

## ORDINANCE 2024-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 ZONING, ARTICLE V. DISTRICTS, DIVISION 10, PD., PLANNED DEVELOPMENT, OF THE CITY'S LAND DEVELOPMENT CODE PROVIDING FURTHER INFORMATION ON INTENT AND PURPOSE; INCLUDING DIMENSIONAL REGULATIONS; SPECIFYING REQUIREMENTS FOR THE APPLICATION FOR PD ZONING; CLARIFYING THE REVIEW CRITERIA FROM THE LOCAL PLANNING AGENCY; CLARIFYING THE REVIEW CRITERIA FROM THE BOARD OF COMMISSIONERS; INCLUDING STANDARD OPERATING ADJUSTMENTS IN THE CHANGES OF DEVELOPMENT PLAN; AND INCLUDING OPTIONS FOR TIME EXTNSIONS; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Madeira Beach's Planned Development zoning district regulations have not been reviewed thoroughly and updated with standard review criteria in a number of years; and

**WHEREAS**, City staff has reviewed the current Planned Development zoning district regulations; and **WHEREAS**, City staff has determined that the relationship between the Madeira Beach Comprehensive Plan and Land Development Regulations in the Planned Development zoning district regulations- were not clearly stated in Division 10; and

**WHEREAS**, the allowed uses and dimensional regulations in the Planned Development zoning district regulations were not clearly stated in Division 10; and

**WHEREAS**, the review criteria for the Local Planning Agency (Planning Commission) and Board of Commissioners was not clear and certain design elements would not be necessary at this stage in development; and

**WHEREAS**, City staff has recommended that the Planned Development zoning district regulations be revised to address the matters referenced in the recitals above; and

**WHEREAS**, the Planning Commission has considered the recommended changes referenced above at a public hearing and has recommended approval to the Board of Commissioners; and

**WHEREAS**, the recommendations of the Planning Commission and city staff have been found meritorious by the Board of Commissioners; and

WHEREAS, the Board of Commissioners held two public hearings to consider the approval of the recommended changes and the adoption of this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

**Section 1.** That Chapter 110 (Zoning) Article V. (Districts) Division 10 (PD – Planned Development) of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:

**DIVISION 10. ~~PD, PLANNED DEVELOPMENT (PD) DISTRICTS~~**

Formatted: Highlight

**Sec. 110-386. ~~Intent and purpose of planned development (PD) district. Purpose and Intent~~**

Formatted: Highlight

~~It is the intent of the~~ The PD district is intended to accommodate integrated and well-designed developments in accordance with ~~approved~~ development plans ~~containing detail adequate to ensure that have been approved in compliance with this division.~~ The PD district is intended to offer design flexibility and to encourage imaginative, functional, high-quality land planning development for those uses consistent with the applicable future land use plan category and compatible with adjacent and nearby lands and activities.

Formatted: Highlight

In keeping with the stated intent of the comprehensive plan and ~~in furtherance of the historic and desired low intensity~~ character of the community, a PD development must ~~meet the intent and criteria (density, intensity, and impervious surface ratio) of the future land use plan categories in the Madeira Beach Comprehensive Plan and plan categories in the Countywide Plan.~~

- ~~(1) Meet the minimum design criteria required for the underlying zoning;~~
- ~~(2) At a maximum, be designed to reflect the average intensity, height, and massing of the development pattern on surrounding property of similar zoning and use.~~

~~The application must demonstrate that the proposed PD zoning district meets the clearly stated intent of the comprehensive plan and a clearly defined public purpose. Additional stories, above the limitations of the underlying conventional or PD zoning district at the time the application for PD is officially sufficient, may be considered in light of voluntary provision of civic or community enhancements, e.g., ground floor retail, expanded setback, enhanced landscaping, and other design enhancements furthering the policies and strategies of the comprehensive plan.~~

~~PD zoning is allowed in the following future land use plan categories of the Madeira Beach Comprehensive Plan: Planned Redevelopment Mixed-Use (PR-MU), Activity Center (AC), Commercial General (CG), Residential/Office/Retail (R/O/R), and Resort Facilities Medium (RFM). In particular, the~~ The PD district is required for development proposed in the resort facilities high plan category of the comprehensive plan and for any project requesting the additive density/intensity provided for in the commercial core and the enumerated portions of the causeway sub-districts, ~~in the Madeira Beach~~ town center special area plan.

