

RESOLUTION R-20-004

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; ADOPTING A MANATEE COUNTY DEVELOPMENT REVIEW ADMINISTRATIVE PROCEDURES MANUAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Chapter 163, Part II, Florida Statutes, has adopted the Manatee County Comprehensive Plan, pursuant to Ordinance 89-01 (as amended, the “Comprehensive Plan”) to guide growth and development in Manatee County; and

WHEREAS, the County has implemented the Comprehensive Plan through the adoption of land development regulations, pursuant to Ordinance 90-01, codified as the Manatee County Land Development Code (as amended, the “Code”); and

WHEREAS, the Florida Legislature in 2019 enacted Chapter 2019-165, Laws of Florida (a/k/a House Bill 7103) codified in pertinent part as Section 125.022, Florida Statutes; and

WHEREAS, Section 125.022, Florida Statutes, sets forth timeframes for the review of development orders and permits as defined by applicable law; and

WHEREAS, the County amended the Code by the adoption of Ordinance 20-06 to update the development review procedures as codified in the applicable portions of Chapters 2 and 3 of the Code to implement Section 125.022, Florida Statutes; and

WHEREAS, the Code authorizes the adoption of regulations and manuals to establish the technical standards for development review in accordance with the Code; and

WHEREAS, in order to fully implement the requirements of the Comprehensive Plan, the Code and the applicable portions of Section 125.022, Florida Statutes, it is in the interest of the public health, safety and welfare to adopt a Manatee County Development Review Administrative Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, as follows:

Section 1. Adoption of Manatee County Development Review Procedures Manual. The Board of County Commissioners hereby adopts the Manatee County Development Review Administrative Procedures Manual attached hereto as Exhibit “A” dated January 9, 2020, which shall supersede and replace all prior development review administrative procedures manuals.

Section 2. Applicability. The procedures set forth in the Development Review

Administrative Procedures Manual shall be applied in accordance with the requirements of the Code and Comprehensive Plan, to all development order and permits as defined by applicable law pending before the County upon the effective date hereof or filed or initiated thereafter. In the event of any conflict between a provision of the Development Review Administrative Procedures Manual and a provision of the Code or Comprehensive Plan in regard to timeframes for review of development order or permits, the stricter timeframes shall prevail.

Section 3. Severability. If any section, sentence, clause, or other provision of this Resolution or any exhibit incorporated herein shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Resolution or any exhibit incorporated herein.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this 9th day of January, 2020.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

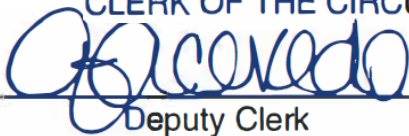
By: 
Deputy Clerk

TABLE OF CONTENTS

Part I. ADMINISTRATIVE PROCEDURES	I
A. General.....	I
1. Adoption	1
2. Application Types	1
3. Conflicts	1
4. Definitions	2
5. Abbreviations.....	2
6. Contact Information	2
B. Review Personnel and Authorities	5
1. Case Manager	5
2. Development Review Committee (LDC Section 304)	5
3. Department Director	6
4. Historic Preservation Board (LDC Section 303)	6
5. Hearing Officer (LDC Section 302)	6
6. Planning Commission (LDC Section 301)	6
7. Board of County Commission (LDC Section 300).....	7
C. Development Review Procedures	8
1. Pre-Application Meeting (LDC Section 312.2)	8
2. Application Submittal (LDC Section 312.3).....	8
3. Application Fees	9
4. Completeness Review (LDC Section 312.4)	9
5. Sufficiency Review, General (LDC Section 312.5).....	10
6. DRC Sufficiency Review	11
7. Department Director Sufficiency Review and Approval.....	12
8. Quasi-Judicial and Public Hearings (LDC Section 312.8).....	13
9. Time Extensions for Sufficiency Reviews.....	14

Part I. ADMINISTRATIVE PROCEDURES

A. GENERAL

1. Adoption

This Part I of the Administrative Procedures Manual, which was approved by Resolution No. 20-004 by the Board of County Commissioners, contains administrative procedures and staff protocols for reviewing and processing applications for development orders or development permits, as defined in Section 163.3164, Florida Statutes. The procedures were developed, as directed by Section 310.1 of the Land Development Code (LDC), to implement the requirements of Section 125.022, Florida Statutes.

2. Application Types

The procedures contained in this document apply to the following types of applications. Applications processed through the Rapid Response and Manufacturing Development (see Section 355, LDC) programs as well as applications for public school site plan approval (see Section 350 and 351, LDC) have stricter timelines but fit within the parameters of the timeframes mandated by Section 125.022.

