

DEVELOPMENT OF REGIONAL IMPACT (DRI)

Authority: Section 1A.03.12, Okaloosa County Land Development Code (LDC).

Purpose: A Development of Regional Impact (DRI), as defined at Section 380.06, *Fla. Stat.*, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. The purpose of Section 1A.03.12, LDC is to provide a uniform and standard procedure for the review and disposition of applications for new DRI development orders, and amendments to previously approved DRI development orders.

Procedure for New DRI: DRI applications will be reviewed in accordance with Section 380.06, *Fla. Stat.* and Rule 73C-40, *Fla. Admin. Code*, including any applications or forms prescribed thereby.

Procedure for Amendment to Previously Approved DRI: Review of amendments to previously approved DRI development orders, including any proposed redevelopment, shall be as follows.

- a. Applications shall be on forms provided by the Department of Growth Management.
- b. Each application shall be accompanied by a notification letter describing the proposed change or a Notice of Proposed Change Form (DEO-BCP-PROPCHANGE-1), if required, which shall be sent to the State Land Planning Agency and the West Florida Regional Planning Council for determinations of additional regional impact and substantial deviation from the approved development order.
- c. A complete application shall include the following.
 - i. The notification letter or NOPC described in b above.
 - ii. A statement, along with supporting documentation as to why the amendment is consistent with the Comprehensive Plan as specified in Administration Element, Policy 1.7, including a compatibility analysis and determination.
 - iii. A statement, along with supporting documentation as to how the amendment is consistent with the Land Development Code (LDC). This shall include verification of compliance with the following LDC requirements, when applicable.
 - 1) Chapter 2, Zoning Regulations.
 - 2) Section 6.01.00, Subdivisions.
 - 3) Section 6.03.00, Roads.
 - 4) Section 6.04.00, Parking Requirements.
 - 5) Section 6.05.00, Landscaping.
 - 6) Section 6.06.00, Stormwater Management.
 - 7) Section 6.07.00, Recreation Facilities.
 - 8) Other requirements as may be specific to the requested amendment.
- i. A statement, along with supporting documentation as to why the amendment is consistent with the State Comprehensive Plan.

ii. A statement that the proposed change does not interfere with the objectives of an applicable state land development plan.

iii. A traffic impact analysis/report prepared by a professional engineer.

iv. Verification from utility providers that adequate capacity is available (water, sewer, electric).

v. As an alternative to iii, above, if an applicant is seeking an amendment to allow a specific plan of development, the applicant may choose to submit a development order application consistent with Section 1A.03.00, LDC.

Phased or Common Plan of Development. The following shall apply to amendments to a previously approved DRI development order.

a. "Common plan of development or sale" or "larger plan of other commercial or residential development" or "phased development" means any activity that facilitates the advancement of land use (such as multiple residences, a residential subdivision, or phased site development) on the subject property, or that comprises a total land area divided into multiple lots, parcels, tracts, tiers, blocks, sites, or units, if such areas are under common ownership or control. This includes any activity on contiguous real property that comprises a total land area divided into parcels, tracts, tiers, blocks, sites, or units, and is served by a common road or road network or common stormwater management systems within that land area. Areas of land that are divided by public or private roads are considered contiguous if such areas are under common ownership or control.

b. For proposed development as described in a, above, the applicant must provide an overall "phased development plan" which shows how each phase of the project will be developed relative to every other phase. At a minimum, this plan must depict the following.

i. The boundary delineation of each phase and sequential numbers for each phase showing the order in which the overall project will be developed.

ii. A site data table describing the development in each phase and the cumulative total of development in all the phases as it relates to density, intensity, lot sizes, or square footage.

iii. The planned road, street, and stormwater management layout.

iv. A Development Order (DO) may be issued for an overall phased development plan on its own or for a plan which includes one or more phases.

c. Each phase of a Phased Development may receive a separate DO, or one or more phases may be submitted simultaneously and approved under the same DO. A separate final plat may be approved for each phase if platting is applicable.

d. Each phase must be functional with regard to roads and streets, drainage/stormwater, water and sewer lines, fire flow, and other required infrastructure.

e. A copy of the overall "phased development plan" must be submitted with each application for development order review for each phase of the project. The phase under review must be substantially consistent with said overall plan. "Substantially consistent" means that the type of

use has not changed, the density or intensity has not changed, and the road and street layout has not changed.

