

SECTION 4.0 DEVELOPMENT AGREEMENTS
Article V, Part 5.05.00, and Article XI, Part 11.07.00 - LAND DEVELOPMENT CODE

Section 4.01 Introduction

The County may, but under no circumstances is it required to, enter into a Development Agreement as authorized by Sections 163.3220 through 163.3243, Florida Statutes, as amended. No Development Agreement may be entered into by the County unless the public facilities and services to be constructed by the Developer pursuant thereto are secured and guaranteed by such security as approved by the County Administrator and the Clerk of Courts, as appropriate. Any funds or contributions received by the County pursuant to a Development Agreement shall be applied towards or spent solely on the projects specified in the Development Agreement.

Applications for Development Agreement are submitted to and processed by the Transportation Planning Section, Planning Division, Growth Management Services Department.

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FILING FEE: \$7,500.00

Section 4.02 Application Process

A. Initial Determination – NO FEE REQUIRED

1. The purpose of the Initial Determination is to avoid time being wasted on Development Agreements which clearly are not in the interests of the County. This advance review of the feasibility of entering into a Development Agreement will be based on the impacts and benefits of the Development.
2. All Developers wishing to initiate a Development Agreement shall provide the following information, prior to formal application, to enable the Initial Determination to be made:
 - a. Generalized description of the development, the impacts and benefits of the project.

- b. General information such as the name and address of the owner, applicant and agent; site area; location and legal description.
- c. Any Developer commitments and anticipated special benefits of the development.
- d. Any anticipated approvals, waivers, variances, exceptions or government commitments sought by the Developer.
- e. This is an informal procedure. The information requested should be very general in nature and the format may be as simple as a letter.

B. Formal Application

- 1. Formal application must be reviewed within 30 days from the date of issuance of the Initial Determination Letter by the County.
- 2. The Applicant has the right to submit an application after the Initial Determination regardless of the conclusion of the Initial Determination.
- 3. The Development Agreement Application form is available from the Planning Division or online at www.co.st-johns.fl.us. The following information is required to be submitted with a completed Development Agreement Application (submit the original and 10 copies of the application and all exhibits):
 - a. Proposed Development Agreement meeting all requirements of the St. Johns County Land Development Code Part 5.05.00 and Chapter 163.3227 Florida Statutes.
 - b. Legal Description (attach as Exhibit A to the Development Agreement).
 - c. Proof of ownership (copy of deed or purchase agreement, and land title report); land title report shall be considered valid for 3 months and will need to be updated thereafter.
 - d. General location map with subject property clearly identified.
 - e. Traffic Analysis (from Concurrency Application), as applicable; Traffic Analysis will need to be updated if data used is updated.
 - f. Conceptual design for all proposed infrastructure improvements (attached as Exhibit B to the Development Agreement).

- g. Cost estimates for all proposed infrastructure improvements, if impact fee credits are being sought as apart of the Agreement (attached as Exhibit C to the Development Agreement).
 - h. Filing fee.
 - i. Owner's Authorization for Agent(s), if applicable.
 - j. Appraisal, if applicable.
4. Only a qualified applicant may file an application to enter into a Development Agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the Development Agreement.

Section 4.03 Review Process

- A. The application shall be routed to the appropriate evaluating departments for sufficiency review.
- B. If the application is determination insufficient, the applicant shall be provided a statement of any additional information required within twenty (20) working days of the application submittal or resubmittal.
- C. A report and recommendation by County staff shall be due within sixty (60) days of receipt of a sufficient submittal.
- D. The Development Agreement must be finalized within six (6) months of the Formal Application.
- E. The time limits established above may be extended, upon agreement by both the applicant and St. Johns County when necessary, to facilitate the preparation and review of the Development Agreement.
- F. Where a Development is undergoing a number of simultaneous reviews, these will, to the extent possible, be unified into one review process. Fee reductions may be considered in such instances, especially if one review is immediately subsequent to another.

Section 4.04 Approval Process

- A. Concurrency Review Committee
 - 1. The Development Agreement shall be reviewed by the Concurrency Review Committee simultaneously with the Application for Concurrency Determination, as applicable.
 - 2. Approval of the Development Agreement shall be included as a condition to the Final Certificate of Concurrency.
 - 3. The Concurrency Review Committee shall review the Development Agreement and recommend approval, approval with changes, or denial to the Board of County Commissioners.
- B. Board of County Commission Hearings
 - 1. The Board of County Commissioners shall conduct two (2) public hearings on each Development Agreement Application.
 - 2. The public hearings may take place during the regularly scheduled public hearings.