Site Plans:

- General Development Plans
- Preliminary Site Plans
- Final Site Plans
- Changes to previously approved site plans

Subdivisions:

- Preliminary Plats
- Final Plats

Zoning Atlas:

- Amendments to Official Zoning Atlas

Historic Preservation:

- Certificates of Appropriateness

Variations/Modifications of Standards:

- Modifications of Standards
- Administrative Adjustments
- Floodplain Variations
- Variations

Schools:

- Public School Determinations of Consistency
- General Plans for Educational Facilities

Other Development Applications:

- DRI Development Order Amendments
- Special Permits
- Temporary Use Permits

This Administration Procedures Manual also addresses the review process for the following application types. Those applications, however, are not subject to the timelines mandated by Section 125.022, Florida Statutes:

- Comprehensive Plan Text and Map Amendments
- Concurrency Applications
- Historic Landmark Designations
- Land Development Code Amendments and Interpretations
- Local Development Agreements
- Vacation of Plats and Rights-of-Way
- Zoning Compliance Permits

3. Conflicts

This manual is intended to act as a supplement to the Land Development Code. If any discrepancies arise between this document and the Land Development Code or any other

statute, code, local ordinance, resolution, regulation, or Comprehensive Plan, the stricter timeframes shall prevail.

4. Definitions

In addition to the definitions contained in Chapter 2 of the Land Development Code, the following definitions shall apply.

- **Accela:** The software Manatee County uses to allow applicants to submit development review applications online.
- **Applicant:** Shall mean the person authorized by the property owner to submit an application for development review.
- **Certified Professional (per Section 403.0877, F.S.):** Shall mean a professional engineer licensed under chapter 471, a professional landscape architect licensed under part II of chapter 481, a professional geologist licensed under chapter 492, or a professional surveyor and mapper licensed under chapter 472.
- **Complete Application:** See LDC Section 200.
- **Completeness Review:** See LDC Section 200.
- **Days:** Shall mean consecutive calendar days. If the last day for a period noted falls on a Saturday, Sunday or legal holiday, the period continues to run until the end of that calendar day that is not a Saturday, Sunday or legal holiday.
- **Development Order:** See LDC Section 200.
- **Development Permit:** See LDC Section 200.
- **Development Review Calendar:** Shall mean a calendar that the Building and Development Services updates on a regular basis with specific dates for application submittal deadlines, report due dates, DRC meetings, and hearing dates.
- **Month:** Shall mean each of the twelve named periods into which a year is divided, or a period of time between the same dates in successive calendar months (e.g. February 3 to March 3).
- **Substantial Modification to Application:** See LDC Section 200.
- **Sufficiency review:** See LDC Section 200.
- **Sufficient Application:** See LDC Section 200.
- **Week:** Shall mean each of the fifty-two named periods into which a year is divided, or a period of seven days.

5. Abbreviations

- BOCC: Board of County Commission/ers
- DEO: State Department of Economic Opportunity
- DRC: Development Review Committee
- F.S.: Florida Statutes
- FDOT: Florida Department of Transportation
- FLUM: Future Land Use Map
- HPB: Historic Preservation Board
- LDC: Land Development Code
- LOS: Level of Service
- PC: Planning Commission
- PD: Planned Development

6. Contact Information

For questions regarding application submittal and processing, please contact:

Reviewer on Call Counter

Building & Development Services Department
1112 Manatee Avenue West, Fourth Floor
Bradenton, FL 34206
Telephone: (941) 748-4501, Extension 6894
<http://www.mymanatee.org>

Table I. Administrative Procedures Manual Revisions

Revision #	Sections Amended	Date

B. REVIEW PERSONNEL AND AUTHORITIES

This section describes the responsibilities of the various individuals and groups involved in the review of development applications.

1. Case Manager

The Department Director is responsible for assigning a Case Manager to each application received. The duties of the Case Manager are as follows:

- a. The Case Manager is the first point of contact for the applicant and is responsible for taking an application through the process of **completeness review**, administrative approvals, quasi-judicial hearings or public hearings, as applicable to each case.
- b. The Case Manager is responsible for scheduling the assigned applications for Development Review Committee (DRC) review and public hearings.
- c. The Case Manager, together with the members of the DRC, are responsible for performing completeness and sufficiency reviews of applications submitted to the County.
- d. The Case Manager gathers comments and recommendations from the DRC members.
- e. The Case Manager is responsible for submitting the compiled DRC comments and recommendations to the applicant via email and posting them on Accela.
- f. The Case Manager is responsible for preparing a staff report for submittal to the reviewing authorities (Hearing Officer, Historic Preservation Board, Planning Commission, Board of County Commissioners).
- g. The Case Manager is responsible for verifying that the public hearing cases have been posted and advertised.

2. Development Review Committee (LDC Section 304)

The Development Review Committee (DRC) is responsible for conducting completeness and sufficiency reviews of the applications assigned to them per Table 3-1 of the Land Development Code to ensure the county development standards are met. The DRC holds regular meetings as follows:

Meeting Frequency: The DRC meets every Wednesday, subject to variations due to legal holidays.

