



City of Cooper City City Policies and Procedures

SUBJECT	Administrative Review Procedures for Development Applications Submitted Pursuant to Sec. 163.2525, F.S. (the “Infill Redevelopment Act”)
POLICY #	09-009
Approval:	

I. Purpose and Intent

The purpose of this Administrative Policy is to establish procedures, application requirements, evidentiary standards, public disclosure requirements, and administrative review processes for development applications submitted pursuant to Section 163.2525, Florida Statutes (the “Infill Redevelopment Act” or the “Act”).

This policy is adopted to satisfy the requirements of Section 163.2525(9), F.S., and shall be construed in a manner consistent with applicable state law.

II. Administrative Review Authority

- A. The City’s Community Development Director shall serve as the Administrative Review Official for applications submitted pursuant to the Act.
- B. The Administrative Review Official shall determine whether an application is complete and whether the applicant has provided competent substantial evidence establishing compliance with all applicable provisions of the Act.
- C. Approval shall be granted only upon a determination that the applicant has established entitlement to approval under state law.

III. Burden of Proof

- A. The burden of establishing eligibility under the Act rests solely with the applicant.
- B. The applicant shall provide evidence sufficient to establish compliance with every statutory requirement applicable to the proposed development.
- C. Failure to provide evidence sufficient to establish any required statutory element shall constitute grounds for denial of the application or a determination that the application is incomplete or noncompliant.

IV. Application Requirements

Each application shall include, at a minimum:

- A. Completed City land use application forms.
- B. Boundary survey and legal description.
- C. Site plan and development data table.
- D. Proof of ownership or owner authorization.
- E. Environmental documentation.
- F. Title opinion.
- G. Qualifying parcel analysis.
- H. Recreational facility analysis, where applicable.
- I. Concurrency documentation.
- J. Architectural and engineering plans.
- K. Any additional documentation requested by the City that is reasonably necessary to evaluate compliance with the Act.

V. Owner Authorization

The applicant shall provide evidence establishing legal authority to submit the application. Acceptable documentation may include:

1. Deed;
2. Executed purchase and sale agreement;
3. Option agreement;
4. Assignment agreement;
5. Written owner authorization; or
6. Other documentation satisfactory to the Administrative Review Official.

The City may require submission of executed contracts and supporting documents necessary to verify the applicant's legal authority to pursue development approval.

VI. Qualifying Parcel Determination

- A. The applicant shall submit a written legal and factual analysis demonstrating that the property qualifies under the Act.
- B. The analysis shall address every criterion of the Act as may be amended from time to time, including:
 1. Minimum acreage requirements;
 2. Environmental qualification;
 3. Adjacency requirements;
 4. Urban growth boundary requirements;
 5. Exclusion from agricultural land;
 6. Exclusion from public park property;
 7. Public ownership restrictions; and
 8. Any other statutory requirement applicable to qualification.
- C. The applicant shall provide all documents, maps, surveys, reports, studies, and legal analysis relied upon in support of qualification under the Act.
- D. The applicant shall provide all environmental reports relied upon to establish qualification as environmentally impacted land.
- E. The Administrative Review Official may require supplemental information necessary to verify that the property qualifies under the Act.

VII. Recreational Facilities Review

- A. If the subject property contains, or formerly contained, recreational facilities or areas reserved for recreational use, the applicant shall provide:
 1. Documentation establishing whether Section 163.2525(8), Florida Statutes, applies;
 2. Evidence demonstrating satisfaction of the twelve-month non-use requirement, if applicable;
 3. Copies of all notices required by the Act;
 4. Proof of certified mailing;
 5. List of adjacent property owners; and
 6. Documentation demonstrating compliance with all provisions of Section 163.2525(8), Florida Statutes.
- B. If the applicant asserts that Section 163.2525(8), Florida Statutes, does not apply, the applicant shall submit a written legal memorandum identifying the factual and legal basis for such position.
- C. The Administrative Review Official may determine an application incomplete or noncompliant if evidence sufficient to establish compliance with Section 163.2525(8), Florida Statutes, or lawful non-applicability has not been provided.

VIII. Decision

- A. Upon completion of review, the Administrative Review Official shall issue a written determination approving, approving with conditions necessary to ensure technical compliance, or denying the application.
- B. Any denial shall identify the specific statutory, factual, or technical deficiencies supporting the determination.
- C. The written determination shall become part of the public record.

IX. Interpretation

This policy shall be interpreted consistent with Section 163.2525, Florida Statutes.

Nothing herein shall be construed to waive any requirement imposed by state law or to authorize development that violates recorded private property rights.