

AN ORDINANCE OF SEMINOLE COUNTY, FLORIDA RELATING TO DEVELOPMENT PERMIT EXTENSIONS; ADOPTING FINDINGS; EXTENDING THE EXPIRATION DATE OF CERTAIN DEVELOPMENT PERMITS; PROVIDING DEFINITIONS; IDENTIFYING THE REGULATIONS AND STANDARDS UNDER WHICH EXTENDED DEVELOPMENT PERMITS WILL BE GOVERNED; PROVIDING FOR LIMITATIONS ON CONSTRUCTION AND IMPLEMENTATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *[Signature]*
DEPUTY CLERK

WHEREAS, the recent economic downturn has significantly impacted various segments of Florida's economy, not the least of which includes the banking, real estate, and construction sectors; and

WHEREAS, as a result of the economic downturn, real estate developers have experienced an industry-wide decline in sales demand, rental demand, and prices; an increase in inventory; fewer qualified buyers; and a need to undergo layoffs and other internal operating adjustments; and

WHEREAS, the process of  obtaining Development Permit approvals can be difficult, time consuming, and expensive, both for applicants and Seminole County; and

WHEREAS, because of the economic downturn, previously issued Development Permits may expire or lapse because of the inability of the development community to proceed with projects authorized by the permit or approval; and

WHEREAS, changes in the law can render these Development Permits, if expired or lapsed, difficult to renew or re-obtain; and

WHEREAS, obtaining an extension of a Development Permit pursuant to existing and or revised regulatory provisions can be costly in both time and financial resources; and

WHEREAS, the Florida Legislature, during its last three regular sessions, recognized the impact of the economic downturn on Florida's

economy and through several legislative actions established statutorily authorized extensions to certain development approvals; and

WHEREAS, under its home rule authority, Seminole County may enact legislation extending the expiration date of Development Permits to the extent such legislation is not preempted by, or inconsistent with, statutory provisions and/or general or special law; and

WHEREAS, it is the purpose of this Ordinance to prevent the abandonment of already approved projects and activities due to the present unfavorable economic conditions by extending the duration of these approvals for a finite period of time, thereby preventing a waste of public and private resources; and

WHEREAS, the Board of County Commissioners of Seminole County believes adoption of this Ordinance is in the best interest of the citizens of Seminole County in order to protect the general welfare of the County; and

WHEREAS, because the intent of this Ordinance is to mitigate the detrimental effects of the recent economic downturn and to provide opportunities for recovery rather than to impose additional regulation, the Board of County Commissioners of Seminole County has determined that the economic impact statement required by the Seminole County Home Rule Charter is not warranted, and is hereby waived; and

WHEREAS, this Ordinance has been enacted with a four-fifths vote by the Board of County Commissioners of Seminole County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Permit Extensions and Applicability. This Ordinance is intended to operate both retroactively and prospectively, and shall apply to any Development Permit, as defined herein, issued by Seminole County that carries an Expiration Date between September 1, 2008 and December 31, 2015. The Expiration Date of any applicable Development Permit issued by Seminole County is hereby extended until January 1, 2016.

Section 3. Definitions. As used in this Ordinance:

(1) "Development Permit" means an approval issued by Seminole County, regardless of the form of the approval, that authorizes any building activity, including all acts and activities included in the definition of "development" as set forth in Section 380.04, Florida Statutes, or its successor statute, including, but not limited to:

(a) site plans, subdivision plans, and master plans, both preliminary and final;

(b) building permits, site development permits, construction permits, arbor permits, mining permits, and land clearing permits;

(c) Special Exception approvals;

(d) Development of Regional Impact development orders; and

(e) Developers Agreements executed pursuant to Chapter 25 of the Land Development Code of Seminole County.

(2) "Expiration Date" means the date upon which a Development Permit ceases to remain a valid authorization for development

activity, whether that date is established within the Land Development Code of Seminole County or within the permit or development order memorializing approval of the Development Permit. This term shall include build-out dates and other dates that trigger additional submittals such as, but not limited to, site plan and master plan submittals.

(3) "Seminole County" means the political subdivision of the State of Florida within the physical jurisdictional limits with the boundaries as described in Section 7.57, Florida Statutes. For the purposes of this Ordinance, this term shall not include the Constitutional Offices authorized through the Seminole County Home Rule Charter, nor shall it include any other local government or state agency that may include the words "Seminole County" in its name.

Section 4. Applicable Development Regulations. Permits extended under this section shall continue to be governed by regulations and standards in effect at the time the Development Permit was originally rendered unless it is demonstrated that the rules in effect at the time the Development Permit was rendered would create an immediate threat to public safety or health or if the application of such regulations and standards is preempted by state and/or federal law. This subsection applies to any modification of the plans, terms, and conditions of the Development Permit that lessens the environmental impact, except that any such modification may not extend the Expiration Date beyond that which is authorized by this Ordinance.

Section 5. Limitations on construction and implementation. This Ordinance shall not be construed or implemented to:

- (1) extend a permit or approval issued by the United States or

its agencies or instrumentalities;

(2) extend a permit or approval issued by the State of Florida or its agencies or instrumentalities;

(3) shorten the duration that a Development Permit would have had in the absence of this legislation; or

(4) prohibit the granting of additional extensions provided by law.

Section 6. Severability. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance, such holding shall not affect the applicability to any other person, property or circumstance.

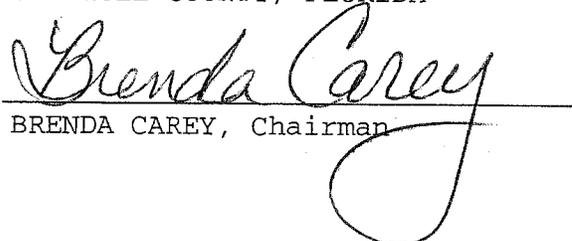
Section 7. Effective Date and Sunset Date. This Ordinance shall take effect immediately upon filing with the office of the Florida Secretary of State. This Ordinance shall sunset and shall no longer be in effect at midnight on December 31, 2015.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 28th day of June, 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA


MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

By: 
BRENDA CAREY, Chairman

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FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

July 14, 2011

Honorable Maryanne Morse
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

FILED IN OFFICE
CITY COMMISSION RECORDS
MARYANNE MORSE
11 JUL 18 PM 2:21
CLERK TO B.C.C.
SEMINOLE CO. FL
D.J.

Attention: Ms. Eva Roach, Deputy Clerk

Dear Ms. Morse:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 8, 2011 and certified copy of Seminole County Ordinance No. 2011-17, which was filed in this office on July 13, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

DIRECTOR'S OFFICE

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