

THE ABCs OF CRAs

THE PLAN

CHAPTER 163 REQUIREMENTS

Importance of Redevelopment Plan

Can my CRA spend TIF on _____?

The Redevelopment Plan

- Redevelopment Plans come in many different shapes and sizes
- All Redevelopment Plans must comply with Chapter 163 requirements

The Redevelopment Plan

- Chapter 163 regulates three basic areas relative to the Plan
 - General Requirements
 - Contents
 - Approval Process

General Requirements – F.S. 163.360

- Conform to the Comprehensive Plan
- Indicate land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation
- Provide for redevelopment of affordable housing or state reasons for not addressing affordable housing
- May provide for the development and implementation of community policing innovations

Contents – F.S. 163.362

- Legal description
- Diagrams and general terms
 - open space and street layout
 - limitations on building type, size, height and use
 - approximate number of dwelling units
 - public parks, recreation areas, streets , public utilities and public improvements
- Neighborhood impact element if area contains low or moderate income housing

Contents – F.S. 163.362

- Specifically indentify any publicly funded capital projects
- Contain adequate safeguards that redevelopment will be carried out pursuant to the plan
- Provide for controls and restrictions for land sold or leased for private use
- Provide assurances that there will be replacement housing for the relocation of displaced persons

Contents – F.S. 163.362

- Provide an element of residential use to address shortage of affordable housing or reasons that the plan is not intended to remedy such shortage
- Contained a detailed statement of the projected cost of the redevelopment including the amount to be expended on any publicly funded capital projects and any indebtedness of the CRA, the county or the municipality proposed to be incurred for redevelopment if such is to be repaid with TIF
- Provide a time certain for completing all redevelopment
 - 30 years after the FY in which the plan is adopted
 - If CRA created after July 1, 2002, 40 years after the FY in which the plan is adopted

Approval Process

- Florida Statutes, Section 163.360(4) through (7) provides the process by which the governing body may approve a community redevelopment plan
- The governing body may amend the plan pursuant to Florida Statutes Section 163.361

Approval Process - Amendment

- If it becomes necessary or desirable to amend or modify a redevelopment plan, the governing body may amend such plan upon the recommendation of the CRA.
 - may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area
 - may include the development and implementation of community policing innovations.

Approval Process - Amendment

- In addition to the requirements of Florida Statutes Section 163.346 (notice to each taxing authority by registered mail), and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by Florida Statutes Section 163.362(10), the CRA shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

Approval Process - Amendment

- A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in Florida Statutes Section 163.355.
- The governing body shall hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

Approval Process - Amendment

- If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

Approval Process - Amendment

- For any CRA that was not created pursuant to a delegation of authority under Florida Statutes Section 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:
 - The county may provide notice to the governing body of the municipality and the CRA that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.

Approval Process - Amendment

- the governing body of the county and the governing body of the municipality that created the CRA shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, at which the competing policy goals for the public funds shall be discussed. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of Florida Statutes Section 163.360 to address the conditions identified in the resolution making a finding of necessity required under Florida Statutes Section 163.355.

Approval Process - Amendment

- the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required time period.
- the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the CRA provided that neither has the authority to require the other local government to participate in the dispute resolution process