



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20190002647

ORIGIN

Growth Management
Department Staff

HEARING DATES

BCC 11-10-20
CCPC 09-09-20
DSAC 08-05-20
DSAC-LDR 12-17-19

SUMMARY OF AMENDMENT

In accordance with F.S. Chapter 125.022, this amendment modifies the timeframes and procedural review requirements to processing an application for the approval of a development permit or development order for Stewardship Receiving Areas (SRA) Designations.

LDC SECTIONS TO BE AMENDED

4.08.07 SRA Designation

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
Approval

CCPC
Approval

BACKGROUND

On June 28, 2019, Chapter 2019-165 Laws of Florida was adopted and amended F.S. 125.022 “Development Permits and Orders”. The legislative change established new time limitations and review requirements for an application for approval of a development permit or development order issued by local governments. As stipulated in the statute, the terms “development permit” and “development order” have the same meaning under the Community Planning, F.S.163.3164 (15) and (16), however, building permits are specifically excluded from the new limitations and requirements. See Exhibit A below.

Currently, the application review process for a Stewardship Receiving Area (SRA) Designation is set forth in LDC section 4.08.07 E. The SRA application requires a master plan that identifies land uses, number of dwelling units, and leasable retail and/or office square footage. It includes a development document, reports on public facilities impact and economic assessment, provision for school concurrency when there are residential uses, and any SSA Designated Credits. Therefore, an SRA Designation meets the state’s definition of a development permit.

The new statutory process requires, within 30 days after receiving an application for approval, the County to issue a letter indicating all required information has been submitted and the application is deemed complete or advise the applicant additional information is required and cite any particular areas that are deficient. If the application is deficient, the applicant has up to 30 days to address and submit the required information. Within 180 days, after the County has deemed the application complete, the County must act to approve, approve with conditions, or deny the development permit for applications that require final action through a quasi-judicial hearing or public hearing. The County may request, and the applicant can agree or not agree to waive the time limitation. In addition, when reviewing the application, the County may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Further, before the third request for additional information is made, the County must offer a meeting with the applicant to resolve any outstanding issues.

Because the SRA application review process must be in accordance with the requirements of F.S.125.022, this amendment removes LDC sections 4.08.07 E.3,4,5 and 6. The proposed amendment adds text to comply with the time limitations and procedural review requirements of F.S.125.022. This is the only LDC section that includes

review timeframes in accordance with F.S.125.022.

FISCAL & OPERATIONAL IMPACTS GMP CONSISTENCY

There are no fiscal impacts associated with this amendment. Operational changes will be as required per F.S. 125.022. This LDCA may be deemed consistent with the Future Land Use Element. DW

EXHIBITS: A) F.S. Chapters 125.022 and 163.3164 (15) and (16).

Amend the LDC as follows:

4.08.07-SRA Designation

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E. SRA Application Review Process

1. Pre-Application Conference with County Staff: Prior to the submission of a formal application for SRA designation, the applicant shall attend a pre-application conference with the County Manager or his designee and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. If an SRA designation application will be filed concurrent with an SSA application, only one pre-application conference shall be required. This pre-application conference should address, but not be limited to, such matters as:

- a. Conformity of the proposed SRA with the goals, objectives, and policies of the GMP;
- b. Consideration of suitability criteria described in LDC sSection 4.08.07 A.1. and other standards of this Section;
- c. SRA master plan compliance with all applicable policies of the RLSA District Regulations, and demonstration that incompatible land uses are directed away from FSAs, HSAs, WRAs, and Conservation Lands;
- d. Assurance that applicant has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses, and;
- e. Consideration of impacts, including environmental and public infrastructure impacts.

2. Application Package Submittal, ~~and~~ Processing Fees, and Review. The required number of SRA Applications and the associated processing fee shall be submitted to the County Manager or his designee. The contents of said application package shall be in accordance with LDC ~~s~~Section 4.08.07 D. The review and approval of the application shall be in accordance with section 125.022, Florida Statutes.

~~3. Application Deemed Sufficient for Review. Within thirty (30) days of receipt of the SRA Application, the County manager or his designee shall notify the applicant in writing that the application is deemed sufficient for agency review or advise what additional information is needed to find the application sufficient. If required, the applicant shall submit additional information. Within twenty (20) days of receipt of the additional information, the County Manager or his designee shall notify the applicant in writing that the application is deemed sufficient, or, what additional or revised information is required. If necessary, the County Manager shall again inform the applicant in writing of information needed, and the timeframe outlined herein shall occur until the application is found sufficient for review.~~

DRAFT

Text underlined is new text to be added

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~~4. Review by County Reviewing Agencies: Once the SRA application is deemed sufficient, the County Manager or his designee will distribute it to specific County review staff.~~

~~5. Staff Review. Within sixty (60) days of receipt of a sufficient application, County staff shall review the submittal documents and provide comments, questions, and clarification items to the applicant. If deemed necessary by County staff or the applicant, a meeting shall be held to address outstanding issues and confirm public hearing dates.~~

~~6. Staff Report. Within ninety (90) days from the receipt of a sufficient application, County staff shall prepare a written report containing their review findings and a recommendation of approval, approval with conditions or denial. This timeframe may be extended upon agreement of County staff and the applicant.~~

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Exhibit A – F.S. Chapters 125.022 and 163.3164 (15) and (16)

F.S. Chapter 125.022 Development permits and orders.

(1) Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 120 days after the county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county’s decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. [380.0552](#).

(2) When reviewing an application for a development permit or development order that is certified by a professional listed in s. [403.0877](#), a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. Except as provided in subsection (5), if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant’s request, shall proceed to process the application for approval or denial.

(3) When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(4) As used in this section, the terms “development permit” and “development order” have the same meaning as in s. [163.3164](#), but do not include building permits.

(5) For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(6) Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(7) This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

F.S. 163.3164 Community Planning Act; definitions. As used in this act:

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(15) “Development order” means any order granting, denying, or granting with conditions an application for a development permit.

(16) “Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

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