

## ORDINANCE SUMMARY

This ordinance amends Lake County Code Chapter 2 ("Administration"), Article V ("County Manager"), Section 2-94 ("Enumeration of Powers"), in order to permit the County Manager or designee to administratively approve an extension to December 31, 2015, for any Lake County-issued or approved development order, building permit or developer agreement currently in effect and expiring before December 31, 2015, with conditions and so long as any bond, letter of credit or other security attached to the development order, building permit or developer agreement is extended for the same period of time.

A brief history and summary of statewide efforts regarding extensions is as follows: Since 2009, the Florida Legislature has provided for two (2) year extensions of development orders and building permits expiring within certain timeframes, in recognition of statewide real estate market conditions. Chapter 2009-96, Laws of Florida (Senate Bill 360), and Chapter 2010-147, Laws of Florida (Senate Bill 1752), applied to development orders and building permits expiring between September 1, 2008 and January 1, 2012. Chapter 2011-139, Laws of Florida (HB 7207), and Chapter 2012-205, Laws of Florida (HB 503), applied to development orders and building permits expiring between January 1, 2012 and January 1, 2014. The Legislature has limited extensions granted pursuant to any of these bills to four (4) years total. Each bill required the development order/permit holder to write the local authority issuing the development order or permit by December 31<sup>st</sup> of each year in which a statutory extension was approved, in order to state their intention to exercise the extension.

In addition, in 2011, the Governor approved Chapter 2011-142, Laws of Florida (Senate Bill 2156), enacting Section 252.363 of the Florida Statutes. Fla. Stat. 252.63 tolls permits during, and extends them for six (6) months following, a state of emergency declared by the Governor that applies in the geographic area where the permit was issued. Permit holders have ninety (90) days after the expiration of the emergency declaration order to notify the permit issuer in writing, of the intent to exercise the tolling and extension.

Many Lake County developments have received extensions for building permits, development orders and developer's agreements pursuant to both the statutory extensions and emergency declaration extensions. However, some developments are nearing the expiration date for their projects, and the developers have asked for additional relief from Lake County. Accordingly, this ordinance proposes to amend Chapter 2, Article V, Lake County Code ("County Manager") to give the Lake County Manager or designee authority to administratively approve an extension to December 31, 2015 for any Lake County-issued or approved development order, building permit or developer agreement currently in effect and expiring before December 31, 2015, with conditions and so long as any bond, letter of credit or other security attached to the development order, permit or developer agreement is extended for the same period of time.

2013 PROPOSED  
DEPARTMENT OF  
TALLAHASSEE  
STATE OF FLORIDA  
MAY 07  
FILED

ORDINANCE 2013-17

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3       **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**  
4       **LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY CODE,**  
5       **CHAPTER 2, ENTITLED “ADMINISTRATION”, ARTICLE V,**  
6       **ENTITLED “COUNTY MANAGER”, SECTION 2-94, ENTITLED**  
7       **“ENUMERATION OF POWERS”, TO GIVE THE COUNTY MANAGER**  
8       **OR DESIGNEE THE ADMINISTRATIVE AUTHORITY TO APPROVE**  
9       **AN EXTENSION TO DECEMBER 31, 2015, FOR ANY LAKE COUNTY-**  
10       **ISSUED OR APPROVED DEVELOPMENT ORDER, BUILDING PERMIT**  
11       **OR DEVELOPER AGREEMENT CURRENTLY IN EFFECT AND**  
12       **EXPIRING BEFORE DECEMBER 31, 2015, WITH CONDITIONS;**  
13       **PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN**  
14       **THE LAKE COUNTY CODE; PROVIDING FOR FILING WITH THE**  
15       **DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE**  
16       **DATE.**

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18       **WHEREAS**, in every Legislative Session from 2009 to 2012, the Florida Legislature has  
19       passed bills (Senate Bill 360, Senate Bill 1752, House Bill 7207 and House Bill 503,  
20       respectively) later approved by the Governor, providing for two (2) year extensions of  
21       development orders and building permits expiring within certain timeframes, based on the  
22       statewide real estate market conditions; and

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24       **WHEREAS**, in addition, the State of Florida has provided for “emergency declaration”  
25       extensions through Section 252.363 of the Florida Statutes, which tolls permits during, and  
26       extends them for six (6) months following, a state of emergency declared by the Governor that  
27       applies in the geographic area where the permit was issued; and

