



CITY COMMISSION POLICY MANUAL

Environmental Management Permit Extension Policy

Department:
Growth Management

Date Adopted:
March 8, 1995

Last Revised Date:
February 26, 1997

712.01 AUTHORITY

ENVIRONMENTAL MANAGEMENT ORDINANCE:

Article V, Section 41(4) Expiration of Permits.

(a) Environmental Management Permits Issued Subsequent to Enactment of this Chapter.

1. Permit Life. Environmental Management Permits issued subsequent to enactment of this Chapter shall expire thirty-six (36) months after issuance unless otherwise specified by the Director for master planned subdivisions or phased development projects, as provided in subsection 41(4)(a), or, otherwise, have expired early for cause as set forth in 41(4)(a)3.
2. Extensions: Permits may be extended, by request of the applicant and approval of the Director, for successive periods of time not to exceed twelve (12) months each, provided the request for extension is made prior to the expiration of the prior approval and provided continuous good faith efforts have been made to complete the development. After expiration, the applicant must resubmit an application for a permit and comply with all requirements in effect at the time of re-submitting.

712.02 PURPOSE

This policy shall apply to all development activities in the City of Tallahassee for which an Environmental Management Permit was issued, either by the City or by Leon County, subsequent to January 15, 1990.

712.03 STATEMENT OF POLICY

This policy provides procedures for extending Environmental Management Permits in accordance with the authority granted under Article V, Section 41(4) of the EMO.

712.04 DEFINITIONS:

Unless otherwise defined herein, words and phrases shall be construed and have the meanings set forth in Sections 4 and 5 of the Environmental Management Ordinance.

1. **Abandoned development site:** a site where permitted development activity began but is not continuing as evidenced by one or more of the following:
 - a. pioneer species of vegetation (weeds, etc.) are naturally regenerating in the cleared areas;
 - b. absence of construction equipment on the site or construction equipment parked on the site is inoperable and deteriorating;
 - c. workmen are absent for more than 30 days; or,

- d. construction offices are unoccupied for more than 30 days or have been removed.
- 2. **Active Project**: A development site where a continuous good faith effort is being made to complete the permitted activity.
- 3. **Continuation Extension**: An extension of a permit's expiration date for a project that is, and will remain, dormant during the extension period.
- 4. **Continuous good faith effort to complete the project**: Development activity, for which an environmental management or building permits were issued, that has begun and is continuing unabated by the developer. The work and the activity are readily observable by merely visiting the site.
- 5. **Dormant project**: A site wherein development activity:
 - a. has not begun, or
 - b. has begun, but was abandoned, or
 - c. has been completed for one or more phases of a phased development but is presently not occurring.
- 6. **Extension**: A re-establishment of a permit's expiration date. The new expiration date is moved ahead in time in increments of 3, 6, 9, or 12 month periods reckoned from the existing expiration date.

712.05 EXEPTIONS:

This policy does not apply to permits issued by Leon County prior to January 15; 1990, nor to Stormwater Management Facility Operating Permits issued by the City, nor to permits that have expired for cause per Section 41(4)(a)3. Extensions of Leon County Permits issued prior to January 15, 1990 are governed by the County Environmental Permit Extension policy approved by the City Commission on July 10, 1991. Provisions for the renewal of Stormwater Management Facility Operating Permits are found in Section 46 of the EMO.

712.06 PROCEDURES:

A. General

- 1. When approved, extensions shall be granted in 3,6,9, or 12 month increments, depending upon the complexity of the project, the amount of time reasonably needed to complete the project, and the amount of time requested by the applicant.
- 2. Except for projects reactivated during a Continuation Extension, new expiration dates shall be reckoned from existing expiration dates.
- 3. When a project is reactivated during a Continuation Extension, the new expiration date shall be reckoned from the date the new extension is approved.
- 4. The Environmental Management Administrator of the City's Growth Management Department may grant or deny an extension. Denials by the Environmental Management Administrator may be appealed to the Director,
- 5. Application for an extension shall either be approved or denied within 20 calendar days of receipt of a complete application. Decisions shall be communicated to the applicant in writing.

B. Active Projects

1. Extensions shall be approved for active projects when the extension application is received prior to the current permit expiration date.
2. Applications for extensions received after a permit for an active project has expired shall be evaluated and the extension may be approved for active projects provided the remaining, permitted, development activity conforms with the requirements of the EMO in effect at the time the application for an extension is received. Plans and other documents demonstrating continued compliance with the EMO shall accompany the application (see Section F for non-conforming projects).

