

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 31st 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.

ORDINANCE 2013-_____

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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

28
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

41
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.

31
32 (4718) Perform such other duties as may be required of him or her by the board of
33 county commissioners.

34 * * *

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.

6
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
19 Enacted this _____ day of _____, 2013.

20 Filed with the Secretary of State _____, 2013.

21
22 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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27 _____
28 Neil Kelly, County Clerk of
29 of Lake County, Florida

Leslie Campione, Chairman

This _____ day of _____, 2013.

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33
34 Approved as to form and legality:

35
36
37 _____
38 Sanford Minkoff
39 County Attorney