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2 **ORDINANCE NO. 2024-06**
3

4 **AN ORDINANCE OF THE CITY OF FLAGLER BEACH,**
5 **FLORIDA, AMENDING APPENDIX A, LAND**
6 **DEVELOPMENT REGULATIONS, ARTICLE II, ZONING,**
7 **OF THE CODE OF ORDINANCES; ADDING A ZONING**
8 **CATEGORY FOR MASTER PLANNED DEVELOPMENT**
9 **("MPD"); PROVIDING FOR REVIEW, APPROVAL,**
10 **DEVELOPMENT STANDARDS, PERMITTED USES,**
11 **REGULATION, AND IMPLEMENTATION OF MASTER**
12 **PLANNED DEVELOPMENTS; PROVIDING FOR**
13 **CONFLICTS; PROVIDING A SEVERABILITY CLAUSE;**
14 **AND PROVIDING FOR AN EFFECTIVE DATE**
15

16 **WHEREAS,** the City of Flagler Beach is and has been in the process of rewriting its
17 Land Development Regulations; and
18

19 **WHEREAS,** a new Master Planned Development zoning district is included in the Land
20 Development Regulation rewrite; and
21

22 **WHEREAS,** due to proposed development in the area, the City has identified a need to
23 consider the Master Planned Development zoning district earlier than its consideration of the Land
24 Development Regulation rewrite; and
25

26 **WHEREAS,** the Flagler Beach City Commission finds that the Master Planned
27 Development zoning district creates a framework that allows developers and the City flexibility to
28 work together to address and explore creative solutions to planning challenges unique to land
29 configurations and development patterns.
30

31 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**
32 **OF FLAGLER BEACH, FLORIDA THAT:**
33

34 **SECTION 1. Text Change.** Section 2.02.00, Definitions, and Section 2.04.02.8 of the
35 City of Flagler Beach Land Development Regulations is hereby amended as follows (Note,
36 additions are identified by underline, deletions are identified by ~~striketrough~~, and portions of
37 Code not changed and not reprinted here are identified by ellipses (***)
38

39 **SECTION 2.07.10. MASTER PLANNED DEVELOPMENT DISTRICT (MPD)**
40

41 **SEC.2.07.10.01. Purpose.**

- 42 A. The Master Planned Development (MPD) district is established and intended to
43 encourage innovative land planning and site design concepts that support a high quality

of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.

B. Master Planned Development Zoning District (MPD).

The Master Planned Development District shall supplement and be available in addition to the Planned Unit Development District (PUD). All previously approved and active PUD's shall be bound to the terms and requirements as recorded in their respective Development Agreements.

Commented [JS1]: Awkward

SEC.2.07.10.02. Master planned development review and approval process.

The application for a master planned development and the rezoning, along with the required Master Planned Development Agreement, shall be submitted and approved in conformance with the procedures outlined in this section and in compliance with the requirements of Chapter 166.00 FS. The Master Planned Development Agreement shall be approved contemporaneous with the rezoning.

SEC.2.07.10.03. General requirements

1. Comprehensive plan consistency. The MPD shall be consistent with the Comprehensive Plan. With exception of the Preservation and Conversation classification, a Master Planned Development District is allowed within all Comprehensive Plan Future Land Use Map categories.
2. Other ordinances. All building and housing codes of the City are applicable to the Master Planned Development District; however, requirements for dimensional standards, parking, open space, and other regulations established in the master planned development plan may differ from those specific to the underlying zoning district in

81 which the development is located to achieve a higher level of quality. Special exceptions
82 and variances are, therefore, *not applicable* to master planned development plans.

83
84 SEC.2.07.10.04. *Pre-adoption General Requirements for Master Planned Developments.*

85 Prior to approving an MPD zoning district classification, the City Commission shall consider
86 whether the application for the MPD zoning district classification, as well as the MPD Master
87 Plan and the MPD Development Agreement Terms and Conditions included as part of the
88 application, at minimum, address and incorporate the following information and data:

89 1. The MPD Master Plan shall:

- 90 a. Include a statement of the planning objectives for the Master Planned development.
- 91 b. Identify the general location of individual development areas, identified by land
92 use(s) or development density or intensity;
- 93 c. Identify for the entire MPD and each development area, by acreage,
94 a. types and mix of land uses,
95 b. number of residential units (by use type),
96 c. nonresidential floor area (by use type),
97 d. residential density, and nonresidential intensity by gross floor area;

98 2. Identify the general location, amount, and type of open space (whether designated for active
99 or passive recreation).

