

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS

3
4 **ORDINANCE 10-__**
5

6 AN ORDINANCE OF ALACHUA COUNTY, FLORIDA,
7 AMENDING SECTION 402.47 OF THE UNIFIED LAND
8 DEVELOPMENT CODE TO ESTABLISH ADMINISTRATIVE
9 PROCEDURES, FEES, REQUIREMENTS AND LIMITATIONS
10 TO CARRY OUT THE DEVELOPMENT PERMIT AND
11 BUILDING PERMIT EXTENSIONS AUTHORIZED BY
12 CHAPTER 2010-147, LAWS OF FLORIDA; PROVIDING A
13 SEVERABILITY CLAUSE; AND PROVIDING AN
14 EFFECTIVE DATE.
15

16 WHEREAS, the Governor of the State of Florida signed Senate Bill 1752, codified as
17 Chapter 2010-147, Laws of Florida, into law on May 28, 2010 (“SB 1752”); and

18 WHEREAS, Among other things, SB 1752 states that, in recognition of the continuing
19 real estate market conditions, it provides for a two-year extension of local government issued
20 development permits and building permits that have an expiration date of September 1 , 2008
21 through January 1, 2012; and

22 WHEREAS, the two-year extension provided for under SB 1752 extends and renews the
23 development permits and building permits from the date the permit expired or will expire; and

24 WHEREAS, SB 1752 further provides that the permittee of a valid development permit
25 or building permit or other authorization that is eligible for the two-year extension must notify
26 the local government in writing no later than December 31, 2010, identifying the specific
27 authorization(s) for which the permittee intends to use the extension and the anticipated
28 timeframe for acting on the authorization; and

29 WHEREAS, SB 1752 further provides that permits that receive the two-year extension
30 will continue to be governed by rules in effect at the time the permit was issued, except when it

1 can be demonstrated that the rules in effect at the time the permit was issued would create an
2 immediate threat to public safety or health; and

3 WHEREAS, SB 1752 further provides that the local government may continue to require
4 the owner and permittee to maintain and secure the property in a safe and sanitary condition in
5 compliance with applicable laws and ordinances; and

6 WHEREAS, due to the broad and imprecise language in SB 1752, there is uncertainty
7 and difference of opinion throughout the state regarding the interpretation of many provisions
8 within SB 1752, including the permit extension provisions; and

9 WHEREAS, in order to provide clarity and effectuate the intent of SB 1752 within
10 Alachua County, it is prudent to establish administrative procedures and fees to properly
11 administer and document the requests for the extensions granted under SB 1752; and

12 WHEREAS, in order to carry out the administrative procedures and process the requests
13 made in accordance with this ordinance under SB 1752, it is necessary to authorize the Director
14 of the Department of Growth Management, or designee, to draft and execute the appropriate
15 documents to implement SB 1752 and grant the extensions identified herein; and

16 WHEREAS, at least 10 days notice has been given once by publication in a newspaper of
17 general circulation notifying the public of this proposed ordinance and of a public hearing; and

18 WHEREAS, the public hearing was held pursuant to the published notice described at
19 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
20 heard.

21 BE IT ORDAINED BY THE ALACHUA COUNTY BOARD OF COUNTY
22 COMMISSIONERS:

1 SECTION 1. Section 402.47 of the Unified Land Development Code is amended as

2 follows:

3 **Sec. 402.47. Time limitation for expiration of development plans.**

4 (d) Senate Bill ~~360~~ 1752 permit extensions.

5
6 (1) Any permittee of a building permit or development permit with an expiration date
7 of September 1, 2008 through January 1, 2012, may apply for a two-year extension of
8 building permit or development permit expiration date, implementing Senate Bill ~~360~~
9 ~~(2009)~~ 1752 (2010), on the application form(s) provided by the growth management
10 department. This extension is in addition to the 2-year permit extension provided under
11 section 14 of chapter 2009-96, Laws of Florida (SB 360, 2009). However, building
12 permits and development permits issued after the effective date of SB ~~360, June 1, 2009~~
13 1752, May 28, 2010, are not eligible for the extension. In order to be processed, a
14 completed application must be received by the growth management department on or
15 before 5:00 p.m. on December 31, ~~2009~~ 2010, identifying the specific authorization for
16 which the holder intends to use the extension and the anticipated timeframe for acting on
17 the authorization.

18
19 (2) For purposes of this subsection, the following terms are defined:

20
21 a. *Building permit* means any permit issued by the building official, as provided for
22 in the current edition of the Florida Building Code as adopted by Florida Law,
23 authorizing performance of construction or alteration of a building or structure. In
24 addition, the term includes any site construction, electrical, gas, mechanical and
25 plumbing permits issued for a project that has a current valid building permit for a
26 building or structure, but not for a project without a current valid permit for a building or
27 structure.

