



MEMORANDUM

AGENDA ITEM # V.D

DATE: FEBRUARY 1, 2016

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT STATUS REPORT

BACKGROUND

A Development of Regional Impact (DRI) is defined by the Florida Legislature as "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, (§380.06(1), Florida Statutes). The Legislature sets thresholds for the types and amount of development that is subject to DRI review. In 2011, the Legislature exempted new development within Dense Urban Land Areas (DULAs) from DRI review unless it is a new development located within an "area of critical state concern" or "within two miles of the boundary of the Everglades Protection Zone." DRI review and approval is governed by §380.06, Florida Statutes, and Rules 28-24 and 73C-40 of the Florida Administrative Code.

COUNCIL ROLE

The South Florida Regional Council is responsible for:

- Coordinating the review of local, regional, and state agencies of the **Application for Development Approval (ADA)** for DRIs. As part of this process, the Council, at a regular meeting, must consider and act upon the **Regional Impact Report**, which identifies if a DRI would adversely impact state and regional resources and facilities, adequately mitigate any impacts, and recommend the content for the local DRI development order. The Council also considers, at a regular meeting, the adopted development order and recommends to the Florida Department of Economic Opportunity whether to challenge the development order if it does not meet the requirements of state law.
- Coordinating the review of **Notices of Proposed Change (NOPC)** and determining if the changes constitute a substantial deviation. The Council determines at a regular meeting if a NOPC is a substantial deviation pursuant to §380.06 (19)(b), Florida Statutes. The Council delegated authority to the Executive Director to determine non-substantial deviations.
- Coordinating the review of the **Annual Report**. The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. The developer shall submit a biennial

report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies in alternate years on the date specified in the development order, unless the development order by its terms requires more frequent monitoring.

The Annual Report, which may be submitted biennially at the option of the local government, is one of the primary tools to assist in monitoring the progress and compliance of the DRI with the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order. The Council, at a regular meeting, considers whether to request a local government not issue permits or approvals if the Annual Report indicates substantial non-compliance.

RECENT ACTIVITY

DECEMBER 2015 DRI ACTIVITY SUMMARY

DRI	DESCRIPTION	RECEIVED	ACTION	STATUS
Pembroke Lakes Regional Center	Simultaneous increase and decrease of approved uses	November 19, 2015	NOPC	Not a Substantial Deviation
Downtown Miami Increment III	Application for Development Approval for area-wide development	November 20, 2015	Distribution and Completeness Determination	SIN2 Determined Complete
Downtown Miami Increment III	ADA for area-wide development	November 20, 2015	ADA Review and Regional Report Development	Staff is working with applicant to prepare Regional Impact Report with draft Development Order Conditions
Villages of Homestead	Simultaneous increase and decrease of approved uses	December 4, 2015	NOPC	In Process
Northport	Extension of Development Order build out date	December 7, 2015	Annual Report Review and NOPC	In Process
Beacon Lakes	Addition of 46 acres and simultaneous increase and decrease of approved uses	December 28, 2015	NOPC and companion comprehensive plan amendment	MDC is waiting for additional information to begin comp plan amendment review.

DRI	DESCRIPTION	RECEIVED	ACTION	STATUS
Blue Lagoon Waterford	N/A	Expected by January/February 2016	NOPC and companion comprehensive plan amendment	N/A

COORDINATED REVIEW OF LARGE-SCALE COMPREHENSIVE PLAN AMENDMENTS

Council staff is working with development teams and review agencies on a facilitated review process that is similar to the DRI process for projects that may have extra-jurisdiction impacts but are exempt from the DRI requirements.

American Dream Mall – Entertainment center and shopping
 Graham Properties – Mixed use development including housing

Recommendation

Information only.