Growing Inward

Martin County 2070
October 12, 2018
Indian River State College, Stuart
Build better communities

- allow mixed-use development
- design for people, not cars
- preserve history
- provide great public spaces
- invest in efficient transit
- focus on design that makes walking safe
one integrated
land use problem

- disinvestment in cities
- sedentary lifestyles
- segregation by income & race
- automobile dependence
- inability to walk
- sprawl
- placeless
- loss of geographic identity
- loss of wilderness
- Unsustainable water use
- loss of farmland
- traffic deaths
Three tests for good urbanism

1. Would you choose to walk?
2. Would you choose to walk?
3. Would you choose to walk?
Legislative Advocacy 2018
SB 432/HB 17

• Would have made changes to Community Redevelopment Agencies (CRAs).

• HB 17 would have terminated all existing CRAs and would have required a special act of the Florida Legislature to create a new CRA.

• SB 432 was less draconian. That bill proposed reasonable improvements to CRA ethics and procurement standards.
• Would have prohibited local governments from charging developers of affordable housing the cost to the local government for providing infrastructure to serve that new development including the cost of roads, schools, parks, water, and sewer service.

• That prohibition would have undermined local government use of impact fees to fund such improvements statewide.

• Both the Senate and House amended these bills to remove provisions that threatened impact fee programs. However, neither bill passed.
883 “Omnibus” growth management bill

- **HB 883/SB 1348** would have made it easier for developers to add land to Community Development Districts (CDDs).

- Late in the session, the House substituted an omnibus growth management bill for 883. That amended version of 883 would have made changes to Community Redevelopment Agencies and to Developments of Regional Impact (DRIs) as well as to CDDs.

- In addition, **the modified 883 would have created loopholes for developers seeking to develop land designated rural in counties with urban growth boundaries.**

- None of changes became law. However, the proposed changes to DRIs in the amended 883 were substantially the same as the changes in law effected by 1151 which passed.
In their originally filed form, **SB 1244/HB 1151** would have preempted all local government regulation to tree trimming and removal.

1000 Friends members aggressively opposed these bills which would have devastating effects on the tree canopy of communities throughout Florida.

Through amendments, both bills became more tailored preemptions designed to ensure canals and drainage areas were free of vegetative obstructions.

Neither bill passed.
Vetoed: Suncoast Parkway study

• $1,500,000 expenditure from Florida Department of Transportation Trust Fund

• “Develop a proposal to extend the Suncoast Parkway north to the Georgia state line”

• Would have included map with recommended alignment

• Would have required all phases to be included in five-year work program
Litigation
Orange County—Lake Pickett project

- Development in Orange County, east of Orlando
- Outside of Urban Services Area
- East of Econlockhatchee River
- 1000 Friends has supported petitioners with strategy in local government hearings, pro bono expert testimony, and amicus brief before appellate court
• Sector plans are grants of development entitlements to very large properties

• Incorporate clustering and large-scale land conservation

• Escambia County has begun removing properties from a sector plan in its jurisdiction without adequate review

• 1000 Friends supported petitioner with pro bono expert testimony, but administrative law judge ruled in favor of county
Growth Management

Compliance & Consistency
Compliance

- Requirement that local government comprehensive plans comply with minimum standards set by state law
- Primary enforcement by State of Florida
- Citizens may also petition for review

Consistency

- Requirement that all local government development orders be consistent with the applicable comprehensive plan
- No state enforcement
- Only enforcement is by citizens using Florida Statutes section 163.3215
Community Planning Act
Standards for growth management in ch. 163, Florida Statutes

Local government comprehensive plan
Local plan for growth

Development orders
Decision whether to approve development

Compliance
Consistency
• **Heine v. Lee**, Second District case that says consistency challenge is only available when basis of challenge is “use, density, or intensity.” In other words, consistency challenge not available for environmental, urban design, social, or other concerns.

• **Cruz v. Miami**, Third District case currently on appeal that applies Heine v. Lee

• 1000 Friends is supporting neighborhood in *Cruz v. Miami* by filing amicus brief