for “all-weather” surfaces for required parking spaces; presented by Lloyd Kerr, Director, Development Services.

Staff was directed not to expand the use of grass parking, and allow the language to remain the same within the LDC by the Board.

6. Bureau Chief’s Report

No report.

7. County Attorney’s Report

No report.

8. Announcements/Communications

No announcement/communications made.

9. Scheduling of Future Meetings

- A. The next Regular Planning Board meeting is scheduled for **Monday, June 13, 2011** at 8:30 a.m., in the Escambia County Central Office Complex, Board Meeting Room, Room 104, 3363 West Park Place, Pensacola, Florida.

10. Adjournment

10:55 AM – Regular Board Meeting Adjourned



BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

DEVELOPMENT SERVICES DEPARTMENT
3363 WEST PARK PLACE
PENSACOLA, FLORIDA 32505
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MEMORANDUM

TO: Planning Board

FROM: Karen Spitsbergen, Clerk to the Board
Planning & Zoning Division

DATE: May 21, 2011

RE: Monthly Action Follow-Up Report for June 2011

Following is a status report of Planning Board (PB) Agenda Items for the Month of **June**. Some items include information from previous months in cases where final disposition has not yet been determined. Post-monthly actions are included (when known) as of report preparation date. Items are listed in chronological order, beginning with the PB initial hearing on the topic.

PROJECTS, PLANS, & PROGRAMS

1. *Optional Sector Plan (OSP) Detailed Specific Area Plan (DSAP)*

- 03/17/11 The BCC approved an amended Mid-West Escambia County Optional Sector Plan Detailed Specific Area Plan Boundary.
- 05/11/11 Staff held a Conceptual Plan Workshop at Ransom Middle School to discuss the preliminary Detailed Specific Area Plan (DSAP)

COMMITTEES & WORKING GROUP MEETINGS

None

LAND DEVELOPMENT CODE ORDINANCES

1. *Article 6 Motorized Commercial Recreational Uses*

- 03/07/11 PB discussed including motorized commercial recreational uses as a permitted use within the VAG zoning districts
- 04/11/11 PB directed staff to draft language to be included in the LDC that would allow motorized commercial uses within the VAG zoning districts (with a minimum lot size of 20 acres). In addition, changing golf courses, tennis centers, swimming clubs and customary attendant facilities and accessory buildings from a conditional use to permitted uses in the VAG zoning districts.
- 05/09/11 PB reviewed and recommended approval of the Ordinance to the BCC; forwarded to 07/07/11 BCC for the first of two public hearings.

2. **Article 6 Recreational Vehicle as Living Quarters**

05/09/11 PB directed staff to draft language to be included in the LDC that would eliminate the language that would allow a conditional use permit to be obtained when an RV is used as living quarters longer than 14 calendar days.

REZONING CASES

1. **Rezoning Case Z-2011-08**

05/09/11 PB reviewed and recommended approval of Z-2011-08; forwarded to 06/02/11 BCC for approval

2. **Rezoning Case Z-2011-09**

05/09/11 PB reviewed and recommended approval of Z-2011-09; forwarded to 06/02/11 BCC for approval

PLANNING BOARD MONTHLY SCHEDULE 6 MONTH OUTLOOK FOR JUNE 2011

(Revised 06/07/11)

A.H. = Adoption Hearing T.H. = Transmittal Hearing P.H. = Public Hearing

* Indicates topic/date is estimated—subject to staff availability for project completion and/or citizen liaison

Planning Board Meeting Date	LDC Changes	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Monday, June 13, 2011	Article 6, Section 6.04.04 RVs as Living Quarters			<ul style="list-style-type: none"> • Discussion Item –New Growth Management Legislation
Monday, July 11, 2011			Z-2011-10 Z-2011-11 Z-2011-12 Z-2011-13	<ul style="list-style-type: none"> • Discussion Item - Barrancas Redevelopment Plan Update • Discussion Item – Perdido Key Neighborhood Plan Update
Monday, August 8, 2011		LSA – 2011-01		<ul style="list-style-type: none"> • *Discussion Item - DSAP Preliminary Plan • Discussion Item - Way Finding Signs
Monday, September 12, 2011				<ul style="list-style-type: none"> • *Discussion Item – DSAP Final Plan
Monday, October 10, 2011				

Disclaimer: This document is provided for informational purposes only. Schedule is subject to change. Verify all topics on the current meeting agenda one week prior to the meeting date.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-859

Item #: 5.

