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## Legislation to ease development rules disputed

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A growth-management bill awaiting Gov. Charlie Crist's signature is being hailed by developers as the coveted key to unlocking hundreds of delayed construction projects across the state.

The same bill is seen by environmentalists and local governments as a short-sighted solution that will exacerbate Florida's housing glut, increase traffic delays and allow uncontrolled development in rural areas.

It is up to Crist to sort it out. The governor said last week that he probably will sign the measure, known as SB 360, but his top growth-management guru, Secretary of the Department of Community Affairs Tom Pelham, sounds less certain.

At an online seminar to brief the public on growth-management issues last week, Pelham repeatedly said that "if" the bill should become law, the department would work closely with local government so that the act ``will result in responsible planning."

Short of that, Pelham told his listeners: ``I have absolutely no inside information about the governor's pending decision and if I did I couldn't share it with you anyway."

The measure passed the Florida House 78-37 and the Senate 30-7. The governor has until June 2 to sign it, veto it or let it become law without his signature.

### PROPOSALS

The measure makes substantial rewrites to the state's 25-year-old growth laws by:

- Allowing developers in Florida's most urban counties to add more residential development without expanding roads. Instead, developers will pay a "mobility fee" -- yet to be determined -- to finance public transit and road improvements.
- Giving cities and counties the option of designating urban areas that would also be exempt from the requirement to construct the roads needed to avoid traffic congestion.
- Exempting large development projects from review by regional planning boards.

### BACKER'S VIEWS

Promoters of the legislation say the changes are needed to so developers can kick-start their projects when the economy improves. Among the incentives, the changes make it less expensive to build in urban areas -- channeling growth into more dense areas instead of pushing more growth to the suburbs and encouraging sprawl.

"The hope is that by removing unworkable or duplicative regulations, when the economy begins to rebound, the state of Florida will not be standing in its own way," said Sen. Mike Bennett, R-Bradenton, who is a

developer and sponsored the bill. In a op-ed piece that ran in newspapers across the state, Bennett said the legislation ``is an attempt to promote both economic development and good planning."

Ron Weaver, a Tampa land-use lawyer, said that if the bill becomes law hundreds of construction projects -- from education and government buildings to medical clinics and assisted-living facilities -- will come off the shelves because builders will find it economical to construct them.

### **'REASONABLE RULES'**

"It's not as if it's going to be a major outbreak of development. It's not," Weaver said. ``But there is some development out there waiting for some reasonable rules."

The Audubon Society of Florida, 1000 Friends of Florida and the Florida Wildlife Federation have all urged Crist to veto the bill. They argue that its definition of urban area -- 1,000 people per square mile -- is so low that instead of discouraging sprawl the bill will encourage it.

The Florida Association of Counties is also asking for the governor's veto, arguing that the elimination of transportation "concurrency" will lead to more backlogged road construction and clogged roads. Counties would have to find ways to deal with traffic congestion caused by growth after the growth occurs, rather than require the developer to have a road-financing plan in place before construction.

Pelham, however, acknowledges that change is needed. As one of the architects of the state's first laws to regulate growth, he continues to believe growth management and planning are important. But he said the economy has forced a new reality.

"We're suddenly experiencing a sharp economic downturn with very little population growth and you hear people saying, `Well, now we need some growth to manage,' " he said. The goal of the legislation is to ``salvage what is good but also adapting to the times that we're in."

But he acknowledged that if the bill becomes law it "can exacerbate the glut of homes on the market." His department has received requests from local governments that want to amend their growth plans to allow for "large amounts of residential development" -- from 20,000 to 100,000 new units in most areas.

### **GOVERNMENT'S ROLE**

"I think clearly if we went down that path it could contribute to oversupply, over building -- the kind of problem we're already in," he said. But, he added, many of those proposals "are clearly speculative" and it's up to government to make sure that any development that is approved is responsible.

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