
Sec. 94-40. - Commencement of development.

- a. *Definitions.* For the purposes of this section the following words and terms shall have the meanings respectively ascribed:

Commencement means receipt of a validly issued building permit and the initiation of site improvements not including soil preparation such as land clearing, land filling and soil compaction.

Development means any proposed improvements to land which have been approved by the city through site plan review including planned community districts, planned development districts, developments of significant impact, Class B special uses and Class A special uses.

- b. *Regulation.* All development approved by the city pursuant to this chapter shall commence within 36 months of the date of the legislative or administrative approval necessary therefor. If commencement of the development does not occur during such 36-month period or during an extension thereof as provided in this section, such legislative or administrative development approval shall automatically expire without further action by the city and no development orders shall thereafter be issued by the city for the development.

- c. *Extension.*

1. Prior to the expiration of the 36-month period for commencement, a developer may apply for an extension to commence development by filing a petition therefor with the administrator of community development and planning on forms provided by the city. Such petition shall be granted upon a determination by the administrator of community development and planning that the applicant has made a good faith effort to acquire a building permit and to commence the construction of site improvements but has been prevented from doing so for reasons beyond the control of the developer.
2. The administrator of community development and planning shall not grant more than one extension for commencement of a particular development. No extension shall exceed 24 months from the date of the expiration of the initial 36-month commencement period.
3. Notice of the decision of the administrator of community development and planning shall be provided to the applicant by regular mail within 15 days of the date of the application.
4. If a petition for an extension is denied by the administrator of community development and planning, the applicant may appeal such decision to the zoning board of appeals in accordance with the provisions contained in section 94-37.
5. Prior to the expiration of any extension granted by the planning director, a developer may apply for an extension to commence development by filing a petition with the planning and zoning division on forms provided by the city. The city commission may grant one time extension not to exceed 12 months after consideration of the following:
 - a. All attempts by the applicant to comply with the approved planned development ordinance;
 - b. The reliance by other parties on the timely performance of meeting the requirements of the planned development ordinance;
 - c. Any changed circumstances which may have interfered with the ability of the applicant to meet the time-certain requirement;
 - d. Actions of other parties that may have precluded compliance with the planned development ordinance;
 - e. The existence of extraordinary mitigating factors;
 - f. Consistency with the city comprehensive plan, zoning code and the countywide traffic performance standards ordinance;
 - g. Furtherance of the city's goals for redevelopment; and
 - h. Pending the zoning code revisions that may be inconsistent with the approved planned development ordinance, which may result in amendments to the approved planned development ordinance.

(Code 1979, § 33-20)