Meeting Dates: Specific meeting dates and times are posted on the County Calendar.

Meeting Location: The DRC meeting location is specified in the DRC meeting Agenda and the County Calendar.

DRC Membership and Duties: The DRC is composed of representatives of the following County departments:

- Building and Development Services
- Fire District
- Health Department
- Neighborhood Services
- Parks and Natural Resources
- Public Safety
- Public Works
- Redevelopment and Economic Opportunity
- Utilities
- Manatee County School Board

Each department is responsible for assigning a staff person to attend the DRC meetings. Each representative in attendance is qualified and authorized to make decisions on behalf of the department they are representing.

DRC meetings are chaired by a representative from the Building and Development Services Department and are recorded. The meetings are open to the public and are intended to provide an opportunity for the applicant and county staff to clarify review comments issued by county staff. Applicant attendance is required. For each application reviewed, the DRC must send a recommendation of approval, denial or approval subject to conditions, to the next reviewing authority.

3. Department Director

For applications that require administrative approval, the Department Director is responsible for reviewing the application to ensure compliance with the County rules and regulations applicable to the type of development proposed. The final decision made by the Department Director shall be issued in writing and sent to the applicant. In addition to the review and decision on applications, the Department Director shall be responsible for the following:

- a. Assign staff to hold pre-application meetings with applicants.
- b. Assign a Case Manager to each application submitted to the County.
- c. Assign a chair person to the DRC.
- d. Ensure the weekly DRC meetings are scheduled and recorded.

4. Historic Preservation Board (LDC Section 303)

The Historic Preservation Board (HPB) is the final approval authority for Certificates of Appropriateness (except for those that may be approved administratively), and is in charge of reviewing and submitting a recommendation to the Board of County Commissioners on the designation of local landmarks and districts. They are also tasked with reviewing floodplain variances if the site is located within a historic district.

Meeting Frequency: HPB meetings are held as necessary, with at least four (4) meetings per year.

Meeting Location: HPB meetings are held in the Patricia M. Glass Chambers (1s floor), Manatee County Administrative Center, 1112 Manatee Ave. West, Bradenton FL 34205.

Meeting Dates: Specific meeting dates and times are posted on the County Calendar.

5. Hearing Officer (LDC Section 302)

The Hearing Officer is responsible for reviewing and making a decision on development applications as noted in Table 3-1 of the Land Development Code. The duty of the Hearing Officer is to review the development applications for compliance with the review criteria contained in the LDC for each type of application and approve, deny or approve each application subject to conditions.

Meeting Frequency: The Hearing Officer meetings are held the third Wednesday of the month, subject to variations due to legal holidays.

Meeting Dates: Specific meeting dates and times are posted on the County Calendar.

Meeting Location: Hearing Officer meetings are held in the Patricia M. Glass Chambers (1st floor), Manatee County Administrative Center, 1112 Manatee Ave. West, Bradenton FL 34205.

6. Planning Commission (LDC Section 301)

The Planning Commission is tasked with holding public hearings and making recommendations to the County Commission as described in Section 301.1, LDC. These recommendations include

making findings of consistency with the Comprehensive Plan as to pending development applications. The Planning Commission makes recommendations as to compliance of pending development applications with the applicable criteria in the LDC for each type of application. The DRC recommendations are included in the Staff Report to the Planning Commission.

Meeting Frequency: Planning Commission meetings are held the second Thursday of each month, subject to variations due to legal holidays.

Meeting Location: Planning Commission meetings are held in the Patricia M. Glass Chambers (1st floor), Manatee County Administrative Center, 1112 Manatee Ave. West, Bradenton FL 34205.

Meeting Dates: Specific meeting dates and times are posted on the County Calendar.

7. Board of County Commission (LDC Section 300)

Table III-1 lists the application types that are decided by the Board.

Meeting Frequency: The Board of County Commission holds regularly scheduled land use meetings the first Thursday of the month, subject to variations due to legal holidays.

Meeting Location: The Board of County Commission Land Use Meetings are held in the Patricia M. Glass Chambers (1st floor), Manatee County Administrative Center, 1112 Manatee Ave. West, Bradenton FL 34205.

Meeting Dates: Specific meeting dates are posted on the County Calendar.

C. DEVELOPMENT REVIEW PROCEDURES

This section describes the development review process for applications that require administrative approval and for those that require a quasi-judicial or public hearing.

1. Pre-Application Meeting (LDC Section 312.2)

a. Purpose of Pre-Application Meeting

Table 3-1 of the Land Development Code specifies which applications require a pre-application meeting. Although not required for all applications, pre-application meetings serve a vital function in the development review process. This meeting provides an initial discussion between the applicant and County staff regarding the development review process and submittal requirements for a proposed development or project.