28
29 b. *Development permit* includes final plat, planned development zoning resolution,
30 special exception, variance, special use permit, final development plan, preliminary and
31 final certificate of level of service compliance, construction permit, right-of-use or utility
32 permit, tree removal permit, and driveway permit.

33
34 c. *Permittee* means the natural person or legal entity in whose name the
35 development permit or building permit was issued, or his/her/its legally documented
36 heirs, transferees, successors or assigns, including but not limited to successors by virtue
37 of foreclosure or bankruptcy.

38
39 (3) Upon submission of a completed application and payment of the administrative
40 fee, the growth management department director, or designee, shall process the
41 application and send a written acknowledgement to the permittee. In the event the
42 permittee is not the same person/entity as shown on the face of the development permit or

1 building permit, the permittee shall provide all legal documentation necessary for the
2 growth management department director, or designee, to verify that the permittee is
3 eligible to apply for the extension. The written acknowledgement shall state whether the
4 application for a two-year extension of building permit or development permit expiration
5 date is approved or denied and, if denied, shall state the grounds for denial. Grounds for
6 denial shall include, but not be limited to, submittal of incomplete application or failure
7 to pay the prescribed administrative fee; failure to adhere to the requirements of this
8 ordinance or SB 360 1752; the building permit or development permit is determined to be
9 in significant noncompliance with the conditions of the building permit or development
10 permit, as established through the issuance of a warning letter or notice of violation, the
11 initiation of formal enforcement, or other equivalent action by the authorizing body, prior
12 to the date of the application for extension; or that granting an extension to the building
13 permit or development permit would delay or prevent compliance with a court order.
14

15 (4) The growth management director, or designee, is authorized to promulgate forms
16 for requests for building permit extensions and development permit extensions under this
17 ordinance pursuant to SB 360 1752; accept and process requests for extensions properly
18 made in accordance with this section; and execute the appropriate documents to
19 implement the extension upon written request made in accordance with this section.
20

21 (5) A building permit or development permit extended under this section shall
22 continue to be governed by the laws in effect at the time the building permit or
23 development permit was issued, except when it can be demonstrated that the laws in
24 effect at the time the building permit or development permit was issued would create an
25 immediate threat to the public safety or health. This provision applies to any
26 modification of the plans, terms, and conditions of the permit which lessens the
27 environmental impact, except that any such modification does not extend the time limit
28 beyond 2 additional years.
29

30 (6) The permittee of an extended building permit or development permit shall
31 throughout the term of the extension maintain and secure the property in a safe and
32 sanitary condition in compliance with all applicable laws and ordinances.
33

34 (7) The permittee of an extended building permit or development permit shall,
35 throughout the term of the extension, have a continuing obligation to notify the growth
36 management department of any change in status of permittee as it relates to the extension
37 such as, but not limited to, change of entity name, transfer of property, death or
38 foreclosure.
39

40 (8) If the permittee elects to utilize the permit extension provisions of SB 360 1752
41 and this section, such extension shall be the exclusive extension available to the permittee
42 and shall operate in lieu of, and not in addition to, any other extension that may be
43 available under the terms and conditions of the development permit, building permit or
44 the Unified Land Development Code.

1
2 SECTION 2. Effect of invalidation of SB 1752. In the event all of SB 1752 or the
3 provisions thereof relating to extensions of building permits or development permits are
4 invalidated by a court of law or by future act of the legislature, any extensions granted under this
5 ordinance will nonetheless remain effective as a matter of local law under the County's Home
6 Rule authority.

7 SECTION 3. Repealing Clause. All ordinances or portions thereof in conflict herewith
8 are, to the extent of such conflict, hereby repealed.

9 SECTION 4. Severability. It is the declared intent of the Board of County Commissioners
10 that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held
11 invalid or unconstitutional by a court of competent jurisdiction, such invalidity

12 SECTION 5. Inclusion in the Code. It is the intention of the Board of County
13 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
14 ordinance shall become and be made part of the Alachua County Code of Ordinances of Alachua
15 County, Florida; that the Code may be renumbered or relettered to accomplish this intention.

16

1 SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the
2 Department of State by the Clerk of the Board of County Commissioners within ten days after
3 enactment by the Board of County Commissioners, and shall take effect on the date of filing.

4 DULY ADOPTED in regular session, this _____ day of _____, 2010.

5 BOARD OF COUNTY COMMISSIONERS
6 OF ALACHUA COUNTY, FLORIDA
7

8
9 ATTEST: By: _____
10 Cynthia Moore Chestnut, Chair
11

12 _____
13 J. K. Irby, Clerk
14

15 APPROVED AS TO FORM
16

17 (SEAL)
18

19 _____
20 Alachua County Attorney

21 DEPARTMENTAL APPROVAL
22 AS TO CORRECTNESS

23 
24 _____
25 Steve Lachnicht, Director
26 Growth Management