

RESOLUTION NO. 11-10-01

RESOLUTION PERTAINING TO EXTENSION OF CERTAIN
UNEXPIRED DEVELOPMENT APPROVALS.

WHEREAS, the recent economic downturn has resulted in an unprecedented decline in new residential and commercial building construction activity in Lee County; and,

WHEREAS, in recognition of the current real estate market conditions and status of multiple development projects within unincorporated Lee County, the Lee County Board of County Commissioners authorizes a four-year extension of unexpired Master Concept Plans, Development Orders, and Concurrency Certificates issued by Lee County between January 2, 2006 and June 30, 2012; and,

WHEREAS, the holder of a valid Master Concept Plan, Development Order, or Concurrency Certificate that is eligible for the four-year extension must notify the County in writing no later than September 30, 2012, identifying the specific authorization(s) for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization; and,

WHEREAS, development approvals that receive the four-year extension will 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 a threat to public safety or health; and,

WHEREAS, in order to process the requests made under this Resolution, it is necessary to authorize the Director of the Department of Community Development to charge a reasonable fee to process the extension requests and execute the appropriate documents to implement this Resolution and grant the extensions identified herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lee County, Florida, that in consideration of the foregoing, the Board directs the following:

1. The Department of Community Development is authorized to accept and process requests for extensions of certain unexpired development approvals issued by Lee County between January 2, 2006 and June 12, 2012.
2. The extension granted herein is limited as follows:

- a. Extension of expiration dates for Master Concept Plans, Development Orders, and Concurrency Certificates are permitted.
 - b. Extensions of commencement, phase, buildout, and expiration dates provided in a Development of Regional Impact Development Order are prohibited.
 - c. Extensions of expiration dates for Building Permits issued in accordance with the Florida Building Code are prohibited.
 - d. Extensions for developments in which a current code violation exists on the property may not be granted until the violation has been abated.
3. The Director of the Department of Community Development, or her designee, is authorized, upon receipt of a written request made in accordance with this Resolution, to execute the appropriate documents to grant the extensions granted herein.
4. The Director of the Department of Community Development is also authorized to impose a reasonable administrative processing fee for each permit or authorization extension requested, plus recording costs if any.
5. The Director of the Department of Community Development, or her designee, is authorized, prior to granting the extension, to require the owner of property subject to an extension request to maintain and secure the property in a safe and sanitary condition in accordance with applicable laws and Ordinances.
6. The holder of a valid Master Concept Plan, Development Order, or Concurrency Certificate that is eligible for the four-year extension must notify the County in writing no later than September 30, 2012, identifying the specific authorization(s) for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.
7. Development approvals that receive the four-year extension will 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.

THE FOREGOING RESOLUTION was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner Hall, and, upon being put to a vote, the vote was as follows:

John E. Manning	Aye
Brian Bigelow	Absent
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED this 11th day of October 2011.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Frank Mann, Chairman

Approved as to form:

BY: _____
Michael D. Jacob
County Attorney's Office