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29       **WHEREAS**, many Lake County developments have received extensions pursuant to  
30       both the statutory extensions and emergency declaration extensions, but some developments are  
31       nonetheless nearing the expiration date for their projects, and the developers have asked for  
32       additional relief from Lake County; and

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34       **WHEREAS**, accordingly, this ordinance proposes to amend Chapter 2, Article V, Lake  
35       County Code (“County Manager”) to give the Lake County Manager or designee authority to  
36       approve an extension to December 31, 2015 for any Lake County-issued or approved  
37       development order, building permit or developer agreement currently in effect and expiring  
38       before December 31, 2015, with conditions and so long as any bond, letter of credit or other  
39       security attached to the development order, permit or developer agreement is extended for the  
40       same period of time; and

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42       **WHEREAS**, the Lake County Board of County Commissioners considered this  
43       ordinance at a properly advertised public hearing on March 26, 2013, and desires to amend  
44       Chapter 2, Article V, Lake County Code, to give the County Manager authority to approve such  
45       an extension;



1 extension would not delay or prevent compliance with a court  
2 order; and

3 iv. the holder of the development order or building permit, or  
4 signatory to the developer agreement verifies in writing that they  
5 are maintaining and securing the property subject to the extension  
6 in a safe and sanitary condition in accordance with the Lake  
7 County Code and Land Development Regulations, and will  
8 continue to do so at all times throughout the extension period; and

9 v. the County Manager or designee determines that the  
10 extension does not conflict with any expiration dates prescribed by  
11 the Lake County Comprehensive Plan, including but not limited to  
12 timeframes for physical construction of infrastructure in a Planned  
13 Unit Development; and

14 vi. the County Manager or designee affirms that the holder of  
15 the development order or building permit, or signatory to the  
16 developer agreement, has not been determined to be in significant  
17 noncompliance with the Lake County Code or Land Development  
18 Regulations as established through the issuance of a warning letter  
19 or notice of violation, the initiation of formal enforcement, or other  
20 equivalent action by Lake County.

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22 The commencement and completion dates for any required mitigation  
23 associated with a phased construction project extended pursuant to this  
24 section shall also be extended so that mitigation takes place in the same  
25 timeframe relative to the phase as originally permitted.

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27 This section does not impair or affect the ability of the holder of the  
28 development order or building permit, or signatory to the developer  
29 agreement, to avail him or herself of any other extension provided for by  
30 law.

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32 (1718) Perform such other duties as may be required of him or her by the board of  
33 county commissioners.

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1           **SECTION THREE. Severability.** If any section, subsection, sentence, clause, phrase,  
2 word or provision of this ordinance is for any reason held invalid or unconstitutional by any  
3 court of competent jurisdiction, whether for substantive, procedural, or any other reason, such  
4 portion shall be deemed a separate, distinct and independent provision, and such holding shall  
5 not affect the validity of the remaining portions of this ordinance.

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7           **SECTION FOUR. Inclusion in the Code.** It is the intention of the Board and it is  
8 hereby provided that the provisions of this ordinance shall be made a part of the Lake County  
9 Code; that the sections of this ordinance may be renumbered or relettered to accomplish such  
10 intention; and that the word "ordinance" may be changed to "section", "article", or other  
11 appropriate designation.

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13           **SECTION FIVE. Filing with the Department of State.** The clerk shall be and is  
14 hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for  
15 the State of Florida.

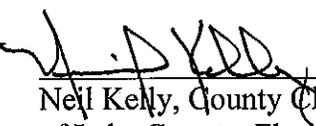
16           **SECTION SIX. Effective Date.** This Ordinance shall become effective upon filing  
17 with the Secretary of State.

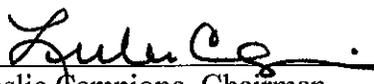
18           Enacted this 26<sup>th</sup> day of March, 2013.

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20           Filed with the Secretary of State April 5, 2013.

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22 ATTEST:

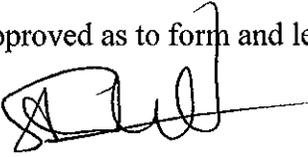
BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

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29 Neil Kelly, County Clerk of  
of Lake County, Florida

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29 Leslie Campione, Chairman

30           This 27<sup>th</sup> day of March, 2013.

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34 Approved as to form and legality:

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37 \_\_\_\_\_  
38 Sanford Minkoff  
39 County Attorney