**Sec. 110-387. ~~Uses permitted~~ Permitted uses and dimensional regulations.**

Formatted: Highlight

~~The type(s) or types of land uses permitted must be consistent in all respects with the comprehensive plan and such uses shall be found to be so located and arranged to ensure complete compatibility amongst themselves, with adjacent existing or future land uses, and with existing or future public facilities, services and utilities. No specific list~~

~~of uses permitted is established for the PD zoning district. Land proposed for development under the PD zoning district may contain a mixture of temporary lodging, residential, commercial, recreational and other uses consistent with the future land use map designation on the site. In furtherance of comprehensive plan policies and in the interest of neighborhood compatibility, commercial uses in PD developments located in residential districts are limited to a maximum total of 20 percent of the non-parking stories.~~

~~Flexibility in setbacks for nonresidential projects will be allowed provided there is adequate space for site improvements and fire access; that there is no adverse impact on surrounding properties and there is adequate distance between structures and public or private streets for residential projects. Flexibility in building height will be allowed provided they are compatible with the surrounding neighborhood; and provide increased setbacks to compensate for added building height. Increased flexibility in setbacks and height from the zoning district prior to rezoning to PD may also be considered if the design includes providing the following provisions for or community enhancements, e.g., ground floor retail, expanded setback, enhanced landscaping, sustainable building practices (LEED), and other design enhancements furthering the policies and strategies of the comprehensive plan.~~

~~PD developments located in the Traditional Village, Commercial Core, Boardwalk, and Low Intensity Mixed Use Character Districts of the John's Pass Village Activity Center cannot exceed the height limits prescribed in Appendix D - John's Pass Village Activity Center Development Standards.~~

### **Sec. 110-388. Application for PD zoning.**

- ~~(a) Applications for PD zoning require a preliminary development plan, with graphic illustrations, establishing the basis for the proposed planned development, and all application fees for the established review process.~~
- ~~(b) A development agreement is required to rezone any property to PD and must go to the Local Planning Agency (Planning Commission) at the same public hearing as the rezoning, before the Board of Commissioners as a discussion item at the first public hearing as the rezoning, and before the Board of Commissioners at the second reading and public hearing as the rezoning. See Chapter 86, Administration, Article IV. Development Agreements for more information on development agreements.~~
- ~~(c) If the project uses the alternative temporary lodging use standards the development agreement must also follow all required standards in Forward Pinellas Countywide Rules and intensities and densities cannot exceed the allowable maximums as described in the comprehensive plan.~~
- ~~(d) The preliminary PD development plan proposal must include all information deemed appropriate, necessary, and relevant by the city to conduct the staff review and, at minimum, must include the following:
  - ~~(1) A narrative of the Planned Development (PD report) is required for a preliminary development plan. including all the following information: Three signed and sealed development proposals and one electronic copy; and
    - ~~a. The narrative must include how the proposal furthers community goals and meets the comprehensive plan, land development regulations, and any special area plan standards.~~~~
  - ~~(2) Three hard copies of the signed and sealed preliminary development plan proposals and a digital submission all of which must provide the following: one electronic copy; A development report and a preliminary development plan including all the following information:
    - ~~a. Legal description, zoning district prior to PD rezoning, future land use (Madeira Beach comprehensive plan) and underlying conventional zoning district plan category (Countywide Plan).~~
    - ~~b. Existing use(s) and proposed use(s).~~
    - ~~c. Site area in square feet and acres.~~
    - ~~d. Lot lines Sign and sealed survey.~~
    - ~~e. Setbacks for zoning district prior to PD rezoning Current required and proposed setbacks.~~~~~~

