

City of Dade City, Florida
Land Development Regulations

ARTICLE 1:

**GENERAL
PROVISIONS**

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ARTICLE 1: GENERAL PROVISIONS

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ARTICLE 1: GENERAL PROVISIONS

SECTION 1.1 TITLE

These regulations shall be officially known as the “City of Dade City Land Development Regulations,” and may be referred to as the “LDRs.

SECTION 1.2 AUTHORITY

1.2.1 General

The Dade City Commission is authorized to adopt these LDRs in accordance with Article VIII, Section 2(b), Florida Constitution; Section 163.3161, *et seq.*, Fla. Stat.; Section 163.3202, Fla. Stat.; Section 166.201, Fla. Stat.; and all other relevant laws of the state of Florida.

1.2.2 Reference to Florida General Statutes and FAC

Whenever any provision of these LDRs refers to or cites a section of the Florida Statutes (Fla. Stat.) or the Florida Administrative Code (FAC), and that section is later amended or superseded, these LDRs shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3 GENERAL PURPOSE

The City Commission, for the purpose of promoting the health, safety, and general welfare of the public and implementing the City’s Comprehensive Plan, authorizes that these articles (Articles 1-9) are adopted as the Land Development Regulations of the City, together with the accompanying Official Zoning Map, of the City that is on file in the Community Development Director’s office. These LDRs are designed to:

- (A) Implement the Comprehensive Plan, and ensure that all approved development is consistent with the Comprehensive Plan;
- (B) Preserve and enhance the present advantages that exist in the City;
- (C) Encourage the most appropriate use of land, water, and natural resources, consistent with the public interest;
- (D) Overcome present issues and deal effectively with future problems that may result from the use and development of land;
- (E) Facilitate the adequate and efficient provision of transportation, water, sewage, drainage, solid waste, and parks;
- (F) Conserve, develop, utilize, and protect natural resources;
- (G) Protect human, environmental, social, and economic resources;
- (H) Maintain, through orderly growth and development, the community character and stability of present and future land uses and development in the City;
- (I) Establish comprehensive and consistent standards and procedures for the review and approval of all proposed development of land; and
- (J) Ensure that the development review, approval, and permitting processes be efficient, effective, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of land owners, and consideration of the interests of the citizens of the City.

SECTION 1.4 APPLICABILITY AND JURISDICTION

1.4.1 General

The provisions of these LDRs shall apply to the development of all land within the corporate limits of the City of Dade City, unless it is expressly exempted by a specific section or subsection of these LDRs.

1.4.2 Application to Governmental Units

The provisions of these LDRs shall apply to:

- (A) **City**
Development of land owned or held in tenancy by the City or its agencies and departments.
- (B) **County**
Development of land owned or held in tenancy by Pasco County, Florida, or its agencies and departments.
- (C) **School Board**
To the full extent permitted by law, development of land owned or held in tenancy by the School Board of Pasco County, Florida, or its agencies and departments.
- (D) **State**
To the full extent permitted by law, development of land owned or held in tenancy by the State of Florida or its agencies and departments.
- (E) **Federal Government**
To the full extent permitted by law, development of land owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services.
- (F) **Other Public Entities**
To the full extent permitted by law, development of land owned or held in tenancy by any other public or quasi-public entity.

1.4.3 Appropriate Permit Required

No development shall occur within the corporate limits of the City without the appropriate permit for that purpose as set forth in Article 2: *Administration*.

1.4.4 No Development Until Compliance with these LDRs

No development shall occur within the corporate limits of the City without full compliance with the provisions of these LDRs and all other applicable City, state, and federal regulations.

1.4.5 Exemptions

(A) Acquisition of Interests in Land by Government for Public Purpose

The provisions of these LDRs shall not require formal subdivision of land as a result of actions taken by the City of Dade City, Pasco County, the School Board of Pasco County, or the State of Florida or the Federal Government to acquire land or interest in land for public right-of-way (ROW) or easements.

