

Tom Harowski

From: Thomas J. Wilkes <Tom.Wilkes@gray-robinson.com>
Sent: Tuesday, February 21, 2023 1:17 PM
To: Tom Harowski
Cc: John Brock; Sean O'Keefe
Subject: RE: Design Standards for Single-Family Homes

Tom –

The statute you have in mind is subsection (5) of section 163.3202 of Florida Statutes. Here is subsec. (5) ...

(5)(a) Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:

1. The dwelling is listed in the National Register of Historic Places, as defined in s. 267.021(5); is located in a National Register Historic District; or is designated as a historic property or located in a historic district, under the terms of a local preservation ordinance;
2. The regulations are adopted in order to implement the National Flood Insurance Program;
3. The regulations are adopted pursuant to and in compliance with chapter 553;
4. The dwelling is located in a community redevelopment area, as defined in s. 163.340(10);
5. The regulations are required to ensure protection of coastal wildlife in compliance with s. 161.052, s. 161.053, s. 161.0531, s. 161.085, s. 161.163, or chapter 373;
6. **The dwelling is located in a planned unit development or master planned community created pursuant to a local ordinance, resolution, or other final action approved by the local governing body;** or
7. The dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board.

(b) For purposes of this subsection, the term:

1. "Building design elements" means the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.
2. "Planned unit development" or "master planned community" means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

(c) This subsection does not affect the validity or enforceability of private covenants or other contractual agreements relating to building design elements.

I have highlighted subpara. 6 in red. The subparagraph now allows “building design elements” to be imposed on housing that is part of a Planned Unit Development. I think one of my partners, Chris Carmody, worked for Orange County to get this exception inserted in the 2021 bill.

There is a bill now filed, however, that will *delete this exception*. It is HB 439 – see its lines no. 507-593. If enacted, it will deprive cities and counties of much of their power to regulate design standards in planned developments.

Please call if you have questions.

Tom

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From: Tom Harowski <tom@tmhconsultinginc.com>

Sent: Thursday, February 16, 2023 11:18 AM

To: Thomas J. Wilkes <Tom.Wilkes@gray-robinson.com>

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Subject: Design Standards for Single-Family Homes

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Tom,