CITY OF OCALA
DEVELOPMENT PERMIT EXTENSION REQUEST
(PER ORDINANCE 2020-42)

Date: _____

To: City of Ocala Growth Management Department

Project Name: _____

Project Number: _____

Developer Name: _____

Address: _____

_____

Phone #: _____

Email: _____

Original Expiration Date: _____

THIS SECTION TO BE COMPLETED BY CITY STAFF

Approved: _____ Date: _____
Growth Management Director

New Expiration Date per Ordinance: _____

ORDINANCE 2020-42

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING DEVELOPMENT PERMITS; AMENDING SECTION 106-1 PROVIDING FOR EXTENSIONS OF DEVELOPMENT PERMITS BY REVISING FINDINGS, DEFINITIONS, EXPIRATION DATES AND PERFORMANCE DEADLINES TO ADDRESS THE IMPACTS CAUSED BY THE CORONAVIRUS DISEASE (COVID-19); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, as follows:

Section 1. That section 106-1 the Code of Ordinances, City of Ocala, Florida is hereby amended to read as follows:

Sec. 106-1. - Extensions of expiration dates and performance deadlines under development permits.

(a) *Definitions.* For purposes of this section only (and not any other provision of this code), the following terms have the following meanings.

(1) *Coronavirus disease (COVID-19).* means an infectious disease caused by a new virus identified in 2019.

(2) *Developer.* The recipient of, or party to (other than the city), the development permit, or its successor or assigns, at the time of the extension provided by this section.

(3) *Development permit.* Any of the following development permits, orders, approvals, developer's agreements or similar matters issued, given, or entered into, by the city concerning a project. Following the description of the development permit is the code or statute section referring to the development permit, and the obligation or other matter thereunder that is subject to the extension under this section:

Development Permit	Code or Statute Section	Matter Subject to Extension
Certificate of capacity issued for an underlying	Section 86-6(b) of this Code	Period for which certificate is valid. No further extension is provided by this section for a certificate

development order (as defined in section 86-1) that does not have an expiration date		of capacity for an underlying development order that is being extended pursuant to this section; rather, such certificate of capacity is extended to the extent that the underlying development order is extended by this section.
Conceptual plan	Section 114-36(b)(2) of this Code	Developer's obligation to submit improvement and construction plans within 12 months of conceptual plan approval, or any extension of time that has been granted under such section.
Final Plat	Section 114-38(d) of this Code	Developer's obligation to submit copies of the final plat and required supplementary material after approval of the improvement and construction plans, or any extension of time that has been granted under such section.
Developer's agreement	Section 114-39(e) and (f) of this Code	Time period to complete subdivision improvements. This section does not excuse the developer from providing, or extend the time for the developer to provide, adequate assurance or replacement adequate assurance.
Special exception	Section 122-74(b) of this Code	Time period for which the action for which the special exception is granted must be begun or completed.
Variance	Section 122-97 of this Code	Time period to obtain issuance of a building permit and begin construction.
Nonconforming use	Section 122-176(a) of this Code	Time period which a nonconforming use of land or a building ceases or is discontinued.
Site plan	Section 122-220 of this Code	Time period an approved site plan remains valid, or any extension of time that has been granted under such section.

(4) *Expiration date.* The date that the development permit would expire or terminate, under its own terms or under other provisions of this code, without the extension provided by this section.

(5) *Performance deadline.* The date by which a developer is required to perform an obligation under a development permit, under its own terms or under other provisions of this code without the extension provided by this section.

(6) *Project.* The real property or real property development that is subject to the development permit.

(b) *Findings.* The city council finds as follows:

(1) The health crisis related to COVID-19 has interfered with local economic development

including real estate projects.

(2) This code, and the development permits issued, or entered into, by the city, contain various expiration dates or performance deadlines that require a developer to proceed to the next phase of development, or perform certain actions, to avoid having the development permit expire or otherwise lose the benefit of the development permit.

(3) Because of the current health crisis (COVID-19), it is reasonable and appropriate for the city to extend the expiration dates and performance deadlines pursuant to this section.

