



Memorandum

DATE: December 23, 2019
TO: Lisa Barrett, Planning Manager
FROM: Patricia Tyjeski, AICP, Planning Director
SUBJECT: Development Review Manual

Section 125.022, Florida Statutes, was amended by House Bill 7103 earlier this year to accomplish several purposes, one of which was to establish maximum timeframes for the review of Development Orders and Permits. The effective date of the bill was July 1, 2019.

Development Order is defined in the LDC as “any order granting, denying, or granting with conditions, an application for a development permit, including a building permit, zoning compliance permit, subdivision approval, rezoning, certification, special permit, variance, or any other official action of the County having the effect of permitting the development of land. It shall also refer to the final action of a land use hearing officer. The issuance of any development order shall be determined to include the issuance of a certificate of density and intensity compliance as required by the Comprehensive Plan.” *Development Permit*, per Section 163.3164, F.S., is defined as “any building permit, zoning permit, subdivision approval, rezoning, certification, special permit, variance, or any other official action of local government having the effect of permitting the development of land.” Therefore, the timing requirements of Section 125.022, F.S. apply to all the development order/permit applications reviewed by the County. Applications for Comprehensive Plan amendments (text or map) and Land Development Code amendments are not affected by the change in review timeframes.

The County has several programs in place for expedited review (Rapid Response, Affordable Housing, Manufacturing Development Plans). These programs are not affected by the changes, as their review times are already shorter than required by the Statutes.

The attached documents include a new Development Review Administrative Manual that contains administrative procedures and staff protocols for reviewing and processing applications for Development Orders or Development Permits, and draft changes to Land Development Code Chapters 2 (Definitions) and 3 (Review Authorities and Procedures) to reflect the changes in the Statutes.

The following is a summary of the major changes proposed:

Administrative Procedures Manual

The Manual contains two parts, Part I, which is intended to be adopted by resolution, contains the development review procedures and protocols, and Part II, which is still being drafted and does not



require adoption by the Board, contains the application forms and required submittals for the different types of development applications.

Part I of the Manual contains three main sections:

- A. General Provisions, which addresses the adoption of the Manual, applicability, definitions and other provisions.
- B. Review Personnel and Authorities, which describes the role of each entity involved in the development review process (Case Manager, Development Review Committee, Department Director, Historic Preservation Board, Hearing Officer, Planning Commission and Board of County Commission) and the frequency and location of their meetings.
- C. Development Review Procedures, which details the County's completeness and sufficiency review process and procedures.

The Manual includes the timing restrictions established by the Statutes, but also details the various steps that development applications must go through, and addresses the process for extending the review periods, if needed.

Per State Statutes, the County is limited to a 30-day review period to determine if an application is complete (**completeness review**), must limit the requests for additional information to three times if the applicant is a certified professional (as defined in the Statutes) and must offer a meeting with the applicant before the third request for additional information is issued. Applicants are also given 30 days to submit additional information and are given the possibility of applying to extend that time. The extension requires mutual agreement between the applicant and the County.

Applications that get reviewed and approved administratively will easily be within the permitted 120-day **sufficiency review** period established by the Statutes, while applications that require a public hearing will be closer to the 180-day maximum. In order to accelerate review times, the DRC will start meeting weekly (instead of every other week). However, Planning Commission and Board hearings occur once a month. Therefore, depending on when an application is deemed complete and allowed to proceed to sufficiency review, it could take anywhere between 127 and 155 days to obtain final approval. As proposed, applicants will be given 14 days (7 days before DRC and 7 days after) to make changes to their plans based on sufficiency comments received from the DRC members. The Manual provides the option for applicants (and the County) to request an extension of the sufficiency review time. These extensions would extend the 120- and 180-day review times by a time period specified in the extension agreement. Language has been added to note that the Case Manager will be responsible for taking their assigned applications through the entire process of completeness and sufficiency reviews.

Chapter 2, Definitions

Proposing to add the following definitions:



1. Complete Application
2. Completeness Review
3. Development Order
4. Development Permit
5. Substantial Modification to Application
6. Sufficiency Review
7. Sufficient Application

Chapter 3, Review Authorities and Procedures

Added a provision noting that the Manual, adopted by **resolution**, establishes the process and procedures to ensure conformance with Section 125.022, F.S.

Pre-application meetings are currently optional. With the new structure for development review, which restricts not only the amount of time dedicated to review, but also the number of times that the County may request information from applicants, it is important that applicants are made aware of the process as it relates to their specific applications before submittal. Therefore, Chapter 3 is being amended to require pre-application meetings for various types of applications, including Final Site Plans and Final Plats (see Table 3-1, LDC). The County currently charges a fee for pre-application meetings. Fees are not addressed in the Land Development Code or the Manual, so any changes to fee policies will need to be addressed in the development review fee resolution.

Revised Section 312.4 (**Completeness Review** of Application) and Section 312.5 (**Sufficiency Review** of Application) for consistency with Section 125.022, F.S.