(B) Emergency Action by City

The City or City agencies or departments may be exempt from the provisions of these LDRs when an emergency exists such that it is impossible to submit to the normal procedures and requirements of these LDRs and quick and instant action is necessary to secure the public health, safety, or welfare. The City Commission shall ratify the exemption after the fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

SECTION 1.5 RELATIONSHIP WITH THE COMPREHENSIVE PLAN

In order to accomplish the goals, objectives and policies listed within the Comprehensive Plan, these LDRs and accompanying Official Zoning Map are guided by, based on, related to, and a means of implementation for the Comprehensive Plan as required by the Florida Statutes. These LDRs and the Official Zoning Map shall be consistent with the Comprehensive Plan, and any amendments thereto shall also be consistent with the Comprehensive Plan, in accordance with state law.

SECTION 1.6 RELATIONSHIP TO OTHER ORDINANCES, LAWS, AND AGREEMENTS

1.6.1 Conflicts with Other City Regulations

If the provisions of these LDRs are inconsistent with one another or if the provisions of these LDRs conflict with provisions found in other adopted codes, ordinances, or regulations of the City, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.

1.6.2 Conflicts with Private Agreements

If the provisions of these LDRs conflict with the provisions of private easements, covenants, or restrictions, and the provisions of these LDRs are more restrictive, the terms of these LDRs shall govern. The City shall not be responsible for monitoring or enforcing private easements, covenants, agreements, or restrictions, although the City may inquire as to whether land is subject to easements, covenants, agreements, and restrictions during the review of applications for development permit.

1.6.3 Conflicts with State or Federal Law

If the provisions of these LDRs are inconsistent with the law or regulations of the state or federal government, the more restrictive provision shall govern, to the extent permitted by law.

1.6.4 Conflicts with City Charter

If the provisions of these LDRs are inconsistent with the City Charter, the provisions of the City Charter shall govern unless the terms of the provisions specify otherwise.

SECTION 1.7 OFFICIAL ZONING MAP

1.7.1 Official Zoning Map

The land areas subject to these LDRs are divided into zone districts as set out in Article 3: *Zone Districts*, and as shown on the Official Zoning Map (or “Map”) of the City. The Map shall be kept on file in the office of the Community Development Director and shall be made available for public inspection during normal business hours. It shall be the final authority as to the status of the current zone district classification of land and water areas in the City, and shall only be amended in accordance with *General Amendments to Official Zoning Map*, Section 2.4.2 *Site Specific Amendments to Official Zoning Map*, and this subsection. For historical reference, the Official Zoning Map adopted 1975 is also on file in the Community Development Department. This 1975 map shall be used for historical reference for zone districts throughout the City.

1.7.2 Incorporated by Reference

The Official Zoning Map, as amended from time-to-time which may consist of one (1) or more maps, together with all explanatory material shown therein are hereby incorporated by reference and made part of these LDRs.

1.7.3 Zone District Boundaries

Unless otherwise specified, zone district boundary lines are lot lines, municipal corporate limits, the centerlines of streets, alleys, highways, railroad rights-of-way, streams, canals, lakes, low water lines, or such lines extended, fixed by dimensions, or otherwise clearly shown or described. Zone district boundaries shall be interpreted by the Community Development Director in accordance with Section 2.4.15 *Interpretation by Community Development Director*.

(A) Boundary Lines Dividing Parcels

Where a zone district boundary divides a land parcel under a single ownership into two (2) different districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided that the boundary adjustment is a distance of less than 100 feet.

(B) Boundary Lines and Streets, Highways, Alleys, and Railroad Tracks

Where zone district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys, or railroad main tracks, those centerlines or lines at right angles to those centerlines shall be construed to be the boundaries as they exist on the ground. In cases where variation of actual location from mapped location would change the zone district classification of land, the boundary shall be interpreted in such a manner as to avoid changing the zone district classification of such land.

(C) Vacated Streets

In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at its center, in which case the boundary shall be construed as moving with the ownership.

(D) Boundary Lines and Bodies of Water

(1) Where a zone district boundary is indicated as approximately following the centerline of a river, creek, branch, canal, or other body of water, the boundary shall be construed to follow the centerline at low water, or at the limit of the jurisdiction, and in the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline, except where such move would change the zone district classification of land. In such case, the boundary shall be interpreted in a manner as to avoid changing the zone district classification of such land.

