

City of Groveland Policy re: SB 360



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This document recites the text of a portion of Senate Bill 360 which was adopted and signed into law in 2009. It also sets forth the City of Groveland's policy concerning extension of development orders and building permits previously issued by the City of Groveland. This document provides guidance to the City of Groveland staff as well as holders of a development order and building permit issued by the City of Groveland.

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City of Groveland Policy re: SB 360

Development Permit and Building Permit - Extensions

10/5/2009

City of Groveland

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I. S.B. 360: Below is an excerpt of the relevant portion of S.B. 360:

Section 14. (1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of Chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applied to build out dates including any build out date extension previously granted under s.380.06(19)(c), Florida Statutes. This section shall not be construed to prohibit conversion from the construction phase to the operation phase upon completion of construction.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) a permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, which would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except when it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision shall apply to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification shall not extend the time limit beyond 2 additional years.

(6) Nothing in this section shall impair the authority of a county or municipality to require the owner of a property, that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section, to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

II. City's Policy: The City will adhere to the language set forth in the above excerpt of S.B. 360.

- a.** To be eligible for a two year extension the expiration date of the development order, building permit, build out dates, or required mitigation associated with a phased construction project must be September 1, 2008 through January 1, 2012.
- b.** The holder of the development order, building permit, document setting forth the build out dates, and document setting forth the required mitigation associated with a phased construction project (collectively referred to as "authorization") is required to notify the City (Community Development Department) **in writing no later than December 31, 2009.**
- c.** The written notification must include the following information:
 - i.** The name of the holder
 - ii.** The project name
 - iii.** The authorization the holder intends to extend (development order, building permit, etc.)
 - iv.** The anticipated timeframe for resuming progress on the authorization (i.e. intend to commence construction on the building permit in April of 2010)

- v. A copy of the authorization
- d. If the City has issued the holder of the authorization a warning letter or notice of violation, has initiated formal enforcement or other equivalent action pursuant to state law or City of Groveland ordinance, code or land development regulation stating that the authorization is in significant noncompliance with the conditions of the authorization, then the authorization is not eligible for an extension.
- e. If granting an extension will delay or prevent compliance with a court order, then the authorization is not eligible for an extension.
- f. Upon receipt of a request for an extension and if eligible for an extension, the City will issue written notice to the holder stating that an extension for the requested authorization has been granted and will specify the new expiration date.
- g. Upon receipt of a request for an extension and if ineligible for an extension, the City will issue written notice to the holder stating that the authorization is not eligible for extension and also stating the reason/s for ineligibility.
- h. If the holder disagrees with the City's determination of ineligibility for an extension, the holder may request a review of the decision from the City Manager. A request for review must be in writing stating the reason/s the holder believes the authorization is entitled to be extended under this policy, and must be filed with the City Clerk no later than 10 business days from the date of the denial notification letter from the City.
- i. Whether eligible or not for an extension, the property owner is required to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.
- j. A permit which is extended pursuant to this policy shall continue to be governed by rules in effect at the time the permit was originally issued, except if demonstrated that the rules in effect at the time the permit was originally issued would create an immediate threat to public safety or health.

III. Effective: This policy is effective as of July 1, 2009.