Public Hearings: The review and approval of DRI applications and any amendments to an approved DRI development order shall be as specified at Section 380.06, *Fla. Stat.*, provided however, that for any amendments to a previously approved DRI development order, there shall be one public hearing before the Planning Commission and one public hearing before the Board of County Commissioners. Nothing herein shall be construed to preclude a DRI application or amendment to a previously approved DRI development order from being heard by the Board of County Commissioners if it believes there are relevant issues that require additional information and analysis prior to taking action.

Public notice shall be provided by advertisement in a newspaper of general circulation published at least ten days prior to the date each hearing will be held. A copy of such notice shall be kept available for public inspection during regular business hours at the office of the Department of Growth Management. The notice shall state the time, date, and place for each hearing; the title(s) of the proposed resolution(s); the place(s) where the resolution may be inspected by the public, and; a general statement advising that all interested parties may appear at the meeting and be heard with respect to the proposed resolution(s).

Public notice shall also include the mailing of certified, return-receipt letters to all property owners within a 300-foot radius of the property involved, a certified list of said owners to be obtained from the Property Appraiser's office. In addition, a two-foot by three-foot sign with no less than one-inch lettering shall be posted at the property line facing and clearly visible from the adjacent street or for multiple streets a sign facing and clearly visible from all adjacent streets. The required letters and sign(s) shall describe the action being requested; the date, time and location of the public hearing to be held, and; the name and telephone number of both the applicant and the Department of Growth Management. Letters must be mailed no later than 15 days before the date the first public hearing will be held and signs must be posted no later than 15 days before the date the first public hearing will be held. The applicant must provide signed affidavits stating the letters were mailed and the sign(s) were posted as required herein, and must also provide a time-dated photograph of the sign(s) after it is posted on the property.

Disposition of DRI Amendments: The Board of County Commissioners shall approve, approve with conditions, or deny an application for amendment to a previously approved DRI as follows.

- a. If the Board determines that the proposed change represents a substantial deviation that requires further development of regional impact review said review and approval shall be as specified in Section 380.06, *Fla. Stat.* and Rule 73C-40, *Fla. Admin. Code.*
- b. If the Board determines that the proposed change does not require further development of regional impact review and is otherwise approved the County shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change (ss. 380.06(19)(f)6). This approval is to amend the DRI development order only, any specific development project resulting from this approval shall be subject to the development review and approval process as specified in the LDC.

c. The Board may deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the County does not wish to change the plat restriction as part of the proposed change (ss. 380.06(19)(f)5). If the application is denied the reasons for denial must be specified, as well as changes in the development proposal, if any, that would make it eligible to receive development approval.

In cases where the applicant chooses to submit both a DRI amendment application and a development order application at the same time the reviews may be conducted concurrently, and the DRI amendment resolution and development order may be approved concurrently. A development order for a specific plan of development approved in this manner shall not be subject to the Development Order Hearing process specified in Subsection 1.11.08, LDC.

**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR
DEVELOPMENT OF REGIONAL IMPACT AMENDMENT**

August, 2016

A. Applicant Information

1. Name: _____

2. Address: _____

3. Telephone: _____ FAX: _____ Email: _____

4. Applicant is: Property owner _____ Owners authorized agent* _____
** Verification of authorized agent must be attached*

5. Owner's name, address and telephone, if different than applicant:

B. Property Information

6. Location: _____

7. Property ID Number: ____-____-____-____-____-____

8. Size of property: _____ (sq. ft. or acres)

C. Future Land Use/Zoning Information

9. Existing Future Land Use Map designation: _____

10. Existing zoning district: _____

D. Master Development Map (MDM)

11. Existing description (i.e. Magnolia Forest): _____

12. Existing designation (i.e. L, C, M/L, etc.): _____

13. Requested amendment:
FROM _____ (MDM designation)
TO _____ (MDM designation)
14. Proposed development: _____
15. Attach a copy of the most recently adopted MDM, and a copy of the proposed MDM showing the requested amendment.

E. Required Information

16. Attach notification letter or Notice of Proposed Change form.
17. A statement, along with supporting documentation as to why the amendment is consistent with the Comprehensive Plan as specified in Administration Element, Policy 1.7, including a compatibility analysis and determination.
18. A statement, along with supporting documentation as to how the amendment is consistent with the Land Development Code (LDC). This shall include verification of compliance with the following LDC requirements, when applicable.
- 1) Chapter 2, Zoning Regulations.
 - 2) Section 6.01.00, Subdivisions.
 - 3) Section 6.03.00, Roads.
 - 4) Section 6.04.00, Parking Requirements.
 - 5) Section 6.05.00, Landscaping.
 - 6) Section 6.06.00, Stormwater Management.
 - 7) Section 6.07.00, Recreation Facilities.
 - 8) Other requirements as may be specific to the requested amendment.
19. A statement, along with supporting documentation as to why the amendment is consistent with the State Comprehensive Plan.
20. A statement that the proposed change does not interfere with the objectives of an applicable state land development plan.
21. A statement that the proposed change does not interfere with the objectives of an applicable state land development plan.
22. A traffic impact analysis/report prepared by a professional engineer.
23. Verification from utility providers that adequate capacity is available (water, sewer, electric).

