

35 **Sec. 32-805. Development agreements; amendments and minor changes.**

36 (a) *Purpose and intent.* The purpose of this article is to provide for a clear and efficient process
37 for consideration of requests for amendments or minor revisions to development
38 agreements adopted pursuant to the Florida Local Government Development Agreement
39 Act.

40 (b) *Applicability.* For development agreements currently in effect and adopted by the city
41 pursuant to Florida Statutes, the procedures contained in this section apply to any request
42 for an amendment or minor revision.

43 (c) *Procedure for amendment to a development agreement.*

44 (1) *Development services review and recommendation.* The development services
45 director shall review requests for modifications to development agreements. If it is
46 determined that the request for modification is a minor revision, approval shall be
47 pursuant to subsection (d) of this section. If it is determined the request for
48 modification is not a minor revision, it is a development agreement amendment and
49 shall be reviewed pursuant to the following process. The development services
50 director shall provide a recommendation to the planning and zoning board to approve,
51 approve with modifications or deny the development agreement amendment. The
52 development services director shall make findings as to each proposed development
53 agreement amendment and shall forward such findings to the planning and zoning
54 board.

55 The findings shall be based on the following criteria:

- 56 a. Whether the development agreement amendment is consistent with the city's
57 comprehensive plan, or as may be amended; and
58 b. Whether the provisions of the development agreement amendment are in the best
59 interests of the public health, safety, welfare, economic order and aesthetics of the
60 region and the community; and
61 c. Whether the development agreement amendment will adversely affect the orderly
62 development of property in the area of the parcel of land subject to the development
63 agreement amendment; and
64 d. Any findings required to be made pursuant to Florida Statutes.

65 (2) *Planning and zoning board public hearing and recommendation.* Upon consideration
66 of the recommendations of the development services director, the planning and
67 zoning board shall hold a public hearing. Notification of the public hearing shall be
68 published and mailed in accordance with Florida Statutes. Following the public
69 hearing, and after review of the city administration recommendation and findings, the
70 planning and zoning board shall make its written recommendation to the city
71 commission and shall make a written finding certifying consistency with the items
72 listed in subsections (1)a.—d. above.

73 (3) *City commission public hearing and decision.* Upon consideration of the
74 recommendations of the planning and zoning board and the city administration, the
75 city commission shall hold a public hearing. Notification of the public hearing shall be
76 published and mailed in accordance with Florida Statutes. Following the public
77 hearing the city commission shall approve, or approve with modifications, or deny the
78 proposed development agreement amendment. This does not preclude an additional
79 public hearing(s) as may be required by law or as may be deemed appropriate by the
80 city.

- 81 (d) *Procedure for minor revisions to a development agreement.*
- 82 (1) *Review and approval by development services director.*
- 83 a. Minor revisions to a development agreement may be approved pursuant to the city's
- 84 home rule powers under the Florida Constitution and F.S. ch. 166, after review and
- 85 findings by the development services director. The findings shall be based on the
- 86 following criteria:
- 87 1. The revision is substantially consistent with the overall purposes and intent of the
- 88 approved development agreement;
- 89 2. The revision conforms to all other applicable city ordinances and regulations;
- 90 3. The revision does not require a change in any other provision of the development
- 91 agreement that would require review under subsection (c) of the section herein;
- 92 and
- 93 4. The revision is not inconsistent with the city's comprehensive plan.
- 94 b. A revision is considered minor if it ~~includes~~ pertains to one or more of the following:
- 95 1. Updates a development agreement to reflect an approved minor change to a major
- 96 development plan pursuant to section 32-186(j)(2) of the City Code.
- 97 2. Changes provisions regarding easements or utilities so that more effective service
- 98 levels can be achieved.
- 99 3. Corrects scriveners' errors.
- 100 4. Changes provisions which are specifically provided for as minor in the approved
- 101 development agreement.
- 102 5. Changes time frames for development application review, cure periods, or other
- 103 time frames as long as the modified schedule does not trigger any default dates
- 104 that may exist within the agreement, and that the modified review time frames and
- 105 all required improvements, can be accomplished without an extension of the
- 106 expiration date of the agreement.
- 107 6. Changes resulting from revisions to any section or subsection numbers of
- 108 amended Florida Statutes, Florida Administrative Code, or any other state or local
- 109 law, so long as the substance of the state or local law has not changed.
- 110 7. Changes resulting from modifications to a city-run program referenced in the
- 111 development agreement, so long as the intent and public purpose of the local
- 112 program has not changed.
- 113 8. Extends the effective date of a current, unexpired development agreement if state
- 114 law applicable to the development agreement requires such extension, so long as
- 115 the developer follows the requirements of the law.
- 116 9. When a development agreement requires a letter of credit or maintenance bond,
- 117 the change allows other forms of security interest, so long as any surety is
- 118 approved by the city manager; provided, however, that any stated amount or
- 119 percentage of the security interest remains the same.
- 120 10. Changes to the corporate name or address of developer when such changes have
- 121 been accomplished through the state.
- 122 11. Changes to the name of the subject property or project, unless the name of the
- 123 subject property listed in the development agreement is the same as an already-
- 124 platted subdivision.

125 12. Changes to the notice provisions of a development agreement, including, but not
126 limited to, modifying notice requirements for any notice of default issued by the city
127 to developer related to the subject property or project, and/or providing notice to a
128 lender or other financing entity of an opportunity to cure any such default.

129 (2) If the development services director determines, when applying the above criteria, that
130 the revision is minor, the revision shall be prepared, executed, and recorded in the
131 public records of Broward County, without necessity of any public hearings before the
132 planning and zoning board or city commission. If the development services director
133 determines that the revision is not minor, (s)he shall state reasons in writing to the
134 applicant, and the amendment shall be reviewed in accordance with subsection (c) of
135 the section herein. If a minor revision is submitted for review while an application for a
136 development agreement amendment is pending on the same property, the
137 development services director may require review of the minor revision to be in
138 conjunction with the development agreement amendment approval process.

139 (e) *Periodic review of development agreements.* Development services director shall review
140 land subject to a development agreement at least once every 12 months to determine if
141 there has been demonstrated good-faith compliance with the terms of the development
142 agreement, in accordance with F.S. § 163.3235, or as may be amended. A written
143 determination shall be made as to whether the developer has complied with the terms of
144 the development agreement.

145 The development agreement may be revoked, modified, or canceled by the city at any time
146 in accordance with Florida Statutes.

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