



The 2009 Growth Management Bill: SB 360



By Charles Pattison

This year's growth management bill, SB 360, was ultimately opposed by most of the leading conservation, planning and advocacy organizations including 1000 Friends of Florida as well as editorials from most of the state's leading papers. That big group also includes the Florida Chapter of the

American Planning Association, the organization representing all planners. Why the concern over a bill that many of the same groups initially supported?

The very good stated intent of this bill was to promote as a jobs and economic recovery strategy incentives for new growth and development to locate into "dense urban land areas." This would not only locate development where it was wanted, but it would prevent sprawl into rural and undeveloped agricultural and natural areas. Who could argue with that?

That would be anyone who understood that the "1000 people/square mile," the qualifying standard, misses the mark by a factor of 10. Calling something with a density of one dwelling unit/acre or less is hardly urban, and it certainly is not dense. Although changes were made to tighten this definition, it was not enough as evidenced by the 245 cities and 8 counties that automatically "qualify" as dense urban land areas. And on top of that is a generous allowance for non-qualifying cities and counties to designate certain areas for the same incentives.

Those incentives include waivers for transportation concurrency and the elimination of the Development of Regional Impact (DRI) program within the qualifying or designated areas. But here's what happens when these incentives are scattered across too broad an area when the qualifying definition picks up areas that are not really urban or developed.

Miami-Dade, Broward, Palm Beach, Pinellas, Hillsborough, Orange, Seminole and Jacksonville-Duval qualify in their entirety as dense urban areas, except for those portions outside of already designated urban service areas.

In waving transportation concurrency, the local government financial underpinning for dealing with transportation options is undercut in the very areas experiencing the worst traffic congestion. Tie this to the usually substantial transportation impacts caused by DRIs, and the elimination of the flawed but important proportionate share cost requirements, and the alarm expressed by local governments and the public begins to make more sense. Add to this the elimination of a coordinated local government process for addressing what are real extra-jurisdictional development impacts, and you have the makings for the end of effective and coordinated growth management.

Positive aspects of the growth management portion of the bill certainly exist, including the development of a mobility fee to replace the balkanized transportation concurrency process. But SB360 shows what happens when a well intentioned bill moves quickly through the legislative process without adequate time to debate and consider the consequences from the many valid stakeholder perspectives.

1000 Friends will be working with local governments to assist them in responding to the impacts from SB 360, including the need to adopt local ordinances to deal with the affordable housing impacts from large scale developments. The DRI law has an "Adequate Housing Rule", which is part inclusionary housing and part linkage fee provision. The jurisdictions that will no longer be subject to the DRI law due to SB 360, would be wise to adopt local ordinances to address the need for affordable housing in large scale developments in their communities. 1000 Friends of Florida can provide local governments with model ordinances for that purpose.

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