

**Division 15. Development Agreements****Section IV-1501. Purpose and Applicability [Sec. 5-29]**

The intent of this division is to provide procedures by which the City may enter into development agreements 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.

**Section IV-1502. Application Requirements [Sec. 5-32]**

In addition to the general application requirements set forth in administrative regulations, an application for approval of a development agreement shall be accompanied by:

- A. The requested duration of the development agreement, which shall not exceed ten (10) years;
- B. A site plan meeting the requirements of Division 5; and
- C. A description of all existing and proposed public facilities and services that will service the development.

**Section IV-1503. Staff Review and Report**

The Planning Department shall review the application for a development agreement and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.

**Section IV-1504. Planning Board Review**

The Planning Board shall review the proposed development agreement, the written staff analysis, and the testimony at the public hearing, and the Board shall make a finding as to whether the proposed development agreement and the development authorized by said agreement is consistent with the *Sarasota City Plan* and shall issue a recommendation to the City Commission for approval or denial of the development agreement.

**Section IV-1505. City Commission Review**

The City Commission shall review the proposed development agreement, the written staff analysis, the recommendation of the Planning Board, the testimony at the public hearing, if the hearing is conducted quasi-judicially. The City Commission may approve, approve with modifications, continue deliberations, or deny approval of the proposed development agreement.

**Section IV-1506. Standards for Review**

In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the City Commission shall determine whether the development agreement meets the purpose and intent of this

division of the regulations and whether the approval of such agreement is consistent with and furthers the goals, objectives and action strategies of the adopted *Sarasota City Plan*.

**Section IV-1507. Contents of Development Agreement/Recording**

A. Contents. The approved development agreement shall contain, at a minimum, the following information:

1. A legal description of the land subject to the development agreement;
2. The names of all persons having legal or equitable ownership of the land;
3. The duration of the development agreement, which shall not exceed ten (10) years;
4. The development uses proposed for the land, including population densities, building intensities and building height;
5. A description of the public facilities and services that will service the development, including who shall provide such public facilities and services; the date any new public facilities and services, if needed, will be constructed; who shall bear the expense of construction of any new public facilities and services; and a schedule to assure that the public facilities and services are available concurrent with the impacts of the development. The development agreement shall provide for a cashier's check, a payment and performance bond or letter of credit in the amount of one hundred fifteen (115) percent of the estimated cost of the public facilities and services, to be deposited with the City to secure construction of any new public facilities and services required to be constructed by the development agreement;
6. A description of any reservation or dedication of land for public purposes;
7. A description of all local development approvals approved or needed to be approved for the development;
8. A finding that the development approval as proposed is consistent with the Sarasota City Plan and Land Development Regulations of the City. Additionally, a finding that the requirements for concurrency as set forth in Section IV-203 of these regulations have been satisfied;
9. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the City Commission for the public health, safety or welfare of the citizens of the City of Sarasota. Such conditions, terms, restrictions or other requirements may be supplemental to requirements in existing codes or ordinances of the City;
10. A statement indicating that the failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the

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- necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions;
11. The development agreement may provide, in the discretion of the City Commission, that the entire development or any phase thereof be commenced or be completed within a specific period of time. The development agreement may provide for liquidated damages, the denial of future development approvals, the termination of the development agreement, or the withholding of certificates of occupancy for the failure of the developer to comply with any such deadline;
  12. A statement that the burdens of the development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement; and
  13. All development agreements shall specifically state that subsequently adopted ordinances and codes of the City which are of general application not governing the development of land shall be applicable to the lands subject to the development agreement, and that such modifications are specifically anticipated in the development agreement.

B. Recording. No later than fourteen (14) days after the execution of a development agreement by all parties thereto, the City shall record the development agreement with the Clerk of the Circuit Court in Sarasota County. The applicant for a development agreement shall bear the expense of recording the development agreement. Additionally, the City shall submit a recorded copy of the development agreement to the State of Florida Department of Community Affairs no later than fourteen (14) days after the development agreement is recorded.

**Section IV-1508. Effect of Decision** [Sec. 5-34]

- A. The codes and ordinances of the City governing the development of land subject to a development agreement, in existence at the time of the execution of a development agreement, shall govern the development of the land for the duration of the development agreement. Upon the expiration or termination of a development agreement, all codes and ordinances of the City in existence upon the date of expiration or termination shall become applicable to the development regardless of the terms of the development agreement.
- B. The City may apply codes and ordinances adopted subsequent to the execution of a development agreement to the subject property and development only if the City Commission, upon holding a public hearing, has determined that such subsequent codes and ordinances are:
  1. 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;
  2. 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;

3. Are specifically anticipated and provided for in the development agreement;
4. The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; and
5. The development agreement is based on substantially inaccurate information supplied by the developer.

C. This Section does not abrogate any rights that may vest pursuant to common law.

**Section IV-1509. Changes to Development Agreements [Sec. 5-36]**

A development agreement may be amended by mutual consent of the City and the developer, provided the notice and public hearing requirements of Sections IV-201 and 202 of these regulations are followed. A party to a development agreement may request one (1) extension of the duration of the development agreement, not to exceed one (1) year from the date of expiration of the initial term of the development agreement, by submitting an application to the office of the City Auditor and Clerk's Office at least sixty (60) days prior to the expiration of the initial term of the agreement. The application shall address the necessity for the extension and shall demonstrate that the extension is warranted under the circumstances. The City Auditor and Clerk's Office shall schedule the requested extension as a proposed amendment to the development agreement for public hearing before the Planning Board and City Commission, as set forth in Section IV-202 of these regulations.

**Section IV-1510. Expiration or Revocation of Approval [Sec. 5-35]**

The City Manager shall review all lands within the City subject to a 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. The City Manager shall make an annual report to the City Commission as to the results of this review. In the event the City Commission finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the development agreement may be revoked or modified by the City Commission upon giving at least fifteen (15) days written notice to the parties named in the development agreement. Such termination of a development agreement shall occur only after compliance with the public hearing and notice requirements of Section IV-202.

**Section IV-1511. Enforcement [ Sec. 5-39]**

Any aggrieved or adversely affected person, as defined in Section 163.3215(2), Fla. Stat., or the State of Florida Department of Community Affairs, may file an action for injunctive relief in the circuit court for Sarasota County to enforce the terms of a development agreement, or to challenge compliance of the agreement with Sections 163.3220 through 163.3243, Fla. Stat.