



Agenda Item Summary

File ID: 19-0334

PH-2

Meeting Date: 2/26/2019

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 7, DEVELOPMENT AGREEMENTS, LAND DEVELOPMENT REGULATIONS

EXECUTIVE SUMMARY:

Article 7, Development Agreements, Land Development Regulations is based, in part, on the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes. Article 7 is not consistent with the current version of the statute and conflicts with other portions of the Land Development Regulations. The Board is asked to consider adoption of an ordinance which would provide the necessary revisions.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Krista A. Storey
Title: Acting County Attorney

REQUESTED BY: Krista A. Storey

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Section 4.13A.15 of the Comprehensive Growth Management Plan established the Mixed-Use Village land use category applicable to the area referred to as Pineland Prairie. Section 4.13A.15(4)(c) of the Comprehensive Growth Management Plan requires that the Mixed-Use Development Program shall include development agreements that address public facilities, infrastructure and the timing of development to be adopted prior to or concurrent with the first master site plan approval.

The authority for the use of development agreements by local governments is established in Chapter 163, Florida Statutes. Article 7, Development Agreements, Land Development Regulations is based, in part, on the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes. The current version of Article 7 was adopted in 1993. The Development Agreement Act has been amended since 1993 and Article 7 is not consistent with the current version of the statute. In addition, Article 7 conflicts with revisions to the Land Development Regulations adopted since 1993 and includes redundant provisions. In order to move forward with the work needed to implement Section 4.13A.15(4)(c) of the Comprehensive Growth Management Plan, the Board is asked to adopt the attached ordinance.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose such as health, safety and welfare to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:**RECOMMENDATION**

Move that the Board adopt the proposed ordinance amending Article 7, Development Agreements.

ALTERNATIVE RECOMMENDATIONS

Move that the Board provide direction to staff and continue this public hearing to a date certain.

FISCAL IMPACT:**RECOMMENDATION**

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution
☐ Other:

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