100 3. Identify the general location of environmentally sensitive lands, wildlife habitat, waterway
101 corridors, or other features to be protected.

102 4. Identify the on-site transportation circulation system, including the general location of all
103 public and private streets, pedestrian, and bicycle pathways, and how they will connect with
104 existing and planned City and County systems, and mobility alternatives, if proposed.

105 5. Identify the general location of on-site potable water, reuse water, and wastewater resources,
106 and how these utilities will connect to City facilities.

107 6. Identify the general location of on-site stormwater management facilities, and how they will
108 connect to existing or planned City stormwater systems; and

109 7. Identify the general location of all other on-site public facilities serving the development,
110 including but not limited to parks, schools, and facilities for fire protection, police protection,
111 EMS, and solid waste management.

112
113 SEC.2.07.10.05. *Master Planned Development Agreement.*

114 The MPD Terms and Conditions shall incorporate by reference or include, but not be limited
115 to;

1. Conditions related to approval of the application for the MPD zoning district classification.
 2. The MPD Master Plan, including any density/intensity standards, dimensional standards, and development standards established in the MPD Master Plan.
 3. Conditions related to the approval of the MPD Master Plan, including any conditions related to the form and design of development shown in the PD Master Plan.
 4. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development.;
 5. Provisions related to environmental protection and monitoring; and
 6. Any other provisions the City Commission determines are relevant and necessary to the development of the MPD in accordance with applicable standards and regulations.
-

SEC.2.07.10.06. Compatibility with Surrounding Areas.

Development along the perimeter of the MPD shall be compatible with adjacent existing or proposed development. Where there are compatibility issues, the MPD Master Plan shall provide for transition areas at the perimeter edges of the MPD that provide for appropriate buffering or ensure complementary land uses. Determination of complementary character shall be based on:

1. densities/intensities,
 2. lot size and dimensions,
 3. building height,
 4. building mass and scale,
 5. hours of operation, exterior lighting, and siting of service areas, if applicable.
-

SEC.2.07.10.07. Development Standards.

All development in the MPD shall comply with the development standards as established and adopted in the MPD Development Agreement.

SEC.2.07.10.08. Conversion Schedule.

1. The MPD Master Plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential).
2. These conversions may occur within development areas and between development areas, if they occur within the same development phase, as identified by the approved

development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

SEC.2.07.10.09. On-Site Public Facilities.

a. Design and Construction

The MPD Master Plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.

b. Dedication

The MPD Master Plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.

c. Modifications to Street Standards

In approving an MPD Master Plan, the City Council Commission may approve modifications or reductions of City street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:

- i. The PD Master Plan provides for separation of vehicular, pedestrian, and bicycle traffic
- ii. Access for emergency service vehicles is not substantially impaired;
- iii. Adequate off-street parking is provided for the uses proposed; and
- iv. Adequate space for public utilities is provided.

SEC.2.07.10.10. Land Uses.

The allowable uses in an MPD are identified in TABLE 2-1 and may be permitted subject to the MPD Master Plan. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the MPD district. Allowed uses shall be consistent with City regulations, and subject to additional limitations or requirements as may be agreed upon and established between the parties.

TABLE 2-1

Land Use Status Designations

Available for Consideration = A, Not Permitted = -

MASTER PLANNED DEVELOPMENT DISTRICT

<u>LAND USE TABLE</u>	
<u>LAND USES</u>	<u>STATUS</u>
<u>Adult arcade and Game rooms</u>	=
<u>Adult-Oriented Businesses</u>	=
<u>Art galleries</u>	A
<u>Art and music supplies</u>	A
<u>Assisted Living Facilities</u>	A
<u>Automobile parking structures</u>	A
<u>Automobile rentals, sales</u>	A
<u>Automotive retail parts store</u>	A
<u>Automotive service stations without major mechanical repairs.</u>	A
<u>Automotive repair centers, tire sales and service without major mechanical repairs.</u>	A
<u>Automotive service stations, automotive repair centers, and lube shops abutting any residential zoning district</u>	A
<u>Bakeries/production</u>	A
<u>Bars, Clubs, Lounges, within a principal building or as an accessory to hotels and motels</u>	A
<u>Bars, cocktail lounges, taverns and like uses with outdoor entertainment</u>	A
<u>Barber shops</u>	A
<u>Beach, dune walkovers</u>	=
<u>Bed and Breakfast</u>	A
<u>Beer, Wine, and Liquor Stores</u>	A
<u>Boarding and Rooming Houses</u>	A
<u>Book and stationery</u>	A
<u>Bottle Clubs</u>	=
<u>Building Contractor Offices</u>	A
<u>Caretaker's Dwelling</u>	=