Planning Board-Regular

Meeting Date: 06/13/2011

Issue: LDC Ordinance - Article 6 "Uses and Parking of Recreational Vehicles"

From: T. Lloyd Kerr, AICP

Organization: Development Services

RECOMMENDATION:

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) amending Article 6 "General Provisions", Section 6.04.04 to redefine "uses and parking of recreational vehicles."

BACKGROUND:

The Development Services staff was directed to explore possible changes to the Land Development Code (LDC) regarding the use of Recreational Vehicles (RV's) as living quarters.

Currently the LDC prohibits the use of RV's as living quarters for more than 14 days in a calendar year except in licensed RV parks or mobile home parks.

The Planning Board discussed the issue at the May 9, 2011 Planning Board meeting and rendered a recommendation to remove the language pertaining to a conditional use permit, being that no such permit exists.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the adoption of this Ordinance.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance was reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any suggested legal comments are attached herein with the respective Ordinance to which they pertain.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Ordinance Draft 1A, Legal Approval

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Article 6 "Recreational Vehicle as Living Quarters Draft 1A

Date: May 11, 2011

Date requested back by: 5/18/2011

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by 

Date Received: May 11, 2011

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2011-_____

1
2
3 AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING
4 PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES
5 (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY,
6 FLORIDA, AS AMENDED; AMENDING ARTICLE 6, SECTION 6.04.04
7 TO REDEFINE “USES AND PARKING OF RECREATIONAL
8 VEHICLES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR
9 INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE
10 DATE.

11
12 *WHEREAS, the intent of this Ordinance is to redefine “uses and parking of*
13 *recreational vehicles” for clarity purposes.*

14
15 NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY
16 COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

17
18 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development
19 Code of Escambia County, Article 6, “General Provisions”, Section 6.04.04, is hereby
20 amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

21
22 *6.04.04. General provisions.*

23
24 Uses and parking of recreational vehicles. As of the adoption date of this Code, the use
25 of recreational vehicles as living quarters for more than 14 days in any calendar year
26 (~~any time in excess of 14 days is subject to a conditional use permit~~) is prohibited,
27 except in duly licensed campgrounds or mobile home parks. All recreational vehicles
28 located in residential districts, except for those being stored and not occupied and
29 located on the same lot with the principal structure, shall be removed within 60 days
30 from notification.

31
32 **Section 2.** **Severability.**

33
34 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
35 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
36 affect the validity of the remaining portions of this Ordinance.

37
38 **Section 3.** **Inclusion in Code.**

39
40 It is the intention of the Board of County Commissioners that the provisions of this
41 Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections,
42 subsections and other provisions of this Ordinance may be renumbered or re-lettered
43 and the word “ordinance” may be changed to “section,” “article,” or such other
44 appropriate word or phrase in order to accomplish such intentions.

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Section 4. Effective Date.

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this _____ day of _____, 2011.

**BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

**By: _____
Kevin W. White, Chairman**

**ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court**

**By: _____
Deputy Clerk**

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

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BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-857

Item #: 6.

Planning Board-Regular

Meeting
Date: 06/13/2011

Agenda Item:

A. Discussion Item -- New Growth Management Legislation, presented by Lloyd Kerr, Director, Development Services

Attachments

Growth Management Legislation

CARLTON FIELDS

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2011 CHANGES TO 163 AND 380 (HB 7207)

Topic	HB 7207
Repeal of 9J-5	<p>Portions of 9J-5 are incorporated into statutes including certain definitions, data and analysis requirements and sections from various elements. Rule 9J-5 is repealed.</p> <p>9J-11.023 is also repealed</p>
<p>Comprehensive Plan Amendment Process</p> <p>180 day deadline for adoption</p> <ol style="list-style-type: none"> 1. Expedited Review 2. Current Review Process 3. Small Scale Amendments 	<p>Streamlined and re-written.</p> <p>Local Governments required to adopt plan amendments within 180 days after receiving agency comments or the amendment is withdrawn unless extended with concurrence from DCA and any commenting third party. DRI amendments exempt from 180-day requirement.</p> <p>New standard process for amendments set out in this outline</p> <p>(Called State Coordinated Review in bill) Retained for EAR Based Amendments, Sector Plans, Areas of Critical State Concern (ACSC), Rural Land Stewardship Areas and a newly adopted comprehensive plan for a new local government</p> <p>Approval process remains the same but requirements modified to remove density cap, allow text amendments that are directly related to a plan amendment like notes on the maps. Deletes prohibitions on using small scale amendment process such as if same property granted change in last 12 months and if the same owner has property within 200 feet and was granted change in past 12 months.</p>
Role of Agencies in review of plan amendments	<p>Comments from agencies on plan amendments limited to adverse impacts on important state resources and facilities (for state agencies) and regional resources and facilities (for RPCs). However, DCA has expanded comment authority under State Coordinated Review Process only.</p>