- f. North arrow and scale: engineering scale no smaller than one inch equals 50 feet.
- g. Site data table with current standard (for zoning district prior to PD rezoning) and proposed development standards ~~Proposed development criteria (current standard and proposed standard)~~ including at a minimum:
1. Gross floor area (in square feet) and heated floor area of existing and proposed;
  2. Building coverage (in square feet);
  3. Open ~~(green)~~ space (in square feet);
  4. Impervious surface area (in square feet) and impervious surface ratio;
  5. Density and intensity (including ratios for mixed use);
  6. Quantity and type of parking spaces and parking requirements ~~Parking spaces (scaled to location on plan and number of type, e.g., accessible, standard, etc.);~~;
  7. Proposed building height(s) measured from the design flood elevation and the total number of stories of preliminary development plan, include the and maximum allowable height allowance in from the original zoning district prior to PD rezoning, and number of stories allowed and existing on adjacent properties;
  8. Preservation area(s) (in square feet) ~~in total square feet~~;
  9. ~~Land alteration plan~~;
- h.10. Buffering standards, e.g., design standards to buffer neighboring properties from commercial activities, construction impacts, vehicular traffic, etc.;
- i.11. Solid waste disposal container(s) location and access;
12. ~~Lighting design standards~~;
13. ~~Signage standards~~;
- i.14. Tree survey, indicating the species and size of all existing trees, four inches or greater caliper measured at breast height;
- k.15. Landscape design standards and plans that must, at a minimum:
1. ~~(i) Meet or exceed the minimum requirements in Comply with~~ chapter 106, article II of this Code and all native and xeriscape plant materials;
  2. ~~(ii)~~ Indicate location, quantity, size, species, and standards for all trees and shrubs; and
  3. ~~(iii)~~ Meet or exceed minimum irrigation standards required by this Code;
- l.16. Building envelope and general ~~access~~, egress, and ingress locations;
- m.17. Conceptual stormwater drainage plan ~~with calculations~~ based on maximum proposed development coverage adequate to meet the minimum standards of SWFWMD and this Code, ensure no additional off-site impacts, and resolve existing drainage problems deemed necessary by the city;
- n.18. ~~Permit from FDEP with concept plan indicating~~ If dune system impact is anticipated, the concept plan must address applicable proposed changes, reconstruction, and replanting ~~if dune system impact is anticipated~~; and
- o.19. Details of any design or performance project commitments criteria assured agreed to at the ~~required~~ neighborhood meeting.
- hp. Mobility and access plan indicating:

1. Proposed curb cuts and off-site traffic access management ~~plan and standards;~~
2. Preliminary location and function ~~plan and standards~~ for required sidewalk, bicycle, and other multimodal improvements;
3. ~~Preliminary On~~-site circulation; and,
4. If impacting a collector or arterial road or required by FDOT, a transportation impact study prepared by a registered engineer ~~for submittal and review by city staff and other governing agencies and documented preliminarily approved of FDOT.~~

~~q. i. If the comprehensive plan or previous zoning district includes design standards or guidelines those must be met at a minimum. Structural design criteria meeting city overlay district requirements. Additional design specifications can be required as a condition of approval during the public hearing process.~~

~~j. PD development plan detailing the manner in which the proposal furthers community goals and meets or exceeds existing comprehensive plan, land development code, and special district requirements and standards.~~

~~rk. Record of notice of, and transcribed and video record of the required neighborhood meeting.~~

**Sec. 110-389. Procedure for approval of PD zoning-Submission Requirements and Review Process**

Formatted: Highlight

~~Submission requirements and process--The city will receive intake the application and distribute accordingly to applicable city staff for review. the application among city staff. Staff will first determine if the application is sufficient for full review. if not, staff will provide the applicant with a compiled list of comments to be addressed for sufficiency. The application must be complete as outlined here in this code such that staff can make a recommendation of either approval, approval with conditions, or denial. Once city staff determines the application is sufficient and a recommendation has been decided upon; the application, neighborhood meeting record, and staff recommendation will be scheduled for public hearing before the planning commission serving as the local planning agency (LPA). for review and comments. The city will compile the staff reviews and provide the applicant with comments, objections, and recommendations for applicant response and application amendment necessary to determine complete sufficiency to facilitate a full review and produce staff findings and a recommendation of approval, approval with conditions, or denial. Once the city determines the application is sufficient, the application, neighborhood meeting record, and staff recommendation will be scheduled for public hearing review and recommendation before the planning commission as the local planning agency (LPA). The formal legal notice of the LPA public hearing must shall be posted as least 15 days prior to the public hearing date. The LPA will issue findings to the board of commissioners that will include a their recommendation of approval, approval with conditions, or denial.~~

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

**Sec. 110-390. Reimbursement of expenses.**

The applicant shall provide for reimbursement of all expenses incurred by the city, deemed necessary by the city manager or his/her designee, to review and process a planned development (PD) district.