<u>Car wash to include self-wash and/or drive-thru, Detailing</u>	<u>A</u>
<u>Civic Uses: town hall, libraries, museums</u>	<u>A</u>
<u>Civic Uses: police, fire, postal service</u>	<u>A</u>
<u>Civic Clubs and Fraternal Organizations</u>	<u>A</u>
<u>Churches, synagogues, or other houses of worship</u>	<u>A</u>
<u>Clinics and Medical Offices</u>	<u>A</u>
<u>Clothing boutiques</u>	<u>A</u>
<u>Cluster Development</u>	<u>A</u>
<u>Coffee Shops, donut shops, snack bars, sandwich shops, deli's</u>	<u>A</u>
<u>Commercial recreational facilities</u>	<u>A</u>
<u>Community Centers</u>	<u>A</u>
<u>Community Residential Licensed Facility, 01-6 residents per Chap 419.F.S</u>	<u>A</u>
<u>Community Residential Licensed Facility, 7-14 residents per Chap 419.F.S</u>	<u>A</u>
<u>Community Residential Licensed Facility, 15+ residents per Chap 419.F.S</u>	<u>A</u>
<u>Convenience commercial uses such as: food, grocery, drug, or convenience stores</u>	<u>A</u>
<u>Convenience stores/fueling stations</u>	<u>A</u>
<u>Customary accessory uses and structures</u>	<u>A</u>
<u>Day care centers /child</u>	<u>A</u>
<u>Day care center/adult</u>	<u>A</u>
<u>Discount Stores or Centers ("Big Box")</u>	<u>A</u>
<u>Drive-through facilities</u>	<u>A</u>
<u>Dry Cleaning (pick up/drop-off)</u>	<u>A</u>
<u>Essential public facilities and services</u>	<u>A</u>
<u>Farmer's Markets¹</u>	<u>A</u>
<u>Family Child Day Care Home, (Small)</u>	<u>A</u>
<u>Family Child Day Care Home, (Large)</u>	<u>A</u>
<u>Financial institutions with drive-thru windows</u>	<u>A</u>

¹ Exception - City co-sponsored event shall be deemed an unrestricted permitted use.

<u>Financial institutions without drive-thru windows</u>	<u>A</u>
<u>Fire Stations</u>	<u>A</u>
<u>Foster Care Facilities</u>	<u>z</u>
<u>Fraternal, private, social, recreational clubs or organization</u>	<u>A</u>
<u>Funeral Homes (with or without crematory)</u>	<u>A</u>
<u>Garages, private</u>	<u>A</u>
<u>Gift Shops</u>	<u>A</u>
<u>Golf Courses, accessory uses</u>	<u>A</u>
<u>Golf Driving Ranges</u>	<u>A</u>
<u>Government Buildings</u>	<u>A</u>
<u>Hair salons/spa</u>	<u>A</u>
<u>Health Clubs</u>	<u>A</u>
<u>Home occupations</u>	<u>A</u>
<u>Hotel, motels, and inns</u>	<u>A</u>
<u>Ice cream shops</u>	<u>A</u>
<u>Laundry or Dry-Cleaning Pick-up Station</u>	<u>A</u>
<u>Light Industrial Uses</u>	<u>A</u>
<u>Live Theaters (Performing Arts)</u>	<u>A</u>
<u>Lodging Accommodations (Public Lodging Establishments)</u>	<u>A</u>
<u>Low Speed Vehicle Rental Business (Golf Carts)</u>	<u>A</u>
<u>Manufactured Homes and RV Sales Facilities</u>	<u>A</u>
<u>Marina</u>	<u>A</u>
<u>Marina/live-aboard vessel</u>	<u>z</u>
<u>Medical services and facilities without overnight care of patients</u>	<u>A</u>
<u>Micro-breweries</u>	<u>A</u>
<u>Mixed Use Buildings</u>	<u>A</u>
<u>Motorcycle rentals and sale</u>	<u>A</u>
<u>Municipal Pump Stations and Well sites</u>	<u>A</u>

Commented [JS2]: Might wind up needing a pump station or well within an MPD...