	<p>FDOT – Limited to issues within the agency’s jurisdiction as it relates to the requirements of this part and may include technical guidance.</p> <p>DCA (State Land Planning Agency or whatever form DCA takes) – For Expedited Review, DCA limited to important state resources and facilities outside the jurisdiction of other agencies and directs DCA to balance objectives of amendment against potential adverse impacts to important state resources and facilities. For State Coordinated Process, DCA issues ORC report and makes a compliance finding similar to current process.</p> <p>DEP – Limited to air and water pollution, solid waste, sewage, drinking water, state parks, greenways and trails, state-owned lands and conservation easements, wetlands and other surface waterbodies and Everglades Restoration.</p> <p>FFWCC – Limited to fish and wildlife habitat, listed species and their habitat</p> <p>WMD – Limited to wellfields, regional water supply plan, wetlands and other surface waterbodies, flood protection and floodplain management.</p> <p>RPC – Limited to adverse effects on regional resources or facilities in the SRPP and extrajurisdictional impacts inconsistent with comprehensive plan of any affected local governments in the region (latter current law).</p>
<p>Definition of Urban Service Area</p>	<p>Amends definition of urban service area deleting term “built up,” adding that the urban service area must be adopted in the comprehensive plan and replacing facilities in “the first 3 years of the capital improvements schedule” with “identified in the capital improvements element”. Also adds phrase “Urban Service Area includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.”</p>
<p>Compliance Finding and Challenges</p> <p>State Comprehensive Plan and 9J-5</p> <p>DCA Review of Adopted Amendment and Challenge Authority</p>	<p>Both removed from having a compliance determination made based on them.</p> <p>Under State Coordinated Process, DCA issues ORC report and Notice of Intent and conducts compliance review. DCA is not limited on comments and may challenge on compliance issues as well as impacts to important state resources or facilities.</p> <p>For Expedited Review Amendment, DCA may comment and challenge only if important state resources or facilities impacted.</p>

<p>State Coordinated Review of Amendments</p>	<p>Establishes one review process for coordinated and expedited amendments.</p> <p>3rd party may challenge an amendment. Local government determination is sustained if fairly debatable. DCA can not intervene in a citizen initiated petition.</p> <p>DCA may challenge an amendment. If DCA chooses to challenge it must do so within 45 days of determining the amendment is complete. For DCA challenge, the local government’s determination of in compliance is presumed to be correct and sustained if shown by a preponderance of the evidence. (same as regular process now)</p> <p>Local government determination of internal consistency shall be sustained if fairly debatable.</p> <p>If ALJ finds not in compliance, Recommended Order (RO) submitted to the Administration Commission. If ALJ finds in compliance, RO submitted to DCA. DCA will issue the RO unless it finds the amendment not in compliance. Then, DCA shall refer the amendment to the Administration Commission.</p>
<p>Expedited Review of Amendments</p>	<p>DCA has 30 days from determining the amendment package is complete to challenge the amendment. DCA challenge under an expedited amendment is limited to the comments provided by the review agencies and a determination by the DCA that an important state resource or facility will be adversely impacted.</p> <p>The local government may challenge the DCA determination that an important state resource or facility will be impacted. The DCA determination must be supported with clear and convincing evidence.</p>
<p>Third Party challenges to Expedited Review</p>	<p>3rd party may challenge whether an amendment is in compliance. The local government determination will be sustained if fairly debatable. DCA cannot intervene in a citizen initiated petition.</p>
<p>Transition</p>	<p>DCA has 60 days after the effective date of this Act to review all pending administrative and judicial proceedings to determine if they are consistent with 163. Once a determination has been made, DCA has 30 days to file amended petition. If nothing filed within that timeframe, then case is dismissed.</p>
<p>Future Land Use Need Future Land Use amendment</p>	<p>Local government must provide minimum (as opposed to a maximum) amount needed for land uses based on BEBR mid range for a 10 year planning period. However, need must be more than just population projections and must provide adequate supply for real estate market. Does not apply to Areas of Critical State Concern.</p> <p>Clarifies plan amendment analysis requirements.</p>