C. Dormant Projects

1. Extensions shall be approved for projects dormant due to governmental action or inaction whenever an application to extend is received prior to the permit's expiration date provided:
 - a. The applicant demonstrates, with supporting documents, that the applicant was stopped, barred, impeded, prevented or precluded (stopped) from completing the project by the action or inaction of a governmental agency. The agency's actions or omissions must bear directly on the project. Matters pertaining to right-of-way acquisitions, occurring prior to an order of taking being issued, shall not constitute action or inaction on the part of a governmental agency that stopped the applicant from completing the project; and,
 - b. All necessary and underlying development approvals, have not expired (e.g., subdivision, site plan approvals, certificates of land use, concurrency certificates, etc.); and,
 - c. The current landowner has no outstanding indebtedness to the City related to the project being permitted; and,
 - d. There have been no chronic or repeated failures to comply with the permit or environmental regulations.
2. Applications for extensions received either prior to or after the permit has expired for a dormant project, that has not been stopped due to action or inaction by a governmental agency, shall be evaluated and the extension **may** be approved provided:
 - a. all necessary and underlying development approvals have not expired (e.g., subdivision or site plan approvals); and,
 - b. there are no outstanding citations for violations of the building or environmental code or other land development regulations which are not being satisfactorily resolved; and,
 - c. the current landowner has no outstanding indebtedness to the City related to this project; and,
 - d. there have been no chronic or repeated failures to comply with the permit or environmental regulations; and,
 - e. the remaining, previously - permitted, development activity conforms with the requirements of the EMO in effect at the time the application for an extension is received. If requested, the applicant shall provide plans and

other documents demonstrating continued compliance with the EMO (see Section F for nonconforming projects).

D. Continuation Extensions

1. A landowner/permittee may apply for a Continuation Extension for a dormant Major Project or a dormant Minor Short Form B Project. Continuation Extensions shall be evaluated and approved in accordance with the provisions set forth above for Dormant Projects.
2. A Continuation Extension shall be issued with the following provisions:
 - a. Continuation Extensions shall be granted for 12 months.
 - b. The applicant/landowner covenants with the City that no development activity will occur on the site during the continuation period. Any development activity occurring during the continuation period, other than solely for the purposes of preventing erosion and off-site sediment transport, and to protect trees, shall be a violation of the permit.
3. The permittee may activate the project during the continuation period provided:
 - a. the permittee applies for and obtains another extension,
 - b. the new expiration date shall be calculated from the date the extension is approved in 3,6,9, or 12 month increments depending upon the type of project permitted, and
 - c. no credit for any unused portion to the Continuation Extension fee will be available.
4. The new extension request shall be approved provided the requirements of Section C.2., a,b,c,d & e are met.

E. Extension Procedures for Phased Projects

1. Applications for extensions for phased projects may be approved provided they conform with the applicable provisions set forth herein and in addition, provided that:
 - a. the master plan filed with the original permit is definite with regard to location of infrastructure, land use categories, roadways and other significant plan elements for all phases of development; and,
 - b. the master plan has been substantially adhered to; and,
 - c. all necessary underlying development approvals were,, obtained and have not expired (e.g., subdivision or site plan approvals); and,
 - d. all other previously mandated reviews and approvals (by other governmental agencies) for each phase of the project have been obtained; and,
 - e. There is no outstanding indebtedness with the City related to this project on the part of the applicant/landowner; and,
 - f. any easements required by Section 41(5)(b) of the EMO have been executed by the developer and delivered to the City.

F. Non-Conforming Projects

1. When projects are found, at the time an application for an extension is received, to be not in compliance with the EMO as required by 712.062 B.2., C.2. and D.4. herein then the following shall apply:
 - a. When minor design changes will bring the project into compliance, the applicant shall amend their permit so that the design conforms with the EMO.
 - b. Minor changes include, but are not limited to:
 - (1) modifying unconstructed portions of Stormwater Management Facilities,
 - (2) modifying existing discharge structure in ponds,
 - (3) modifying existing stormwater collection devices,
 - (4) planting additional trees and shrubs,
 - (5) erecting fences,
 - (6) modifying other non-structural components of the landscape plan, e.g., plant specifications.
 - c. The amendment application may be reviewed simultaneously with the application to extend in accordance with 712.061 A. 3., herein.

G. Approvals and New Placards

1. When an extension has been approved, the applicant shall be notified in writing of the approval and the amount of the extension fee.
2. When the extension fee has been paid, a new placard shall be issued that shows the new expiration date together with a certificate indicating the permits expiration date has been extended.
3. The applicant shall display the new placard and maintain a copy of the permit extension certificate at the site in accordance with Section 42(3)(a)l, of the EMO.

712.07 ADMINISTRATION:

This policy will be administered by the Growth Management Department.

712.08 SUNSET PROVISION:

This policy is also subject to sunset review by the City Commission no later than five (5) years from the date of adoptions. Subsequent reviews by the City Commission are to occur no later than five (5) years from the date of the prior review. Revisions will become effective immediately upon City Commission approval.

712.09 EFFECTIVE DATE:

Upon adoption.

REVISIONS:

List every date that the policy was brought before Commission.