<u>Museums</u>	<u>A</u>
<u>News-stands</u>	<u>A</u>
<u>Neo-traditional Development</u>	<u>A</u>
<u>Nursing homes</u>	<u>A</u>
<u>Parks and Recreation Facilities (ACTIVE)</u>	<u>A</u>
<u>Parks and Recreation Facilities (PASSIVE)</u>	<u>A</u>
<u>Parking, Off-street and Garages (commercial), (SEE Note 1, 2, 3)</u>	<u>A</u>
<u>Personal /enclosed storage facilities structure</u>	<u>A</u>
<u>Pet shop</u>	<u>A</u>
<u>Pharmacies</u>	<u>A</u>
<u>Pier, Municipal, related facilities</u>	<u>A</u>
<u>Pizza Delivery Establishments and Takeout Places</u>	<u>A</u>
<u>Police Stations</u>	<u>A</u>
<u>Post Office (local)</u>	<u>A</u>
<u>Print and Copy Shops</u>	<u>A</u>
<u>Professional and business offices</u>	<u>A</u>
<u>Public administrative and service facilities</u>	<u>A</u>
<u>Public Works and Emergency Service Facilities</u>	<u>A</u>
<u>Recreational Vehicle Parks and Campgrounds</u>	<u>=</u>
<u>Repair Shops (light repair, small equipment repair)</u>	<u>A</u>
<u>Repair Shops (large equip. and appliances)</u>	<u>A</u>
<u>Repair Shops (computer, small appliance repair)</u>	<u>A</u>
<u>Residential</u>	<u>A</u>
<u>Resort dwelling</u>	<u>=</u>
<u>Restaurant (sit-down)</u>	<u>A</u>
<u>Restaurant (with Drive-thru)</u>	<u>A</u>
<u>Restaurant (outdoor dining)</u>	<u>A</u>

<u>Retail building supplies.</u>	<u>A</u>
<u>Retail Sales and Services (not otherwise specified)</u>	<u>A</u>
<u>Self-storage Facilities / Mini warehouse</u>	<u>A</u>
<u>Sexually oriented businesses</u>	<u>=</u>
<u>School, Public or Private with day care center</u>	<u>A</u>
<u>Shoe store and shoe repair</u>	<u>A</u>
<u>Storage, open</u>	<u>=</u>
<u>Surf shops</u>	<u>A</u>
<u>Swimming pools and cabanas, private</u>	<u>A</u>
<u>Tattoo establishments, Body Piercing</u>	<u>=</u>
<u>Telecommunications Towers and Antennas</u>	<u>A</u>
<u>Trucking, freight, moving and storage</u>	<u>A</u>
<u>Vehicle sales, rental, or service facilities</u>	<u>A</u>
<u>Veterinary offices</u> <u>(no boarding facilities)</u>	<u>A</u>
<u>Veterinary hospitals or clinics</u> <u>(boarding within a noise-attenuated structure)</u>	<u>A</u>
<u>Wholesale Facilities</u>	<u>A</u>

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189 SEC.2.07.10.11. Densities and Intensities

190 The densities for residential development and the intensities for nonresidential development
191 applicable in each development area of the MPD shall be as established in the MPD Master
192 Plan, and shall be consistent with Comprehensive Plan and Land Development Code.

193

194

195 SEC.2.07.10.12. Dimensional Standards.

196 The dimensional standards applicable in each development area of the MPD shall be as
197 established in the MPD Master Plan. The MPD Master Plan shall include at minimum the
198 following types of dimensional standards:

- 199 1. Minimum lot area;
200 2. Minimum lot width;
201 3. Minimum and maximum setbacks;

4. Maximum lot coverage;
 5. Maximum building height;
 6. Maximum individual building size;
 7. Maximum gross floor area, and
 8. Minimum setbacks from adjoining residential development or residential zoning districts.
-

SEC.2.07.10.13. Open space.