During the pre-application meeting, the applicant and staff will go through the submittal checklist and determine which items are not applicable based on the type of project. The applicant shall keep a copy of that list and submit it with the application package. Note that submission of all of the materials identified at the pre-application meeting with an application does not waive the right of the County to request additional information, as the need for additional information will be determined as a result of the completeness review.

Comments made by staff at a pre-application meeting are made solely for preliminary informational purposes and shall not be construed as an approval, denial, or agreement to approve or deny any development order. Failure of staff to identify any required permits or procedures at a pre-application conference shall not relieve the applicant of any such requirements nor constitute a waiver of the requirement by the decision-making body.

b. Timing of Pre-Application Meeting

The pre-application meeting must be completed at least 24 hours prior to the application submittal deadline but not earlier than six (6) months prior to submittal of the application. If the application is not submitted within this timeframe, another pre-application meeting will be required. The Director may accept applications for which pre-application meetings were held over six (6) months if the procedures or regulations have not changed during that period of time.

c. Scheduling a Pre-Application Meeting

To request a pre-application meeting, applicants need to submit the "Pre-Application Meeting Request Form" through Accela with the minimum required information identified in the application checklist. The applicant should provide as much documentation as is available to assist County staff in their preparation for this meeting. County staff will contact the applicant with the appointment time. The meetings are typically scheduled for a Friday, two weeks after the request has been submitted, as scheduling allows.

2. Application Submittal (LDC Section 312.3)

a. Online Submittal

Applications must be submitted through Accela, the County's permitting and development services online portal. Accela can be accessed through the following link or by searching through an internet browser. <https://aca3.accela.com/manatee/>

b. In-Person Submittal

Applicants without access to a computer or internet may go to the location shown below to use an on-site computer to submit the application.

Building and Development Services Department

1112 Manatee Avenue West 4th Floor
Bradenton, FL 34205
(941) 748-4501 ext. 6894

c. *Contact Information*

All written correspondence will be sent to the owner, unless the owner signs an affidavit (on a form provided by the County) designating an “agent” to represent him/her in the development review process. The agency authorization form should also state whether the agent is authorized to sign an agreement for time extensions.

3. *Application Fees*

The application fees, which are established by Resolution by the Board of County Commissioners, shall be paid upon application submittal. The Resolution details what the fee covers and the refund options.

4. *Completeness Review (LDC Section 312.4)*

a. *Purpose of Completeness Review*

Completeness means that the application package includes the necessary information, documents and analysis required by the Comprehensive Plan, the LDC and implementing regulations to enable staff and the approving authority to make the necessary determinations under the Comprehensive Plan and the Land Development Code. To facilitate the determination of completeness, each application form includes a checklist of all the documents and information that are required to be submitted. The applicant must indicate on that checklist the location of all the required documents/information.

Once a completeness review begins, the applicant will not be allowed to submit additional materials or information, or make changes to the application. Should the applicant desire to do that, the 30-day maximum review time period will start again.

b. *DRC or Director in Charge of Completeness Review*

The DRC, or the Department Director if the application does not require DRC review, performs the completeness review. In the case of applications that are reviewed by the DRC, staff from the Zoning Division will submit the application to the Case Manager for distribution to the DRC to perform the completeness review.

c. *Length of Completeness Review*

From the date a development order or permit application is submitted (or resubmitted) to the County, the County has a maximum of 30 days to review the application package for completeness.

d. *Outcome of Completeness Review*

Following the completeness review, the Department Director (or designee) will send a letter to the applicant indicating that all required information was submitted or specifying with particularity any areas of the application that are deficient. The purpose of the completeness letter is to notify the applicant of the completeness review only. The letter will list the specific sections of the Comprehensive Plan, the LDC or implementing regulations that were not addressed in the application packet.

e. *Complete Applications*

If the application is determined to be complete, the Director will commence the sufficiency review, or in the case of applications that are reviewed by the DRC, the Case Manager will notify the DRC members that sufficiency review can begin.

f. Incomplete Applications

If the application is found to be incomplete, the applicant has 30 days, from the date of the letter stating the application is incomplete, to address the deficiencies by submitting the required additional information for another completeness review. The 30-day completeness review period begins every time an application is resubmitted.

Per Section 125.022, Florida Statutes, if the applicant for a development order or development permit (defined Section 163.3164, F.S.) is a certified professional listed in Section 403.0877, F.S. and Section I.A.4 of this Manual, the County may only request additional information three (3) times during the review of the application, unless the applicant waives this limitation in writing. Before a third request for additional information is issued, the County will offer a meeting with the applicant to attempt to resolve outstanding issues.

If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant may submit a written request to proceed with the sufficiency review notwithstanding the identified deficiencies. If the applicant fails to address the deficiencies listed in the completeness review letter, however, the application may be denied (for administrative approvals) or recommended for denial (for applications requiring a quasi-judicial or public hearing).

g. Time Extensions

No later than one week prior to the end of the 30-day period given to the applicant to revise the application package, the applicant may submit a written request to the Department Director to approve a time extension. The request must be submitted online (through Accela) and must explain the reasons for the request. The approval or denial of the extension request must also be done in writing.