3. At the conclusion of the second public hearing, the Board of County Commissioners shall approve, approve with modifications, or deny the application.
- C. Notice Requirements – as required in Part 9.06.00 of the Land Development Code.
1. Not less than ten (10) days in advance of the date of the required public hearing(s) at which an application is to be considered mailed notices shall be posted by U.S. mail to all owners of real property within three hundred (300) feet of the boundaries of the land upon which the application is made.
 2. Published notice shall be published once in a St. Johns County newspaper of general circulation not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application is to be considered.
 3. Signs shall be posted on the subject parcel(s) in full view of the public on each street side of such land not less than fifteen (15) days in advance of the date of the required public hearing(s) at which an application is to be considered.

Section 4.05 Term/Extension

The term of a Development Agreement shall not exceed ten (10) years or such time as Section 163.3220 through 163.3243, Florida Statutes, may provide.

- A. A Development Agreement may be extended by mutual consent of the parties to the Agreement, subject to public hearings in accordance with Section 5.05.02 of the Land Development Code.
- B. The term of any one extension shall not exceed five (5) years or such time as Section 163.3220 through 163.3243, Florida Statutes, may provide.

Section 4.06 Post-Approval

- A. Within fourteen (14) days after St. Johns County enters into a Development Agreement, the Clerk to the Board of County Commissioners shall have the agreement recorded in the public records of St. Johns County.
- B. A copy of the recorded Agreement shall be submitted to the Florida Department of Community Affairs within fourteen (14) days after the Agreement is recorded by certified mail, return receipt requested.

- C. The Agreement shall become effective after it has been recorded in the public records of St. Johns County and thirty (30) days after it is received by the Florida Department of Community Affairs.
- D. A Development Agreement may be amended or cancelled by mutual consent of the parties to the Agreement or by their successors in interest. Prior to amending a Development Agreement, the Board of County Commissioners shall hold two (2) public hearings on the proposed amendment.
- E. If the Agreement is amended, cancelled, modified, extended, or revoked, the Clerk shall record such action in the public records and such recorded notice shall be submitted to the Department of Community Affairs.

Section 4.07 Periodic Review

- A. The County shall review the Development(s) subject to the Development Agreement every twelve (12) months in accordance with Section 163.3235, Florida Statutes.
- B. Beginning one year after the effective date of a Development Agreement, Developers shall each provide the County a written and accurate status report which shall include all information necessary for the County to conduct its periodic review in compliance with the requirements of Section 163.3225, Florida Statutes.



St. Johns County
 Growth Management Services Department
 4020 Lewis Speedway
 St. Augustine, Florida 32095
 904/823-2480

Development Agreement Application

This application, together with ALL REQUIRED EXHIBITS and application fee (\$7,500.00), should be complete and filed with the Transportation and Housing Division. An Initial Determination is required prior to application.

File No. _____ Date _____

Owner _____ Agent _____
 (or Owner representing group of owners)

Address _____ Address _____

City _____ State _____ City _____ State _____

Zip _____ Phone _____ Zip _____ Phone _____

Fax _____ E-mail _____ Fax _____ E-mail _____

PROJECT LOCATION/DESCRIPTION

Project Location _____

Comp. Plan Future Land Use Designation _____ Current Zoning _____

Proposed Zoning _____ Tax Parcel I.D. #(s) _____

STATEMENT OF REASONS FOR THE REQUEST: _____

RESULTS OF INITIAL DETERMINATION: _____

BRIEF DESCRIPTION OF PROPOSED MITIGATION: _____

I/WE HEREBY CERTIFY THAT ALL INFORMATION PROVIDED HEREIN IS CORRECT TO THE BEST OF OUR KNOWLEDGE:

Signature of all owners or authorized person if owners authorization is attached:

Printed or typed name(s): _____
Signature(s): _____

PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION:

Name: _____ **Phone:** _____ **Fax:** _____
Mailing Address: _____
E-mail: _____

Reference Part 5.05.00 St. Johns County Land Development Code, Ordinance 99-51.