New growth rules could have big impact in South Florida

Removal of state authority could revive projects that had been rejected

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From the farmlands of western Palm Beach County to the historic neighborhoods of downtown Fort Lauderdale, the sweeping growth management changes approved by the state Legislature could have a big impact on South Florida.

The changes, given final passage Friday with the support of Gov. Rick Scott, Republican legislative leaders and the building industry, could put more of Palm Beach County’s fields of vegetables, citrus and sugar cane in play for development. They are likely to generate a new and stronger push to move Miami-Dade County’s urban development boundary closer to the Everglades. And they will make it harder for neighborhood groups to challenge proposals for condominium towers and other construction projects, as they have in Fort Lauderdale.

Once signed by Scott, the new rules will allow cities and counties to make changes to their growth plans without permission from the state. They will eliminate the authority of the Department of Community Affairs to review major projects, except in a few circumstances, removing a check on decisions by local governments. Developers will no longer have to pay impact fees for new roads schools, parks and other civic infrastructure, unless required by local governments.

"You and I and every other taxpayer are going to be subsidizing this development," said Richard Grosso, professor of law at Nova Southeastern University and director of the Environmental and Land Use Law Clinic. "The farther away it is, the greater the subsidy. New police and fire stations, roads and new schools."

No one expects a stampede for building permits, given the acres of homes that stand vacant in South Florida from foreclosures and the collapse of the real estate market.

"The reality on the ground is a vast supply of houses available on the market," said Jim Murley, a former DCA secretary who now is director of the Center for Urban and Environmental Solutions at Florida Atlantic University. "So supply vastly exceeds demand, so that will be a control."

But once the construction industry revives, interviews with environmentalists and members of the development industry suggest there are obvious areas where the looser rules could allow developers to go where they couldn’t go before.
In Miami-Dade County, developers and environmentalists agree there will almost certainly be a strong push to move the urban development boundary. When the Miami-Dade County Commission tried to move it to accommodate a Lowe’s Superstore in western Miami-Dade County near the Everglades, the Department of Community Affairs stepped in to prevent it. But the new rules sharply diminish the department’s authority, making it more likely the line will move west.

The biggest impact in South Florida could be in Palm Beach County. Joanne Davis, a county zoning commissioner who also is the spokeswoman for the growth-watchdog group 1000 Friends of Florida, said she expects more development proposals for the county’s Agricultural Reserve, 21,000 acres of farmland squeezed between the Loxahatchee National Wildlife Refuge and the suburbs of Boynton Beach and Delray Beach.

Also in play could be large agricultural properties in Loxahatchee, west of Royal Palm Beach. G.L. Homes had proposed 12,000 homes on the 5,000-acre Indian Trail Groves property but shelved those plans when South Florida’s building boom collapsed. The owners of the 4,000-acre Callery-Judge Grove property had proposed 10,000 homes for their citrus groves, of which the county agreed to nearly 3,000 homes on the property, but Callery-Judge could try to take advantage of eased state standards to seek more.

Palm Beach County Commission Chairwoman Karen Marcus said the loosening of growth management policy "opens the barn door to all of that."

State oversight, which will largely disappear, makes a difference. The Department of Community Affairs, for example, rejected two zoning changes approved by Palm Beach County that would have allowed 100 homes on a Northlake Boulevard site zoned for 10 and 26 homes on a Lantana site zoned for two.

Farther west, there are hundreds of thousands of acres of sugar cane land and other farmland in the Everglades Agricultural Area that one day could be subject to greater development pressures.

Broward County, which lacks the vast acreages of farmland still present in Miami-Dade and Palm Beach counties, won’t see massive growth as a result of these changes. But the county has seen bitter legal fights over hotels and condominium towers proposed for the beach and the neighborhoods around downtown, such as the 42-story Icon condominium proposed next to the historic Stranahan house. The growth bills make it more difficult for citizens to sue to stop projects.

Some people in the development business played down the significance of the changes, saying they would streamline the permit process by removing redundant levels of review rather than taking away basic protections.

Doug Eagon, president of Stiles Corp., the Fort Lauderdale-based development company, and a former planner for Fort Lauderdale and Broward County, said strong
state oversight was more necessary a generation ago, when many local governments lacked strong comprehensive plans and zoning codes.

"The reality is what the state had provided is now almost redundant," he said. "If the state is less involved, land-use regulation at the local level is still extremely comprehensive."

But the decision to turn over development almost exclusively to city and county commissions comes at a time when a large crop of South Florida elected officials have been charged in corruption cases, several involving the construction industry. This includes then-members of the Broward and Palm Beach county commissions, as well as of the city commissions of Tamarac, Deerfield Beach, Fort Lauderdale and West Palm Beach.

"The question is can local government be trusted?" said Anthony Trella, a Deerfield Beach consultant to the homebuilding industry. "That seems kind of strange coming from someone on the development side, but we've seen the revelations of corruption in the past 10 years. It's going to take a high level of ethics."