

LEGISLATIVE #

110076H

Exhibit 6:

Subdivision III. - Surface Waters and Wetlands District

Sec. 30-300. – Reserved Surface waters and wetlands *environmental review*.

(a) *Scope of review.* Consistent with the purpose and objectives of this section, the following types of applications shall be reviewed to determine whether the proposed development impacts a regulated surface water and wetland, and if so, whether the proposed development complies with the comprehensive plan, the Land Development Code and other applicable law with respect to surface waters and wetlands:

(1) Comprehensive plan amendments (including large-scale and small-scale development activity);

(2) Rezoning and amendments to zoning ordinances;

(3) Development plans (including minor plan, minor plan II, intermediate plan and major plan);

(4) Subdivisions/plats;

(5) Special use permits;

(6) Commercial tree removal permits; and

(7) Other development applications, including without limitation, special exceptions and variances.

(b) *Reviewing authority.* The city manager or designee is authorized to conduct all environmental reviews pursuant to this section.

(c) *Level of review.* The level of environmental review shall be classified as follows:

(1) *Basic review.* All applications shall undergo basic review. Basic review shall consist of determining, from available data sources and site visits (where necessary), the potential presence of any regulated surface waters and wetlands. If the basic review indicates the presence of any regulated surface waters and wetlands, then a Level 1 review is required.

(2) Level 1 review. Level 1 review shall consist of more detailed review of the project data and the potential impacts identified in the basic review, including coordination with appropriate regulatory agencies, site visits and recommendation of modifications to the development proposal in order to avoid or minimize impacts to the regulated surface waters and wetlands. If during environmental review it is determined that a mitigation plan for impacts to the regulated surface waters and wetlands is required, then a Level 2 review is required.

(3) Level 2 review. Level 2 review shall consist of extensive review of the potential environmental impacts, including coordination with appropriate regulatory agencies, recommendation of modifications to the development proposal in order to avoid and minimize potential impacts; and review of and comment on the mitigation plan to address remaining impacts.

(d) Review report. Upon reviewing an application, the reviewing authority shall issue a written report that describes: the scope of the review conducted; the presence (or absence) of regulated surface waters and wetlands; whether the proposed development complies with the comprehensive plan, the Land Development Code and other applicable law with respect to the regulated surface waters and wetlands; the potential (or actual) impacts that the development will have on the environmental features of concern and the reviewing authority's recommendations to address the impacts.

(e) Review fees. The fees for all reviews pursuant to this Section shall be as established and set forth in Appendix A, Schedule of Fees, Rates and Charges. The fee will cover up to three reviews within a two-year period for the same project. By way of example, a single project that is required to undergo Basic and Level 1 reviews due to three applications filed within a two-year period for a PD rezoning, a special use permit and a development plan will be charged one Level 1 review fee, not three Level 1 review fees. The fees shall be paid within five city working days of the date of written notice from the city that a Level 1 or Level 2 review is required. Failure to timely pay the review fees shall result in the application being deemed incomplete and returned to the applicant.