Conversely, the Department Director may request in writing an extension of the completeness review period in the event of a force majeure or other extraordinary circumstance (an example of such circumstance includes the closing of county offices due to a hurricane).

Per Section 312.4 of the LDC, a written extension agreement (to be prepared by the County) must be signed by the owner or owner's agent and the Director on behalf of the County stating the mutually agreed upon time extension for the applicant to provide additional information and for the county to respond accordingly.

h. Withdrawn Applications

If the applicant does not resubmit the application package for completeness review within the 30-day time allotted (plus the extension, if approved), and does not request that the application be reviewed for sufficiency notwithstanding the identified deficiencies, the Director will notify the applicant in writing that the application has been deemed withdrawn. If the applicant wishes to restart the process, he/she will need to submit a new application packet.

5. Sufficiency Review, General (LDC Section 312.5)

a. Purpose of Sufficiency Review:

Sufficiency Review is conducted to determine whether the application contains the necessary analysis addressing the various criteria for approval contained in the Comprehensive Plans, LDC or implementing regulations, to enable a determination to be made by the approving authority on the merits of the application.

b. Length of Sufficiency Review:

From the date an application is determined to be complete, the County has a maximum of 120 days to review the application package for sufficiency if the application requires administrative approval, or 180 days if it requires a quasi-judicial or public hearing. See Figures 2, 3 and 4.

c. Package Distribution:

Once the application is deemed complete, the Director commences the sufficiency review for cases that do not require DRC review per Table 3-1 of the LDC (see Section 7, below). Otherwise, the Case Manager distributes the application package to the members of the Development Review Committee (DRC), to conduct their sufficiency review. The Case Manager will also submit the application to the following agencies for informational purposes:

- Cable Franchises (applications for final subdivision plats within respective service areas)
- City of Bradenton (applications for development approvals on project sites adjacent to the city and applications within the WPE Overlay)
- Cities of Palmetto and Sarasota (applications for development approvals on project sites adjacent to each respective city)
- Florida Department of Transportation (projects on or adjacent to state or federal roads)
- Florida Power & Light / Peace River Electrical Coop (applications for final subdivision plats within respective service areas)
- Hillsborough, Sarasota, Hardee, and DeSoto Counties (applications for development approvals within one-half mile of respective county lines)
- Manatee County Health Department (applications for site plan approvals, special permits, temporary use permits)
- Manatee County Mosquito Control District (applications related to tall structures (pursuant to LDC Section 725) and applications related to telecommunication towers)
- Manatee County Property Appraiser (applications for final subdivision plats)
- Manatee County Sheriff's Office (applications related to residential development projects)
- Respective fire districts (applications for development approvals on project sites within their respective jurisdictions)
- Sarasota Manatee Airport Authority (applications for development approvals on project sites adjacent to the airport property, related to tall structures (pursuant to LDC Section 725), located on airport property, or within the AI Overlay)
- Southwest Florida Water Management District, Department of Environmental Protection, and Florida Fish and Wildlife Commission if wetlands and/or habitat are identified
- Verizon Florida – applications for final subdivision plats

d. Accuracy of Information:

See LDC Section 312.5.B, which addresses the County reliance on the accuracy of the information submitted.

6. DRC Sufficiency Review

For applications that require DRC review per Table 3-1 of the LDC, the DRC members (or designees) perform the sufficiency review as follows (see Figure 2):

- a. The DRC members have approximately twenty-one (21) days from receipt of the complete application to review it for sufficiency and provide their preliminary comments to the Case Manager.
- b. The day after the preliminary comments are submitted to the Case Manager, a staff meeting is held to discuss any comments that need coordination between departments. Applicants and the public are not invited to this meeting as it is intended to be a technical discussion of conflicting comments from different reviewers.
- c. After the staff meeting, the Case Manager emails the DRC preliminary comments to the applicant and posts them on Accela. The applicant has seven (7) days from the day the preliminary comments are received to review the comments, start collecting missing plans or documents, and prepare to attend the DRC meeting.
- d. Seven (7) days after the staff meeting, a DRC meeting is held to review the application and prepare the DRC's final recommendation to the approving authority. Development applicants are required to attend the DRC meeting as it is an opportunity to ask questions or discuss comments received from staff on their applications. The public may also attend and observe, but the DRC meetings are not intended to be public hearings.
- e. For each application reviewed, the DRC must make a determination of whether the application meets the development standards and provisions contained in the Land Development Code, Comprehensive Plan and other applicable County rules and regulations, and send a recommendation to the next review authority for approval, denial or approval of the application subject to conditions. Conditions in this context are not to be used to require the plans to exceed the minimum requirements of the Code, or to provide relief to the applicant from meeting certain provisions of the Code (unless part of an administrative variance/modifications of standards request). A recommendation for approval, approval with conditions or denial must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority to support the recommendation.
 - (1) If there were no deficiencies identified by the DRC, the application is forwarded to the next approving authority per Table 3-1 of the LDC.
 - (2) If the DRC identifies issues to be resolved prior to the next level of review, the applicant has seven (7) days to make the necessary changes to the application packet and resubmit. The Case Manager then reviews the resubmittal and schedules the application for the next level of review (Director, Planning Commission, Hearing Officer, Historic Preservation Board or Board of County Commission). If the resubmitted application packet includes substantial modifications, as defined in this manual, the applicant may request a time extension to allow for a second DRC meeting (see Section 9, below), or receive a DRC recommendation for denial.
 - (3) If the DRC issues a recommendation for denial, and the applicant disagrees with the determination, the applicant may submit a written request to the Director to withdraw the application, to proceed with the next step in the development review process notwithstanding the recommendation for denial, or to request an extension to address the insufficiencies (see Section 9, below).