(c) *Extensions.*

(1) The expiration date for any development permits is hereby extended for a time period ending two years from the expiration date set forth herein, or otherwise applicable to, the development permit.

(2) The performance deadline for development permits is hereby extended for a period of two years beyond the performance deadline otherwise applicable to the development permit.

(3) The extensions set forth in this subsection are for two years from the expiration date or performance deadline otherwise applicable to the development permit, not two years form the date of adoption of any ordinance adopting or amending this section.

(d) *Exceptions.* Nothing set forth in this section shall extend any development permit in the following manner:

(1) This section shall not extend the performance deadline of any development permit to the extent the performance deadline involves the sale, donation, acquisition or other conveyance or transfer of real property, or any interest therein (including easements), to or from the city, including rights of way, stormwater conveyance or retention systems, or utility easements.

(2) This section shall not extend the performance deadline for a developer to provide the city with adequate assurance under this code or any development permit including, without limitation, the time for a developer to provide the city with replacement letters of credit or surety bonds that would expire before the developer has performed, or is excused from, its obligations under the development permit.

(3) This section shall not extend the performance deadline for any obligation of a developer to pay sums of money to the city.

(4) This section shall not extend any expiration dates or performance deadlines under development permits issued after the effective date of the ordinance adopting this section, if the development permit, or the city's issuance or approval of such development permit, expressly provides that expiration dates or performance deadlines thereunder are not extended by this section.

(5) This section shall not extend the performance deadline for a developer to construct any sidewalk or grass walkways under a provision of a developer's agreement that permits the

city to require a developer to immediately install such sidewalks and grass walkways if the city determines that doing so is necessary for public safety purposes; if the city does not make such a determination, the timeframe for constructing the sidewalk or grass walkways is extended by this section.

(6) This section shall not extend the timeframe for a developer to design, permit, install or construct any transportation improvements (including, without limitation, roads, traffic signalization, sidewalks, turn lanes, intersection improvements, etc.), other than on-site transportation improvements, unless the city engineer determines that the extension is not contrary to public safety. The developer shall have the burden to determine whether the city engineer has made such a determination.

(7) This section shall not relieve the developer from maintaining and securing the property that is the subject of the development permit in a safe and sanitary condition in compliance with applicable laws and ordinances, including this code.

(e) *Limitation.* This section applies only to development permits, the expiration date or performance deadline, prior to the application of this section, of which is after October 1, 2019.

(f) *Retroactive effect.* This section applies to any development permits, the expiration date or performance deadline of which has passed prior to the adoption of this section but after October 1, 2019.

(g) *Confirmation of extension.* A developer shall obtain a written confirmation of the extension of a development permit under this section. The building official shall provide a letter confirming the extension.

(h) *Supplemental to state law.* This section supplements, and therefor provides extensions in addition to those which may be granted under, state law related to the COVID-19. Any extension granted by this section, or state law, shall run simultaneous with the extension granted by the other provision; the extensions shall not be consecutive.

(i) *Further Extensions under Permit or Code.* The expiration dates and performance deadlines calculated prior to the extension provided by this section shall be initially calculated without any extensions provided for under the terms of the permit or provisions of this code other than this section. If, after applying the extension provided by this section, the developer may be entitled to additional extensions under the permit or other code provisions, the developer may seek or utilize such extensions subject to the terms of the permit or other code provisions.

(j) *Sunset.* This section shall be automatically repealed, without further action of city council, on August 1, 2022, unless city council, by separate ordinance, amends or deletes this subsection. Such repeal shall not affect any extension previously provided by this section before its repeal.

Section 2. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared

to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon approval by the Mayor, or becoming law without such approval.

ATTEST:

By: _____
Angel B. Jacobs
City Clerk

CITY OF OCALA

By: _____
Jay A. Musleh
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 7/28, 2020.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
For Patrick G. Gilligan
City Attorney

Ordinance No:	2020-42
Introduced:	7/7/2020
Adopted:	7/21/2020
Legal Ad No:	A000970379 - 7/10/20