<p>analysis</p> <p>Urban Sprawl</p> <p>Planning Timeframe</p> <p>New Towns and Transit Oriented Developments (TOD)</p> <p>Antiquated Subdivisions</p>	<p>Adds definition of urban sprawl, incorporates the 13 indicators of urban sprawl and adds new test for sprawl: plan amendment must meet 4 of 8 new criteria to be determined to not generate urban sprawl.</p> <p>Allows timeframes beyond the planning timeframe for projects and specific components of plan.</p> <p>Adds definitions</p> <p>Adds requirement for future land use map to be based upon the need to modify land uses and development patterns in antiquated subdivisions. Antiquated subdivisions are defined as a subdivision approved more than 20 years ago that has substantially failed to be built and its buildout would cause an imbalance of land uses and detrimental to the local and regional economies and development patterns.</p>
<p>Public Facilities/Capital Improvements Schedule</p>	<p>Deletes financial feasibility requirement.</p> <p>Permits Capital Improvements Schedule to be adopted through local ordinance, not a plan amendment.</p> <p>Modifies definition of public facilities to delete health systems and spoil disposal sites.</p>
<p>Concurrency / Transportation</p>	<p>Removes state mandated concurrency for transportation, parks and recreation and schools. All are optional for the local governments.</p> <p>Deletes concurrency exemptions.</p> <p>Removes state requirement to adopt mobility strategies to support and fund mobility and criteria for mobility plan.</p> <p>Replaces term “backlog” with “deficient.”</p> <p>If locals want to have home rule concurrency management, must allow proportionate share pay and go.</p> <p>Refines proportionate share language to simplify the proportionate share calculation; removes cost of deficiencies caused by prior approved projects and toll roads from calculations; specifies that once an impact is mitigated, it can not be charged again; provides for a credit for a proportionate share payment and specifies that local governments are not required to approve a development that is not otherwise qualified for approval.</p>

	<p>FDOT directed to develop and submit a study to the Legislature by 12/15 of this year on recommended changes or alternatives to the calculation of proportionate share contribution with local government and developer participation.</p>
School Planning	<p>Makes school concurrency optional.</p> <p>Removes requirement for public school facilities element.</p> <p>Removes many of the requirements related to school concurrency and interlocal agreement with school boards.</p> <p>Removes prohibition on adopting plan amendments for not addressing school siting requirements.</p> <p>Permits portables to be counted as supply for classrooms; currently, counting limited to 3 years.</p> <p>Removes requirement for collocation of parks and schools; up to local government.</p>
Sector Planning	<p>Removes pilot program and limitations on number of sector plans and establishes 15,000 acres as minimum size for sector plan.</p> <p>Makes scoping meeting an option for local government.</p> <p>Modifies submittal requirements – Only general information required at conceptual phase with detailed information deferred to detailed plan.</p> <p>Requires no demonstration of need and removes limitation to planning timeframe.</p> <p>Directs detailed map (DSAP) to be adopted by local development order – not plan amendment.</p> <p>Adds to requirements of DSAP identification of maximum and minimum densities and intensities and identification of water resource development and water supply.</p> <p>Requires consistency of conceptual plan with state and regional plans.</p> <p>Allows DCA to enter into an agreement with a local government for a large area comprehensive plan amendment consisting of at least 15,000 acres adopted on or before July 1st in order to apply the sector plan provisions.</p> <p>Requires that conservation easements are recorded and effective by the effective date of the development approvals within the sector plan</p>