The MPD shall give priority to preservation and interconnection of wildlife corridors and wildlife preservation areas, including below grade crossings, if necessary. Open space should, to the maximum extent reasonably possible, attempt to preserve the most important environmental features on the site in their natural state or restrict these areas for passive outdoor recreational purposes only.

MPD's within a Development of Regional Impact (DRI) are exempt from the open space requirements of this section, provided that the MPD must comply and be consistent with the DRI Development Order.

1. Minimum required open space. An MPD shall be required to provide open space totaling forty (40) percent of the development's gross acreage. For a development with residential uses, at least twenty-five (25) percent of the total required open space shall be common areas accessible to the residents, customers, and invitees to the development. Additional open space shall be, where possible, located and designed to achieve the following:

- a. Provide areas for informal recreation and pathways;
- b. Connect to adjacent open space, parks, bike paths, or pedestrian paths;
- c. Provide natural greenbelts along roadways; and
- d. Buffer adjacent land uses where appropriate.

2. Open space requirement flexibility. As an alternative to meeting the open space percentage noted above, an applicant may propose alternative solutions such as, but not limited to, land donation, or other mechanisms that would justify decreasing the percentage standard.

3. Permitted uses of open space. The following type facilities and uses exemplify the resources permitted within what may be defined as required open space area:

a. Pervious areas including, but not limited to, conservation of natural, archeological, and historical resources; and woodlands, wetlands, ponds, lakes, wildlife corridors, landscape, and similar environmental or conservation-oriented areas.

b. Walking or bicycling trails or paths paved with pervious or semipervious materials.

c. Passive recreation areas such as playgrounds which meet the following standards:

1. Such areas do not exceed ten (10) percent of the required open space; and

238 2. Such areas are located outside any conservation areas that include wetlands that
239 qualify as moderate and optimal as defined in Article IV, Sec. 4.00.06.

240 d. Easements for drainage and underground utility lines.

241 e. Stormwater retention and detention ponds provided that same are designed and
242 landscaped to serve as either passive or active recreation.

243 f. Golf courses.

244 g. Similar uses approved by the City Commission.

245 4. Open space use prohibitions. The following shall not be counted to toward open space
246 requirements:

247 a. Roads and parking lots.

248 b. Buildings, structures, and other impervious surfaces, except as necessary for residential
249 walkways connecting to public sidewalks.

250 5. Common open space and improvements. All common open space, as well as public and
251 recreation facilities, shall be specifically included in the development plan and Master
252 Planned Development Agreement.

253 a. Common improvements associated with residential uses, including private or public
254 parks, pools, recreation centers, or other facilities shall be constructed in conjunction with
255 residential dwellings. Such facilities shall be completed at a rate equal to that which can
256 serve the number of completed residential units in the MPD. No more than forty (40)
257 percent of the units for which the improvements are intended shall receive building
258 permits until the improvements are completed.

259 b. Public improvements intended to be dedicated to the City must be supported by
260 performance bonds issued to the City in a form and quantity acceptable to the City. The
261 bond must be approved prior to the issuance of the first residential permit. If a project
262 is phased, bonds shall only be required for those public improvements associated with or
263 required for the phases under current development.

264 c. Improvements may be completed in phases if the capacity for the improvement can serve
265 the associated phase of development.

266 6. Conveyance and preservation of open space. Open space shall be preserved in perpetuity
267 based upon the type of space and the user, as follows:

268 a. Common open space, proposed for use of the master planned development owners and
269 residents, shall ultimately be conveyed to a homeowners association or to a nonprofit
270 organization whose principal purpose is the conservation of open space, to a
271 corporation or trust owned or to be owned by the owners of the lots or dwelling units
272 within the residential cluster development, or to owners of shares within a cooperative
273 development. If such a corporation or trust is used, ownership shall pass with the

conveyances of the lots or dwelling units. The proposed timing of the conveyance shall be consistent with applicable law and shall be included in the application for the MPD.

b. Open space associated with natural features including, but not limited to, wetlands and other environmentally sensitive areas shall be preserved in perpetuity via a conservation easement on a form approved by the City that shall be recorded with the Flagler County Clerk.

7. Maintenance of common areas, stormwater conveyance system, and open space. Homeowners or Property Owners Association Bylaws and Declaration shall be required for a master planned development project and shall identify the party(ies) or person(s) responsible for maintaining the common areas, stormwater conveyance system, and open space, including multiuse trails open to the public. If Developer is unable to create an Association at the time of rezoning, Developer must provide alternative means of assurance that any common infrastructure will be maintained.