Expenses may include, but are not limited to any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the city for such costs. Failure by the applicant to make such reimbursement when due shall delay the recording of the approved development order, until paid.

### Sec. 110-391. Review by local planning agency.

The local planning agency (LPA) will review the proposed PD zoning district application to ensure that the following criteria are met. The LPA must recommend denial if the application fails to meet the following criteria. If the application meets the following criteria, the LPA may recommend approval, approval with conditions, or denial. ~~The following criteria will guide district assignments and changes in district assignments, whether initiated by the city or by a property owner.~~

- (1) ~~Consistency with the comprehensive plan.~~ All zoning district assignments The PD report and preliminary development plan must be consistent with the comprehensive plan, including, but not limited to the future land use map and future land use element goals, objectives, and policies. ~~The zoning district(s) assigned must be consistent with the land use category of the future land use map.~~
- (2) ~~Land use compatibility.~~ The zoning districts assigned The PD report and preliminary development plan must promote the project's compatibility with adjacent land uses.
- (3) ~~Adequate public facilities.~~ The zoning districts assigned The PD report and preliminary development plan must be consistent with the public facilities and services available to reasonably assure the city that the demand for services necessitated by the intensity of uses allowed will not exceed the adopted levels of services for such public facilities and services.
- (4) ~~Public interest.~~ Zoning districts assigned The PD report and preliminary development plan must not conflict with the public interest and must promote the public health, safety and welfare.
- (5) ~~Consistency with land development regulations.~~ Zoning districts assigned The PD report and preliminary development plan must be consistent with the intent and purpose of this Code, specifically the criteria contained in section 110-388 and the general criteria required of the board of commissioner's review provided in section 110-393 of this Code.

### Sec. 110-392. Neighborhood information meeting.

The applicant must hold a neighborhood information meeting with property owners within 300 feet of the proposed development prior to the LPA ~~or board of commissioners~~ considering the application. The neighborhood information meeting must be held at a location and time reasonably convenient to the surrounding property owners to maximize attendance, subject to the following requirements:

- (1) *Notification.* Two weeks prior to the neighborhood information meeting date, the applicant must mail notices of the meeting date, place, and time to all property owners inside a radius of 300 feet from the boundaries of the proposed development parcel, to the board of commissioners, and must post this information prominently on the property. The applicant must inform the city manager or designee of the proposed meeting date, place, and time prior to sending out the notices. The city manager or designee may require a change of date, place, or time due to schedule conflicts or in order to accommodate advertising requirements for upcoming public hearing consideration. The applicant must provide documentation of the mailed notice to the city manager or designee for verification. The city manager or designee may reasonably require additional properties be issued a notice and otherwise post notice of the neighborhood information meeting.
- (2) *Applicant's presentation.* At the neighborhood information meeting, the applicant must explain the proposed preliminary PD development plan and proposed use of the subject property and make a copy of the proposed preliminary PD development plan available for review by meeting attendees. The applicant may also discuss the project's development objectives, design philosophy, and proposed time schedule for completion.
- (3) *Question and answer period.* Upon completion of the presentation, a reasonable time must be reserved for a question and answer period. Questions should be limited to the proposal as presented, not to the

question of whether the site should be developed or redeveloped. The applicant must identify how potential conflicts will be mitigated.

- (4) *Record.* The applicant must provide the city both a written and video record of the neighborhood information meeting, including any ~~representations-commitments~~ made by the applicant to the attendees. The applicant must include any applicant representations as required project provisions in the application.