7. Department Director Sufficiency Review and Approval

a. Administrative Applications with DRC Recommendation:

Once the DRC issues a recommendation on an application that requires administrative approval, the Department Director will issue a letter approving, denying or approving the

application subject to conditions and including written findings supporting the decision. Such letter must be issued within seven (7) days after the DRC meeting. See Figure 2.

b. *Administrative Applications without DRC Review:*

For applications that do not require DRC review per Table 3-1 of the LDC, the Director must determine whether the application meets the development standards and provisions contained in the Land Development Code, Comprehensive Plan and other applicable County rules and regulations. See Figure 3.

The Department Director first performs a preliminary sufficiency review and submits preliminary comments to the applicant. The applicant will be given fourteen (14) days to address the comments and resubmit the application to the County.

Up to seven (7) days after the resubmittal is received, the Director will issue a final sufficiency letter approving, denying, or approving the application subject to conditions. The letter approving, denying, or approving the application subject to conditions, shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority that triggered the denial.

c. *Quasi-Judicial or Public Hearing Applications:*

In the case of legislative or quasi-judicial decisions, the Director directs the Case Manager to prepare a staff report, which includes the DRC recommendation, and submits it to the County Attorney's Office for review. Once those comments are received and incorporated into the report, the Case Manager submits the Staff Report to the public hearing agenda coordinator for distribution to the appropriate decision-making or recommending body, and to schedule the hearing. See Figure 4.

If the staff report contains a recommendation for denial, and the applicant disagrees with the determination, the applicant may submit a written request to the Director to withdraw the application, to proceed with the quasi-judicial or public hearing notwithstanding the recommendation for denial, or to request an extension to address the insufficiencies (see Section 9, below).

Depending on the type of application under consideration, public hearings must be advertised in the newspaper, posted on the site, and/or noticed to surrounding property owners. Section 312.7 of the LDC contains the specific instructions for public notices.

8. Quasi-Judicial and Public Hearings (LDC Section 312.8)

For an application requiring Planning Commission or Historic Preservation Board (HPB) recommendations or approvals from the Hearing Officer or the Board of County Commissioners (BOCC), the following shall apply:

- a. Prior to a hearing, the Case Manager will issue a staff report, email it to the applicant and submit it to the agenda coordinator for distribution to the Planning Commission, Hearing Officer, HPB, or BOCC. The report shall describe the request, background information, an analysis of whether the application can be found to meet the provisions of the LDC, Comprehensive Plan and other County rules and regulations, and the previous review authority's recommendations and proposed conditions.
- b. The Applicant has the burden of proof at the public hearings and should attend to present their case. The failure of an applicant to attend the public hearings can result in a finding of the applicant failing to meet their burden of proof by the approving authority and a denial or a continuance of their application.
- c. The Planning Commission, Hearing Officer, HPB, or BOCC shall review the application in light of the review criteria stated for each type of application in the Land Development Code and

make a decision to approve, deny or approve the application subject to conditions (if they are the final approving authority), or send a recommendation to the next reviewing authority.

- d. The denial or approval of an application shall be in writing and shall include findings supporting the action taken.

See Section 312.6 of the LDC for procedures to hold neighborhood workshops prior to the public hearings, and Part X for Appeals.

9. Time Extensions for Sufficiency Reviews

If at any time during the sufficiency review process, the applicant wishes to revise the application and needs more time than already allocated in the process, the applicant may submit a time extension request through Accela. The extension application must state how much time the applicant is requesting to revise the plans, that the applicant is aware that the revised plans will be required to once again undergo sufficiency review, and that the 120 or 180-day deadline for sufficiency review may be extended for the period of time requested by the applicant to revise the plans. Conversely, the Department Director may request the applicant in writing to approve an extension of the sufficiency review period in the event of a force majeure or other extraordinary circumstance (an example of such circumstance includes the closing of county offices due to a hurricane).

