

## ARTICLE XII DEVELOPMENT OF REGIONAL IMPACT

### Section 12.0 Purpose.

- A. It is the purpose and intent of this Article to:
1. Ensure that the state's development of regional impact (D.R.I.) regulations are properly applied to project proposals within the incorporated area of the City of Fellsmere; and
  2. Ensure proper review and consideration of D.R.I. applications by the planning and zoning commission and the City Council.

### Section 12.1 Local Standards and Requirements.

- A. The following local standards and requirements shall apply to development project proposals as provided herein:
1. After receiving a recommendation from the City Manager or designee, the City Council may require a developer to obtain from the state and submit to the City a binding letter of interpretation prior to City consideration and approval of all or a portion of a proposed development project. The City Council may require the binding letter of interpretation if it finds the following:
    - a. That the proposed project has not undergone review and approval through the D.R.I. process nor has it otherwise been previously exempted from D.R.I. regulations by the state;
    - b. That due to its size, character, or location the proposed project would appear to have a substantial effect on the health, safety, or welfare of citizens of more than one county due to its impact on one or more of the following:
      - 1) Compatibility with existing or planned land uses;
      - 2) Potable water, sanitary sewer, or solid waste systems;
      - 3) Groundwater or wellfield protection, or aquifer recharge;
      - 4) Drainage;
      - 5) Traffic circulation or other transportation modes;
      - 6) Housing;
      - 7) Conservation or coastal management;
      - 8) Recreation;
      - 9) Economic development; or
      - 10) Capital improvements programs.
  2. Upon review of the state's "aggregation rule" criteria found in Chapter 380.06 of the Florida Statutes and in Chapter 9J-2 of the Florida Administrative Code and a determination that a project proposal appears to fall under D.R.I. regulations due to possible aggregation, the City Council may require an applicant to obtain from the state either a binding letter of interpretation or an "aggregation clearance letter" or its equivalent, which shall state whether or not the state considers the proposed project to be under D.R.I. regulations due to the aggregation rule. The

City Council may make such a determination after receiving a recommendation by the City Manager or designee, and may require a developer to submit an interpretation from the state prior to City Council consideration and approval of all or a portion of a proposed development project.

3. On any site covered by a D.R.I. development order, no subsequent local development order shall be approved and no construction shall be performed which does not conform to the D.R.I. development order and any conditions attached thereto, for as long as the D.R.I. development order is in effect.
4. D.R.I. applications, substantial deviation applications, and application for "minor" amendments to D.R.I.'s shall be accompanied by a local review fee as adopted by resolution by the City Council.

#### **Section 12.2 Review Procedures.**

A. The following review procedures shall apply to D.R.I. applications and applications to amend D.R.I.'s in conjunction with and in addition to the review procedures required in Chapter 380.06 of the Florida Statutes and in Chapter 9J-2 of the Florida Administrative Code.

1. D.R.I. applications, substantial deviation applications, and applications for "minor" amendments to D.R.I.'s shall be reviewed and considered by the planning and zoning commission. The planning and zoning commission shall recommend an action or actions to the City Council regarding each application. The City Council shall take final action on all such applications.
2. For D.R.I. applications and substantial deviation applications, notice of the City Council review on any such application shall be in accord with the provisions of section 17.16.
3. For D.R.I. applications and substantial deviations applications, posted notice shall be placed by the county on the project site in accordance with the posted notice provisions of section 17.16.

#### **Section 12.3 Review Fees.**

All applications for D.R.I., substantial deviation, or minor D.O. amendment review shall be accompanied by the appropriate review fee, as established by resolution by the City Council.