~~Failure to conduct and properly record a the neighborhood information meeting, as outlined above provided above will renders the PD zoning application incomplete, preventing and prevents submission and further review.~~

### Sec. 110-393. Review by board of commissioners.

In their analysis of the ~~rezoning-PD zoning application and the proposed-preliminary~~ development plan submitted pursuant to this division, and prior to official action, the board of commissioners shall consider the recommendation of the local planning agency and ensure the ~~rezoning~~ application is in conformance with the criteria listed in section 110-~~390~~388.

Formatted: Highlight

The board of commissioners shall review the ~~proposed preliminary~~ development plan for ~~general conformance compliance~~ with the provisions of article II, site plans and the following general conditions:

- (1) Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.
- (2) The development shall comply with applicable city plans and planning policies, ~~the comprehensive plan~~, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.
- (3) Stipulations of approval of a planned development ~~plan~~ may include requirements to construct improvements, dedicate needed property and easements or contribute money to improvements ~~to-of~~ public facilities such as roadways, ~~new~~ medians, sanitary sewer and water facilities, drainage ~~systems facilities~~, street lighting, landscaping, signage, parks and recreational facilities, walkways and sidewalks, burying of utility lines along abutting rights-of-way or adopted planned streetscape improvements.
- (4) A minimum of a ~~ten-five~~-foot ~~wide~~ sidewalk shall be provided along any street right-of-way or on private property by easement dedication if the right-of-way is of insufficient width. ~~The board of commissioners can reduce the minimum sidewalk width if there are engineering or environmental limitations making a ten-foot wide sidewalk not feasible.~~
- (5) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.
- (6) Streets, utilities, drainage ~~systems facilities, landscaping,~~ recreation areas, building heights, ~~size and scales and yards~~, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.
- (7) ~~Visual character and community amenities shall be equal or better in quality than that required by standard a similar development designed within the existing zoning district standards s for similar development prior to rezoning to PD.~~
- (8) Open space shall be adequate for the type of development ~~and the population density of the proposed development.~~
- ~~(9) Outdoor storage of merchandise or materials shall be prohibited.~~
- ~~(10) Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.~~
- ~~(11) All existing nonconforming signs or sign structures shall be removed.~~

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

~~(1210)~~ In the case of developments, which are to be constructed in several phases, the proposed phases shall be shown on the overall development plan. The proposed construction phases shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem. Each phase should be able to be completed entirely such that each phase may be independently provided a Certificate of Occupancy.

Lastly, the board of commissioners must review the ~~plans, drawings, and schematics preliminary for the proposed development plan~~ development plan in detail. Such drawings shall define the physical character of the project, including all building and architectural treatments. The board of commissioners' review will ensure conformance with the following design standards:

- (1) Treatment of the sides and rear of all buildings within the planned development shall be compatible in amenity and appearance to treatment given to street frontages of the same buildings.
- (2) All buildings in the layout and design shall be an integral part of the development and have convenient pedestrian access to and from adjacent uses.
- (3) Individual buildings shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.
- (4) Landscape treatments for walkways, plazas, arcades, roads, and service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area. The landscape plan submittal shall include the anticipated appearance of the trees and landscape materials after five years of growth to visually provide their size and proportion relative to the proposed buildings, view corridors, curb appeal, pedestrian corridors, etc.
- (5) The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood characteristics structures.
- (6) All mechanical equipment, electrical equipment, roof top equipment, refuse areas associated with this project shall not be visible from the public right-of-way be screened.
- (7) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:
  - a. Corrugated metal siding;
  - b. Prefabricated metal buildings or their components;
  - c. Primary colors or black; and
  - d. False windows or doors, unless used on a parking structure or level to blend into the built environment; and
  - ~~e. — Unmodified formula and trademark buildings and structures.~~
- (8) The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.
- (9) The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. The landscape submittal shall include a description of each tree and plant proposed on site by type and details relative to maximum height/size and color at maturity.
- ~~(10) Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.~~



~~(11) The project incorporates defensible space concepts of crime prevention through environmental design. A lighting plan shall be provided to review safety considerations for pedestrians and motorists, as well as, environmental impacts.~~

#### Sec. 110-394. Methods of documenting all approvals and conditions.

All plans, schematics, and conditions of a planned development approval will become part of a development order for the project. The development order shall state with specificity the development plan approved by the board of commissioners. The executed development order shall be recorded in the public records of Pinellas County prior to issuance of any building permit for the project.