The extension approval or denial must also be done in writing. A written agreement signed by the applicant and the County must be entered stating the mutually agreed upon time extension for the applicant to provide additional information or revise plans, and for the County to respond accordingly.

If the applicant has not resubmitted the application within the deadline specified in the Agreement, then the County shall provide written notice to the applicant stating that the application has been deemed withdrawn.

FIGURE 1. COMPLETENESS AND SUFFICIENCY REVIEW TIMELINE

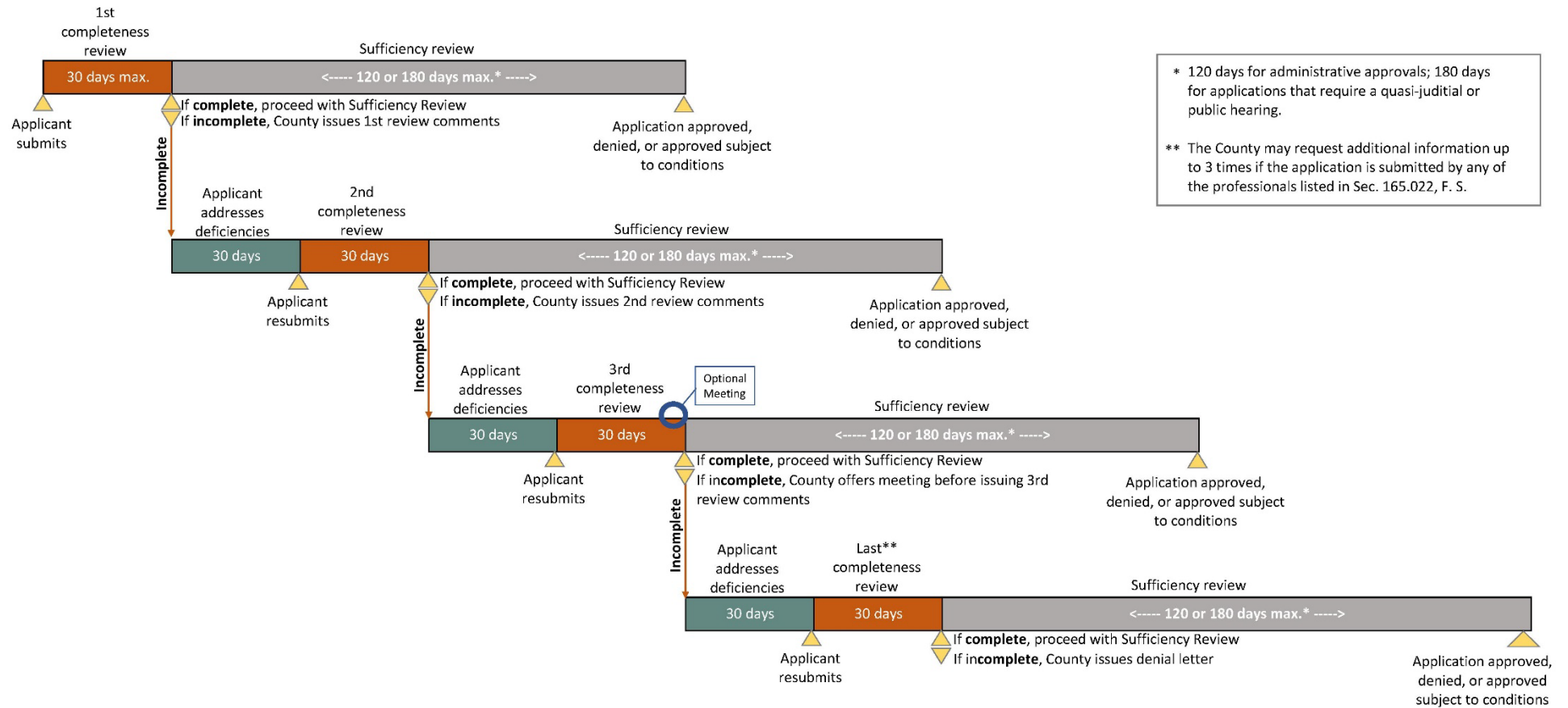
