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## **Sec. 94-42. - Developments of regional impact.**

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- a. *Intent.* The intent of this section is to provide for the processing and consideration of application that are or may be considered developments of regional impact, including area-wide and downtown developments of regional impact.
- b. *Developments of regional impact determination.* A developer shall be required to submit a request for and receive a determination from the department of community affairs as to whether or not such development is a development of regional impact as defined in F.S. § 380.06 under either of the following circumstances:
  - 1. The development is at a presumptive numerical threshold or up to 20 percent above the numerical threshold as described in the guidelines and standards in F.S. ch. 380 or administrative rules promulgated thereunder;
  - 2. The development is between a presumptive numerical threshold and 20 percent below the numerical threshold, and the city is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety, or welfare of the citizens of more than one county. If a development is between a presumptive numerical threshold and 20 percent below the numerical threshold, the developer shall submit a request in writing to the planning and zoning administrator for a determination as to whether or not the city will require that an application for a binding letter of interpretation will be required to be submitted, in regard to such development. The procedure for processing such requests shall be filed with any other applications as may be required by the city.
- c. *Binding letter.* As to any development which is required by the provisions of subsection (b) of this section to submit a request for a binding letter of determination or for which the developer for any other reason has submitted a request for a binding letter of determination, the application for any of the following: comprehensive plan amendment, rezoning, planned unit development approval, site plan approval, conditional use approval, or special exception, or for any court judgment which constitutes a final judgment entered as result of an appeal from a final order of the department of community affairs making a determination on the development of regional impact status of the project. The city shall not process any applications for development permits for any project or portion thereof for which a development permit is actually sought by the developer, until a final binding determination has been made as to the development of regional impact status of the project. Any application for a development permit for a project for which a final binding determination has been made in part or in whole based upon various commitments or limitations as to development made in the applicant's request for a binding letter, agreed to by the applicant, or otherwise imposed by the department of community affairs to restrict the development of regional impact, such commitment, limitations, or conditions may be included in the permit issued as conditions and are hereby incorporated as conditions into all development permits as if such conditions were fully set out in each development permit.
- d. *Concurrent processing required.* If a project has been determined to be a development of regional impact or if the developer has waived the right to request a binding letter of determination or otherwise agreed to the development of regional impact status of a project, then for this project any application as to the first development permit sought from the city for such development shall be accompanied by a simultaneously filed application for development approval seeking development of regional impact review and approval as required in F.S. § 380.06. No final action will be taken on any development permit applications for a project for which development of regional impact approval is being sought, until the city can concurrently act upon the application for development approval.
- e. *Modifications to developments.* In the event of proposed modification to a development for which a binding letter of determination has been received by the city indicating that the development was not a development of regional impact, the following shall apply:
  - 1. If the modification increases the size or scope of the development so that when the proposed modification is aggregated with the prior approved development that was determined not to be a development of regional impact, and so that the aggregated development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold as described in the guidelines and standards of F.S. ch. 380 or administrative rules promulgated thereunder, then the developer shall be required to submit an application for a binding letter of determination.
  - 2. If the modification increases the size or scope of the development so that when the proposed modification is aggregated with the prior approved development that was determined not to be a development of regional

impact, and so that the aggregated development is at a presumptive numerical threshold or 20 percent below the numerical threshold, then the provisions of subsection (b)(1) of this section shall apply.

3. The provisions of subsections (b)(1) and (b)(2) of this section shall also apply in the event of a modification to a development which falls within the parameters of subsections (e)(1) and (e)(2) of this section.

(Code 1979, § 33-22)