

J. OTHER BUSINESS

8. Chapter 155 Post-Decision Actions and Limitations

Staff will present the proposed text amendments to Chapter 155 regarding Expirations of Development Orders.

Karen Friedman introduced herself to the Board and stated that this item is a proposed text amendment to the Zoning Code section §155.2308. This section addresses the expiration period of Development Orders and offers for the opportunity of extensions of Development Orders. As this Board knows, the applicant must demonstrate reasonable efforts were made to apply for a Building Permit and/or the delay in proceeding with the commencement of development resulted from an "Act of God" or extreme economic conditions of the market.

Ms. Friedman stated that there are situations in which the need for the extended expiration period is not due to the applicant's actions, but rather is due to the use of the land by a government entity for a public purpose. Examples include land used by the City or CRA which is subject to an Interim Use Permit and which is used to provide public parking or land which is used as a staging area for an FDOT project; or land which is used for other miscellaneous government approved use.

Ms. Friedman stated that Staff recommends, for properties that have entered into a license agreement or lease with a government entity for their land to be used for a public purpose, that their expiration period be tolled (aka suspended). The recommendation would be to toll the expiration period from the effective date of the use by the government until the time that the lease or other valid, legal document expires. However, there would be a maximum tolling of five years. The rationale for the five year limitation is that is the effective period for an Interim Use permit.

Ms. Friedman stated that Staff also recommends that the tolling request not be subject to the extension process regulations provided in the code, for example having to prove an Act of God or reasonable efforts. Rather, Staff recommends a tolling provision be added to the Zoning Code which tolls the expiration periods by right, provided the applicant request the tolling 45 days prior to the expiration of the development order.

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption. In the back up there is a memo from the CRA with no objection to this item moving forward.

Mr. Stacer asked if staff is looking for a positive recommendation and Ms. Friedman confirmed.

The Board had no questions.

MOTION was made by Tobi Aycock and seconded by Richard Klosiewicz to recommend approval of the proposed text amendments. All voted in favor of the above motion; therefore the motion passed.

DRAFT