SEC. 2.07.10.14. – MASTER PLANNED DEVELOPMENTSTAFF REVIEW CRITERIA.

MASTER PLANNED DEVELOPMENT REVIEW FINDINGS.

The Planning and Architectural Review Board and City Commission shall consider the following criteria when reviewing a master planned development application:

- A. Consistency with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.
- B. Consistency with the general intent of the LDC.
- C. Degree of departure of the proposed development from surrounding areas and previous zoning districts in terms of character and density/intensity.
- D. Compatibility within the development and relationship with surrounding neighborhoods.
- E. Adequate provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the development plan.
- F. The feasibility and compatibility of development phases to stand as independent developments.
- G. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed development.
- H. The benefits within the proposed development to justify the requested departure from standard development requirements inherent in a Master Planned Development District classification.

- I. The conformity and compatibility of the development with any adopted development plan of the City of Flagler Beach.
- J. Impact upon the environment or natural resources.
- K. Impact on the economy of any affected area.
- L. Demonstrate consistency with the Concurrency Management Plan.
-

SEC. 2.07.10.15. – EXISTING MASTER PLANNED DEVELOPMENT.

Any Planned Development which exists either in part or in its entirety and has not lapsed or been abandoned under the terms under which it was ordained and is an ongoing venture at the time of the adoption of this ordinance, will be governed by the ordinance(s) under which it was instituted and allowed to exist into perpetuity if the terms of said ordinance(s) and conditions thereof are met.

SEC. 2.07.10.16. – ON-GOING MASTER PLANNED DEVELOPMENT.

An ongoing MPD is one in which there has been substantial compliance with the projected starting and completion dates approved by the City Commission as evidenced by substantial and good faith progress in obtaining permits and conducting construction activities in a regular, continuing, and orderly manner designed to meet the approved development schedule dates.

SEC. 2.07.10.17. – LAPSED MASTER PLANNED DEVELOPMENT.

Should a projected development schedule date for the MPD or any stage or phase thereof not be substantially complied with within sixty (60) days following the applicable development schedule date then the MPD or stage or phase thereof may be deemed by the City Commission after notice and hearing to have lapsed and been abandoned and all vested rights to development of the MPD insofar as the MPD is not at the time of such lapsing in conformity with all then present zoning regulations, official zoning maps, comprehensive land use maps, building regulations, or other regulations of the City of Flagler Beach, be deemed forfeited unless an extension of time has been requested by the developer and granted by the City Commission as set forth below. The provisions of this section are specifically made applicable to any MPD which exists either in part or in its entirety on or after the effective date of this amendment.

340 A. PROJECTED DEVELOPMENT SCHEDULE DATE EXTENSIONS OR AMENDMENT
341 REQUESTS

342 1. A request for an extension or amendment to a previously approved MPD projected
343 development schedule date which is otherwise not consistent with existing zoning
344 regulations, zoning maps or Comprehensive Plan land use maps, building regulations,
345 or other regulations of the City of Flagler Beach, shall be an amendment to the MPD
346 and shall be considered in the same manner as the initial adoption of the MPD. In
347 determining whether to grant or deny a requested extension of an established projected
348 development schedule date, the City may consider whether granting or denial of the
349 request will have an adverse impact on phases or stages of the MPD which are
350 completed and in existence at the time of the request.

351 **SECTION TWO. Ordinances in Conflict.** All ordinances or parts thereof, which may be
352 determined to be in conflict herewith, are hereby repealed and superseded by this Ordinance, to
353 the extent of such conflict.

354 **SECTION THREE. Severability.** If any section, sentence, phrase, word or portion of this
355 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not
356 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
357 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
358 unconstitutional.

359 **SECTION FOUR. Codification.** It is the intent of the City Commission of the City of Flagler
360 Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and
361 liberal authority in codifying the provisions of this Ordinance.

362 **SECTION FIVE. Effective Date.** This Ordinance shall become effective immediately upon its
363 passage and adoption.

364
365 ADOPTED by the City Commission of the City of Flagler Beach, Florida, this ____ day of
366 _____, 2024.

367
368 City of Flagler Beach, Florida

369
370 By: _____
371 Patti King, Mayor

372
373 Attest: _____
374 Penny Overstreet, City Clerk

375