	<p>area.</p>
Rural Land Stewardship Areas	<p>Removes requirement for an agreement with DCA.</p> <p>Allows one or more land owners to apply for RLSA in a local government and allows RLSA to include more than one county.</p> <p>Creates RLSA overlay zoning district by local ordinance.</p> <p>Replaces term “transferable rural land use credits” with “stewardship credits.”</p> <p>Deletes reference to minimum 25 year timeframe for receiving areas. Replace with provision that receiving areas based on available data and development potential represented by stewardship credits created in RLSA.</p> <p>Recognizes Collier County’s RLSA as a RLSA under the statute.</p> <p>Clarifies that landowners must consent to being in a RLSA; population based upon need is not required; and requires conservation easements to be in a place prior to receipt of stewardship credits being transferred.</p>
Evaluation and Appraisal Report Process Streamlined	<p>Requires local government to analyze plan every 7 years and determine if amendments required to address changes in state law or any other revision. Does not change timing for when EAR would be due, thus, 7 years from last EAR.</p> <p>Authorizes DCA to adopt a schedule for EAR submittal through rule making.</p> <p>Requires local government to send a letter to state land planning agency summarizing their findings.</p> <p>Local government one year to adopt EAR amendments.</p> <p>Restricts local government from amending its plan if review letter or EAR amendment is not submitted as required.</p> <p>Clarifies that all EARs and EAR Amendments must meet the new requirements in this bill even those that are due or overdue.</p>
Developments of Regional Impact	<p>Retains DRI exemption for properties within a designated DULA.</p> <p>Provides for 4 year extension of DRI build out, phasing and commencement dates and associated mitigation if requested by the developer for valid DRIs. Request must be made by 12/31/11. However, mitigation not extended if a development has commenced construction of phase to be mitigated and local government notifies developer by 12/1/11 that has let contract for mitigation required for</p>

	<p>that phase.</p> <p>Clarifies that the 180-day adoption date for plan amendments does not apply to DRIs.</p> <p>New thresholds in bill automatically apply for projects and trump any comprehensive plan requirements or agreements that would apply a stricter DRI threshold or require a DRI if now exempt.</p> <p>Adds an exemption from DRI review for solid mineral mining, industrial, hotel/motel and movie theaters. Clarifies that Spaceport launch facilities are industrial and thus, are exempt from DRI review.</p> <p>Adds requirement that DRI exemption for new solid mineral mining applies only if a mine owner enters into a binding agreement with FDOT to mitigate for any impacts to the Strategic Intermodal System (SIS)</p> <p>Increases the essentially built out criteria from 20% to 40%</p> <p>Increases substantial deviation criteria for attraction or recreation facilities, office and commercial.</p> <p>Amends aggregation criteria to remove voluntary sharing of infrastructure criterion and requires 3 of remaining criteria must be met to determine there is a unified plan of development.</p> <p>A local government may deny a NOPC for local reasons including if the change is not compatible with a plat restriction</p> <p>If the proportionate share formula changes, a DRI with transportation mitigation requirements under the old formula may request a local government modification. If local government agrees, the revision is presumed not to be a substantial deviation.</p>
<p>Dense Urban Land Areas (DULA)</p>	<p>Eliminates Dense Urban Land Areas in Ch. 163.</p> <p>Retains DRI exemption for local governments designated as Dense Urban Land Areas and requirements for DULAs under Ch. 380</p> <p>Protects DULA designation for local governments that meet the criteria. Any communities designated as a DULA will remain a DULA.</p> <p>If more than 85% of the total area of a DRI is in a DULA and the rest is not, then the entire DRI may be rescinded in both the DULA and non-DULA local governments if the portion of the development outside of the DULA does not independently meet the DRI thresholds.</p>