Formatted: Highlight

#### Sec. 110-395. Effect of PD zoning.

Upon the rezoning of land to a PD district, the approved development plan, along with such requirements, safeguards, modifications or stipulations as may have been included by the board of commissioners in its rezoning action shall be substantially complied with relative to the issuance of all building permits, zoning clearances and certificates of occupancy by the city.

Formatted: Paragraph 1

Formatted: Paragraph 1

Deviation from the approved development plan or failure to comply with any requirement, safeguard, modification or stipulation imposed by the city at the time of rezoning land to the PD district shall constitute a violation of the Land Development Code, chapter 82.

#### Sec. 110-396. Changes in development plan.

Standard operating adjustments that do not have to go before the board of commissioners for review includes fences, additional parking, pools, signage, and accessory structures that meet the requirements of the zoning district prior to the rezoning of PD. Minor modifications to an approved development order may be approved by the board of commissioners. A minor modification is one which does not increase the density or intensity of the development to occur upon the property; does not result in a reduction or change of previously approved setbacks, open space or public improvements; does not increase the height of the development to occur upon the property; or does not substantially alter the location of any improvements approved for the site. The PD zoning conditions, or Development Agreement may allow for a percentage of allowances in reduction of height, intensity, and density and/or increase in setbacks and is not considered a minor modification and not required to go before the board of commissioners.

There shall be no other modifications of any approved development order permitted by the board of commissioners, without a public hearing. Any applicant desiring such other modifications to an approved development order or development plan must commence the planned development approval process anew. Any such applicant must pay the applicable fee and submit the application for a modification to the development order. Such application shall be processed in the same manner as the board of commissioners considered the original development plan, including a public hearing. An amended development order issued pursuant to section 110-394 shall reflect any changed or modified approvals and be recorded in the public records of Pinellas County.

#### Sec. 110-397. Time limitations.

- (a) Upon failure to complete ~~plans, drawings, and schematics for~~ the proposed development plan within six months of the neighborhood information meeting; the application shall be null and void. No further review or processing of that application shall occur and there shall be no refund of the application fee. The city manager may grant an extension of up to three months upon determination that a good faith effort to submit plans has been made.
- (b) Upon failure to complete ~~plans, drawings, and schematics for~~ the proposed development plan within six months of receiving the technical review comments of the city staff and reviewing agencies; the application

shall be null and void. No further review or processing of that application shall occur and there shall be no refund of the application fee or any site plan review fee. The city manager may grant an extension of up to three months upon determination that a good faith effort to submit plans has been made.

- (c) Upon the effective date of an ordinance authorizing a PD district, construction shall commence within 12 months.
- (d) Upon application filed prior to or on the date of commencement set forth in (c), the city manager may grant a one year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made. The city manager may grant up to three one-year extensions. Thereafter, the board of commissioners by resolution may grant a one-year extension of the commencement date upon a determination that a good faith effort to commence construction prior to the commencement date has been made.
- (e) Upon failure to commence construction within the specified time or failure to comply with Section 104.5 of the Florida Building Code:
  - (1) The ordinance rezoning this site to PD shall be repealed;
  - (2) The zoning for the site shall revert to the zoning classification that existed on the site prior to approval thereof; and
  - (3) No further development shall occur on site and no building permit or development order shall be issued thereafter under the terms of the PD district.

~~(f) After the commencement date described in subsection (a), no building permit or development order for a new or expanded structure shall be issued under the terms of the PD district without the board of commissioner's approval. Authorization of the PD district shall not create a right to such issuance.~~

~~(g)~~ "Construction" for purposes of this section, shall mean obtaining a building permit for a structure or structures authorized in the PD district and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.

~~All time limitations set forth in this section shall be applicable to all PD applications filed with the city, as of September 26, 2006.~~

#### **Secs. 110-398—110-400. Reserved.**

**Section 2.** For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 3.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 4.** In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

**Section 5.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 6.** Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

\_\_\_\_\_  
Anne-Marie Brooks, Mayor

**ATTEST:**

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas J. Trask, City Attorney

PASSED ON FIRST READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

