

## PLANNING BOARD MEETING MINUTES

May 19, 2025 4:00PM

**MEMBERS PRESENT:** David Hubbard, Chair  
Sam Angelides, Jr., Vice Chair  
Terri Grocott, Member  
Cindy Perry, Member  
Shawn Rae, Member

**STAFF PRESENT:** Brandon Berry, Senior Planner  
Ralf Brookes, Interim City Attorney  
Ginny Bodkin, Deputy City Clerk

Chair Hubbard called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. Approval of the Agenda –

Chair Hubbard asked to add a discussion item on an upcoming webinar regarding a conditional use permit and Member Perry asked to add a comment about the last City Commission meeting.

**Motion: Member Rae moved, and Vice Chair Angelides seconded, to approve the May 19, 2025 agenda as amended; the motion carried unanimously.**

2. Audience Comments – There were no comments.

3. Approval of Minutes – April 21, 2025 Meeting

**Motion: Member Grocott moved, and Member Perry seconded, to approve the April 21, 2025 minutes as presented; the motion carried unanimously.**

4. Action Items – None.

5. Discussion Items

a. SB 180 and its impacts on land development regulations

Senior Planner Brandon Berry provided a presentation regarding Senate Bill 180, enrolled by the Florida Legislature on May 5, 2025, and awaiting the Governor's signature. SB 180 is the Hurricane Helene and Milton version of SB 250 (from 2023), which applied to areas directly affected by Hurricane Ian. The Bill will activate significant preemption on local planning through September 2027. His presentation is part of the meeting record.

Mr. Berry reviewed the non-planning requirements of SB 180 – it prohibits building fee increases for 180 days following a state of emergency declaration, prohibits impact fees for replacement structures not changing use or intensity regardless of age, requires municipalities to reopen permitting departments to 40 hours a week as soon as practicable after a hurricane, and prohibits cumulative substantial improvement, which was repealed by St. Pete Beach in 2024. Member Hubbard asked what would happen if FEMA required cumulative substantial improvement now that the state has prohibited it – and Mr. Berry suggested that there would probably be a state application for exemption if it were a minimum requirement of NFIP.

Mr. Berry went on to review SB 180 effects on moratoriums and amendments if passed as written – which states that retroactive to August 2024 and until October 2027, and for one year following a state of emergency, cities in the declaration zone cannot prohibit moratorium on construction, reconstruction or redevelopment, cannot pass any more burdensome amendment to a Comp Plan or LDC (cannot put up any more barriers to applying or approving a development permit; i.e. can't make it more arduous to apply for a site plan), and cannot make it more restrictive or burdensome to review, approve, or issue a development permit. This does not apply if a developer sponsors the change/application and the change applies solely to them (if they own all property within a zone). A 'development permit' is expansive by definition and includes virtually all zoning and planning review of building permits, zoning permits (signs and use), subdivision plats, variances, site plans, and CUPs. Cities cannot make it more burdensome or arduous to obtain any of those approvals.

Mr. Berry explained that SB 180 will prohibit placement of greater burdens on virtually any project that is submitted for planning review until October 2027. It is unclear if regulation was intended to be so encompassing in scope, as it affects almost all of Florida and the regulations appear to prohibit minor items like fence height reduction or stricter standards on sign placement in addition to more essential elements of development like density, intensity and use.

The law requires challengers to provide the municipality 14 days to revoke or void a more 'burdensome amendment'. If the action moves to court, plaintiffs are entitled to attorneys' fees and costs if the plaintiff prevails. Any amendment or administrative decision found contrary is void back to adoption and cannot apply to other developments. Staff is exploring adopting a procedure for declaring and demonstrating a burden to be able to reasonably evaluate any claims made. It would be adopted by code (brought before the Planning Board).

Staff spoke with the city attorney's office and reviewed any current pending ordinances and found that no necessary changes would be needed for 2025-07 (Pass-A-Grille Overlay District) and 2025-12 (Sign Ordinance), but for 2025-08 (CRD-Eighth Avenue) the requirement for design review of new projects, make "strongly recommended".

Finally, Mr. Berry reviewed next steps: There has been a concerted effort among some planning organizations (e.g. 1000 Friends) to reduce scope of this request. Most effort has been focused on reducing the statewide scope. Some issues with the scope of restrictions - Manatee County wetlands protections were recently preempted under SB 250 (2023). The City Commission will be adding this discussion to their agenda in the next month - Mr. Berry asked that the members consider their ideas for strategic efforts in the next year in the context of this bill. The bill may be signed in late June. It can go into law anyway without a signature.

City Attorney Brookes added that the Bill has two sections – one about Debby, Helene and Milton – and one that includes a new Florida Statute that dictates that every time there is a hurricane, there will be a one year limitation on more burdensome or restrictive LDC, Comp Plans, site plans, and moratoriums within 100 miles of landfall.

Chair Hubbard and Member Perry opined that the Bill holds to a dated understanding of storm damage. Mr. Berry mentioned that the City is seeking guidance on the Marine Turtle Lighting Ordinance that FDEP had prepared - it would be more restrictive if the City adopted it. Attorney Brookes suggested options to 'strongly recommend' vs. 'prohibit' and opt-in programs that provide a benefit for voluntary compliance.

b. CUP 25069 Corey Landings *(added)*

Chair Hubbard wanted to inform the Board and public that there is a webinar coming up on May 29<sup>th</sup> at 5:30 PM. Mr. Berry confirmed that the City will add that link to their website.

c. May 13, 2025 Commission Meeting *(added)*

Member Perry expressed concern that the applicant for the Windward Pass suggested that the Planning Board had failed in their duties in their review and recommended denial of the application in December of last year. She subsequently reviewed the Comp Plan and the criteria that the Board presented in that meeting was on target. She explained that she followed up with an email to the City Commissioners and Mayor to defend the member's decisions as called out in a public meeting. She added that the minutes of that meeting accurately reflect the Comp Plan and Land Development Code criteria that were applied in their recommendation, but the slide that was presented to the Commission did not include those details. She asked for Commissioner feedback.

Member Grocott inquired, and Mr. Berry concurred, that a draft of the recommendation slide be sent to the Board prior to presentation to the Commission for any edits. Chair Hubbard added that he also watched the 5/13 Commission meeting and got the impression that the Commissioners had watched the Planning Board in December and had a good understanding of what was actually said.

6. Adjournment - Next meeting June 16, 2025.

There being no further business, Chair Hubbard adjourned the meeting at 4:32 PM.

*These minutes were approved at the June 16, 2025 meeting of the Planning Board.*