F. Common Plan of Development

In addition to A through E above, for proposed development involving a common plan of development the applicant must provide an overall "phased development plan" which shows how each phase of the project will be developed relative to every other phase. At a minimum, this plan must depict the following.

24. The boundary delineation of each phase and sequential numbers for each phase showing the order in which the overall project will be developed.

25. A site data table describing the development in each phase and the cumulative total of development in all the phases as it relates to density, intensity, lot sizes, or square footage.

26. The planned road, street, and stormwater management layout.

E. Certification

I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for county staff to enter upon the property involved at any reasonable time for purposes of site inspections and the posting of any required notices.

Applicant printed or typed name

Applicant signature

Date

Corporate officer

Corporate Seal

FOR OFFICIAL USE ONLY

Date received: _____ File No.: _____

Received by: _____

Required Information and Materials

The following information must be submitted with the completed, signed and dated application form.

1. ___ A letter of petition stating the reason for the requested change.
2. ___ If the change is prerequisite to a development project a conceptual site plan drawing of the project must be provided.
3. ___ A survey or drawing showing the location and dimensions of the property involved.
4. ___ A copy of the deed and legal description of the property involved.
5. ___ A certified list of all property owners within a 300 foot radius of the property to be changed. **This list must be obtained from and certified by the Property Appraiser's Office, and dated no more than 30 days prior to submittal of the application.**
6. ___ Notarized affidavit affirming the list of property owners within 300 feet
7. ___ Notarized affidavit affirming that the required signs will be posted on property to be changed.
8. ___ Fee. The fee for less than 10 acre amendment is \$1,200.00 (non-refundable) plus \$20.00 for each acre, or fraction thereof.
9. ___ If the applicant is not the actual property owner a verification of authorized agent must be provided.
10. ___ If the requested plan amendment involves a change from an ***Agriculture or Rural Residential*** land use designation the Application must include a demonstration of the following:
 - a. The need for such land use amendment;
 - b. The amendment will not result in urban sprawl;
 - c. A functional relationship of the proposed amendment to other more densely or intensely designated or developed lands;
 - d. The availability of facilities and services for a more dense or intense land use, and;
 - e. The relationship of the proposed amendment site to the urban development boundary.

Procedure for Plan Amendment

The procedure for the amendment process is as follows.

1. Fully complete, sign, and date the application form.
2. Obtain the certified list of property owners from the Property Appraiser's Office dated at least 30 days prior to application submittal.
3. Complete and have notarized the affidavit affirming that the certified list of property owners was obtained (blank copy enclosed).
4. Complete and have notarized the affidavit affirming that the required public notice signs will be posted on the property to be changed (blank copy enclosed or signs are available for purchase from the Department).
5. Submit the completed application, required information, and notarized affidavits to the Department of Growth Management.
6. Once the application is submitted and determined to be fully complete the requested action will be placed on the agenda of the Planning Commission in accordance with the enclosed schedule. Two public hearings will be required, one before the Planning Commission and one before the Board of County Commissioners.
7. The times, dates and locations of the required public hearings will be provided to the applicant by the Department.
8. **Certified, return-receipt letters** must be sent to all property owners on the certified list within 300 feet of the property to be changed (sample letter enclosed). These letters must be mailed **no later than 21 days** before the Planning Commission public hearing and must include: 1) the petition letter stating the reason for the change; 2) a location map showing the location of the property to be rezoned in relation to surrounding properties and adjacent roads.
NOTE: Notification of both the Planning Commission and County Commission hearings may be provided in the same letter.
9. After the letters are mailed the applicant must provide to the Department: a postal receipt from the US Postal Service verifying the date the letters were mailed; an exact copy of the information mailed out, and; the green return-receipt cards.
10. A 2 ft by 3 ft sign with no less than 1 inch lettering (sample enclosed) must be posted at a conspicuous location on the property being changed. This sign must be posted **no less than 15 days** prior to the scheduled Planning Commission public hearing. *Signs are available for purchase from the Department.*
11. The applicant must attend the Planning Commission and County Commission public hearings so as to answer any questions or issues that may arise.