

**ARTICLE 10
DEVELOPMENT AGREEMENTS**

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Article History								
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10	Development Agreements	✓		12/11/01	12/26/01	12/26/01		2001-30

ARTICLE 10

DEVELOPMENT AGREEMENTS

SECTION 10.01 GENERALLY

10.01.01 – Findings Of Fact: The Board of County Commissioners finds and declares that:

- a. The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.
- b. Assurance to a developer that upon receipt of his development permit he may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

10.01.02 -- Statement Of Intent: The intent of this Article is to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Putnam County Comprehensive Plan and the Local Government Comprehensive Planning and Land Development Regulation Act.

10.01.03 -- Authority: The intent of this Article is carried out by exercising the authority granted to the County to enter into development agreements with developers pursuant to sections 163.3220 through 163.3243. Florida Statutes. This Article shall be regarded as supplemental and additional to the powers conferred upon the County by other laws and shall not be regarded as in derogation of any powers now existing.

SECTION 10.02 PROCEDURES

10.02.01 -- Application For Development Agreement: The developer shall apply for a development agreement through the Planning Department and pay the appropriate application fee set by resolution of the Board of County Commissioners. An application for a Development Agreement shall be reviewed pursuant to procedures set forth in *section 2-2, Zoning Ordinance 88-1, as amended*.

10.02.02 -- Public Hearing: Before entering into, amending or revoking a development agreement, the County shall conduct at least two (2) public hearings. The first hearing shall be held by the Planning Commission and the second hearing shall be held by the Board of County Commissioners, in accordance with the notice and procedural requirements of *Section 2-2, 2-4 and 2-5 of Zoning Ordinance 88-1, as amended*.

10.02.03 -- Notice Of Hearing: Notice of intent to consider a development agreement shall be

advertised and mailed in accordance with the provisions of *section 2-4, Zoning Ordinance 88-1*. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

10.02.04 -- Contents Of Notice: The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

SECTION 10.03 DEVELOPMENT AGREEMENT

10.03.01 -- Contents And Duration Of Agreement

a. Mandatory Contents: A development agreement shall include the following:

1. A legal description of the land subject to the agreement and the names of its legal and equitable owners.
2. *A statement of the duration of agreement.*
3. The development uses permitted on the land, including population densities, and building intensities and height.
4. A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.
5. A description of any reservation or dedication of land for public purposes.
6. A description of all local development permits approved or needed to be approved for the development of the land.
7. A finding by the County that the development permitted or proposed is consistent with the County's Comprehensive Plan and land development regulations.
8. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the County for the public health, safety, or welfare of its citizens.
9. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
10. A detailed description of the proposed development activity that includes a site plan and meets the requirements of section 12.06 of this Code.
11. A statement indicating that the development agreement is subject to an annual review pursuant to section 10.03.03.a below.

- b. **Optional Contents.** A development agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.
- c. **Duration Of Agreement:** The duration of the development agreement entered into pursuant to this Article shall not exceed ten (10) years, except that the duration may be extended beyond ten (10) years by amendment to the development agreement. Such an extension must be subject of a concurrency analysis, a consistency determination pursuant to subparagraph a.7, above, and a public hearing in accordance with Section 10.02 above prior to adoption.

10.03.02 -- Applicability Of Laws

- a. **Consistency With Plan And Regulations:** A development agreement and authorized development shall be consistent with the County's Comprehensive Plan and land development regulations.
- b. **Development Governed By Laws In Effect At Execution:** The County's laws and policies governing the development of land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.
- c. **Applicability Of Subsequent Laws:** The County may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the County has held a public hearing in accordance with sections 10.02.02 through 10.02.04 above and determined:
 - 1. They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement; or
 - 2. They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement; or
 - 3. They are specifically anticipated and provided for in the development agreement; or
 - 4. The County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
 - 5. The development agreement is based on substantially inaccurate information supplied by the developer.
- d. **Rights Vested Pursuant To Common Law:** This section does not abrogate any rights that may vest pursuant to common law.

10.03.03 -- Review, Amendment, and Termination

- a. **Periodic Review Of Agreements:** The Planning, Zoning and Building Department shall review land subject to development agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency. The report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement. If the Staff concludes that there has been a failure to comply with the terms of the development agreement, the agreement shall be subject to a formal review, at which time it may be revoked or modified, by the County pursuant to the procedures outlined in sections 10.02.02 through 10.02.04 above.
- b. **Amendment Or Cancellation Of Agreement:** Subject to the procedures outlined in sections 10.02.01 through 10.02.04 above, a development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- c. **Modification Or Revocation To Comply With Subsequent State And Federal Law:** If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws. Such modification or revocation shall be subject to a public hearing in accordance with Section 10.02 above.

10.03.04 -- Recording And Enforcement

- a. **Recording Of Agreement:** Within fourteen (14) days after the County enters into a development agreement, the County shall record the agreement with the clerk of the circuit court. A copy of the recorded development agreement shall be submitted to the state land planning agency within fourteen (14) days after the agreement is recorded. A development agreement shall not be effective until it is properly recorded in the public records of the county and until thirty (30) days after having been received by the state land planning agency. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
- b. **Enforcement Of Agreement:** Any party to a development agreement or adversely affected person, or the state land planning agency, may file an action for injunctive relief in circuit court to enforce the terms of a development agreement or to challenge the validity of the agreement. "*Adversely affected person*" means any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.