	Any area that has been identified as a DULA may not be removed from qualifying list. However, the DRI exemption only applies to the portion of the DULA that meets the criteria.
Permit and Development Order Extensions	<p>Provides a two year permit extension for those that received a permit extension under SB 360 (2009 2-year extension) if those permits were ineligible for extension under SB1752 (2010 2-year extension) because the permits expired after 1/1/12. The extension is not automatic and must be requested by the permit holder by 12/31/11.</p> <p>Also provides a two year extension if the permit or DO expires between 1/1/12 and 1/1/14. The permit holder must request the extension by 12/31/11.</p> <p>Caps all 2-year extensions granted since 2009 through this Act at a total of 4 years.</p>
Impact Fees	Provides a credit for impact fees under proportionate share.
Updates Ch.163	Reduces the size of Ch. 163 by removing sections that are not needed, have already been implemented, are rarely used or covered elsewhere in the statute.
Agricultural Enclaves	Plan amendments for agricultural enclaves are presumed to not be urban sprawl.
Rural Agricultural Industrial Area	Clarifies that this type of amendment is presumed to not be urban sprawl and the amendment must be considered by the local government within 90 days after the state land planning agency review is completed.
Climate Change – Adaptation	Defines the Adaptation Area and permits a local government with a Coastal Management Element to include an Adaptation area and plan for impacts from sea level rise.
Century Commission	Retained but scheduled for sunset on June 30, 2013.
Property Rights	Conforms intent language for growth management programs to inordinate burden language in property rights bill
Plan Amendments subject to Voter Referendum	Clarifies that a comprehensive plan amendment adopted under the expedited review process prior to this act becoming effective that was subject to voter referendum by local charter and found in compliance, may be readopted by ordinance and shall become effective upon approval by the local government and can not be challenged under the provisions of s.163 (St. Pete Beach)
Other Changes	
Local Referendums	Prohibits land use amendments requiring referendums.

Duplication of Permitting	Does not require local governments to duplicate or exceed a permitting program when a federal, state or regional agency has implemented a permitting program.
Annexations	Provides for joint agreements for municipal adoption of plan or plan amendments in advance of an annexation.
Military Base Compatibility	Any local government that amended its comprehensive plan to address military base compatibility requirements and was found in compliance after 2004 is not required to address the requirements adopted in 2010 session until the EAR is due. Also adds provision that comments from the military base commander on plan amendments are not binding on local government.
Administration Commission	Requires unanimous approval of Administration Commission for sanctions to be applied.
Development Agreements	Development agreements extended to 30 years and may be extended further by amendments.
DCA guidance on website	DCA must provide guidance on website for submittal and adoption of plans, plan amendments and land development regulations. These are not rules and are exempt from 120.54(1)(a)
Severability Clause	Contained in the bill
Effective Date	Upon Becoming Law
Deletions from 163	Provisions added under HB 697 (energy efficiency requirements in planning) Reference to affordable housing needs assessment. Community visioning provisions.

THE FLORIDA LEGISLATURE



May 5, 2011

The Honorable Mike Haridopolos
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 7207, 1st Eng., same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

Managers on the part of the Senate

JD Alexander, Chair

Joe Negron, Vice Chair

Thad Altman

Lizbeth Benacquisto

Michael S. "Mike" Bennett

Ellyn Setnor Bogdanoff

Oscar Braynon II

Larcenia J. Bullard

Charles S. "Charlie" Dean, Sr.

Nancy C. Detert

Miguel Diaz de la Portilla

Paula Dockery

Greg Evers

Mike Fasano

Anitere Flores

Don Gaetz, At Large

Rene Garcia

Andy Gardiner, At Large

Alan Hays

Anthony C. "Tony" Hill, Sr.

Dennis L. Jones, D.C.

Arthenia L. Joyner

Jack Latvala

Evelyn J. Lynn

Gwen Margolis

Bill Montford

Jim Norman

Steve Oelrich

Nan H. Rich, At Large

Garrett Richter

Jeremy Ring

Maria Lorts Sachs

David Simmons

Gary Siplin, At Large

Christopher L. "Chris" Smith

Eleanor Sobel

Ronda Storms

John Thrasher, At Large

Stephen R. Wise

Managers on the part of the House of Representatives

Denise Grimsley, Chair

Gary Aubuchon, Lead House Manager

Charles S. "Chuck" Chestnut IV, At Large

Dorothy L. Hukill, At Large

Paige Kreegel, At Large

John Legg, At Large

Carlos Lopez-Cantera, At Large

Seth McKeel, At Large

William L. "Bill" Proctor, At Large

Darryl Ervin Rouson, At Large

Franklin Sands, At Large

Ron Saunders, At Large

Robert C. "Rob" Schenck, At Large

William D. Snyder, At Large

Will W. Weatherford, At Large

May 5, 2011

The Conference Committee Amendment for HB 7207, 1st Eng., relating to growth management, provides for the following:

The growth management conference bill:

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.
- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.
- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA's growth management regulations and incorporates certain provisions into the bill).
- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
- Clarifies when a local government can reject a proposed change to a development of regional impact.
- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.

The effective date of this bill is upon becoming law.