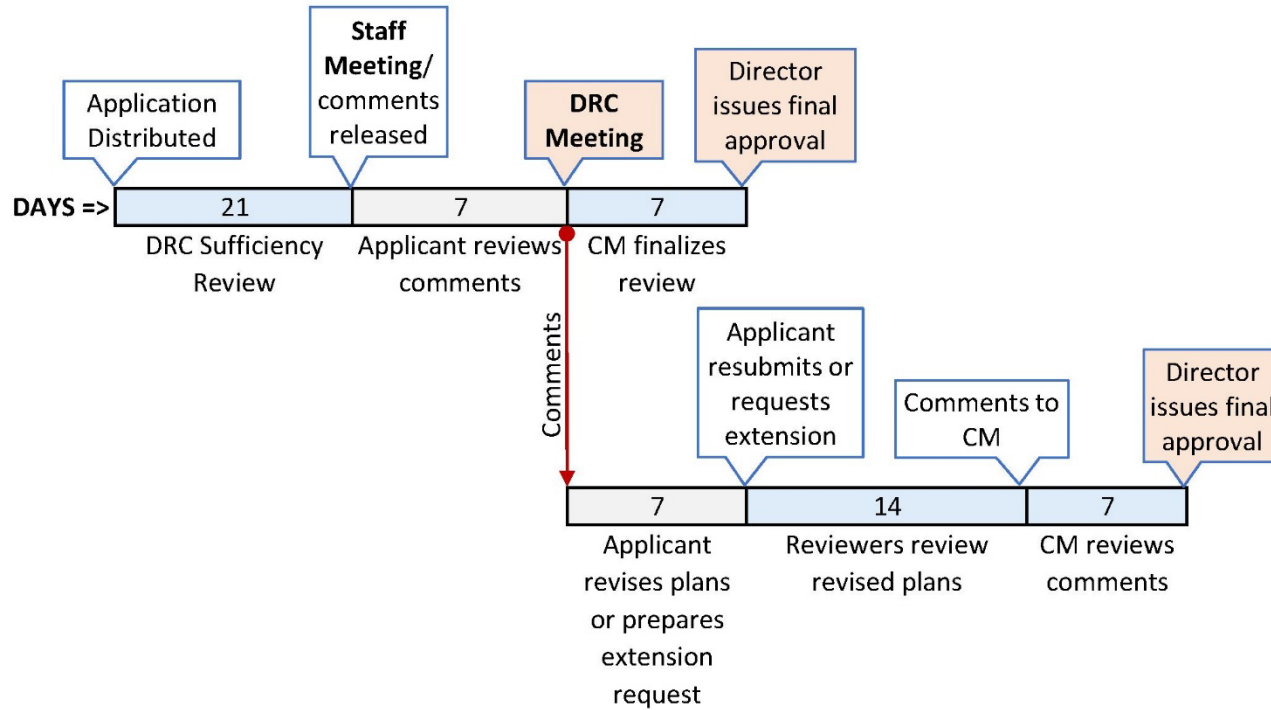
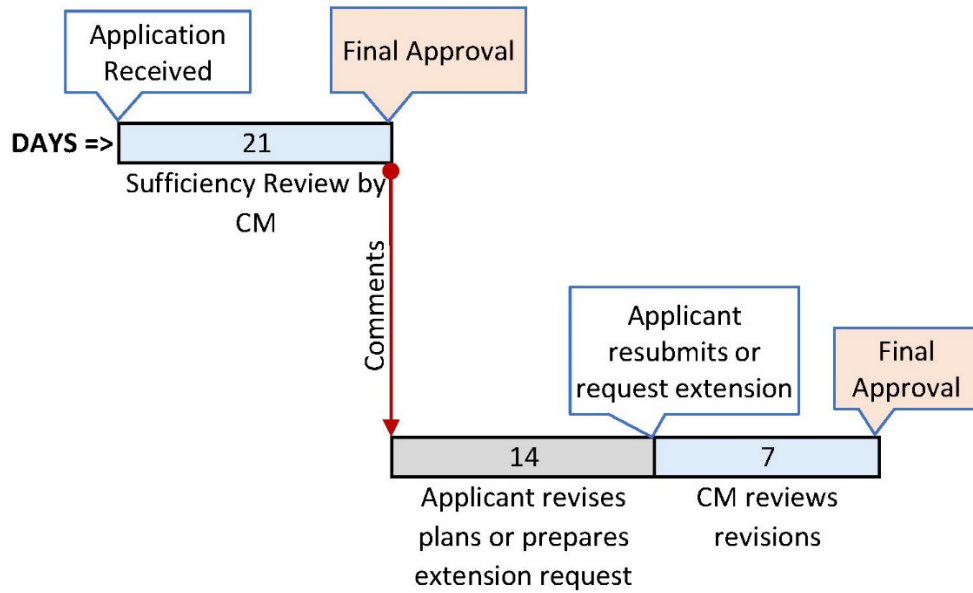


FIGURE 2. SUFFICIENCY REVIEW – DRC/DIRECTOR APPROVAL



NOTE: County staff review timeframes depicted above are average times required to perform sufficiency reviews and may vary. The total review time, however, shall not exceed 120 days.

FIGURE 3. SUFFICIENCY REVIEW –DIRECTOR APPROVAL



NOTE: County staff review timeframes depicted above are average times required to perform sufficiency reviews and may vary. The total review time, however, shall not exceed 120 days.

FIGURE 4. SUFFICIENCY REVIEW – DRC/PUBLIC HEARING