(2) Boundaries shown as entering a body of water but not continuing to intersect with other zone district boundaries or with the limits of jurisdiction of the City shall be construed to continue in the direction in which they enter the body of water and intersect with another zone district boundary or with the limits of jurisdiction of the City.

1.7.4 Changes to Official Zoning Map

Changes made in zone district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of these LDRs (see Section 2.4.1, *Text Amendments and General Amendments to Official Zoning Map*, and Section 2.4.2 *Site Specific Amendments to Official Zoning Map*). Changes shall be entered on the Map by the Community Development Director promptly after the amendment has been approved by the City Commission.

1.7.5 Mapping Disputes

The Community Development Director is authorized to interpret the Official Zoning Map and determine where the boundaries of the different zone districts fall, if in dispute (see Section 2.4.15, *Interpretation by Community Development Director*). Prior zoning Maps, or remaining portions thereof, shall be retained as a public record for informative purposes only.

1.7.6 Removal of Land From City Through Contraction

If a contraction or removal of lands from the City occurs, zone district boundaries shall be changed to show these lands being removed from the Official Zoning Map.

1.7.7 Annexation

If lands are annexed into the City, the lands shall retain their current unincorporated zone district classification until the City adopts an amendment to the Comprehensive Plan which includes the area being annexed. The landowner may request, or the City Commission or Planning and Zoning Board may initiate, a zone district classification in accordance with Section 2.4.2, *Site Specific Amendments to Official Zoning Map* following adoption of the Comprehensive Plan amendment related to the land. The zone district classification shall be consistent with the Comprehensive Plan. No development, redevelopment, or expansion shall be initiated until the City adopts an amendment to the Comprehensive Plan and Official Zoning Map for the area being annexed.

SECTION 1.8 SEVERABILITY

It is the legislative intent of the City Commission in adopting these LDRs that all provisions shall be liberally construed in order to implement the Comprehensive Plan and guide development in accordance with the existing and future needs of the City as established in the LDRs, and to promote the public health, safety, morals, and welfare of the land owners and residents of the City. If any section, subsection, sentence, clause or phrase of these LDRs is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these LDRs. The City Commission hereby declares that it would have passed these LDRs and any section,

subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

1.8.1 Effective Date

The effective date of the LDRs is August 12, 2014.

1.8.2 Violations Continue

Any violation of the previous LDRs of the City shall continue to be a violation under these LDRs and shall be subject to the penalties and enforcement set forth in Ordinance 2010-27, or any other code enforcement ordinance adopted by the City, unless the use, development, or other activity complies with the express terms of these LDRs.

1.8.3 Completion of Development Plans Commenced or Approved Under Previous Ordinances

(A) Completed Applications

Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of the LDRs, shall be reviewed and considered in accordance with either the provisions of Ordinance 2005-0868, Development Review or the provisions of these LDRs, at the applicant's option.

(B) Final Approval

- (1) A development for which final approval (Site Specific Amendment to the Official Zoning Map, Rezoning to a Planned Development district classification, Site and Development Plan, Variance Permit, Special Permit, Exemption, Preliminary Plat, Certificate of Appropriateness, Certificate of LDR Compliance, Certificate of Concurrency Compliance, Temporary Use Permit, Sign Permit, Exemption to Wellhead Protection Standards), was granted prior to the effective date of these LDRs may be completed in accordance with the approved development order or permit and any other approved permits and conditions, even if the development does not comply with one or more general development standards set forth in these LDRs.
- (2) If the development for which final approval was granted prior to the effective date of these LDRs fails to comply with any time frames for development, the final approval shall expire and future development shall be subject to the requirements of these LDRs.

(C) Development with Previously Issued Building Permit

- (1) Any structure or development for which a Final Subdivision Plat, Minor Subdivision Final Plat, or Building Permit was granted prior to the effective date of these LDRs may be constructed in accordance with the development approval and any other approved permits and conditions, even if the development does not comply with one or more general development standards set forth in these LDRs.
- (2) If a development for which the Final Subdivision Plat, Minor Subdivision Final Plat, or Building Permit was issued prior to the effective date of these LDRs fails to comply with any time frames for development established, the plat or building permit shall expire and future development shall be subject to the requirements of these LDRs.