

City of Dade City, Florida
Land Development Regulations

ARTICLE 2: ADMINISTRATION

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ARTICLE 2: ADMINISTRATION

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ARTICLE 2: ADMINISTRATION

SECTION 2.1 REVIEW AND DECISION-MAKING BODIES

2.1.1 Summary of Administration and Review Roles

(A) Decision-Making Bodies and City Staff

The following decision-making bodies and City staff have powers and responsibilities in administering and reviewing applications for development permit under these LDRs.

(1) City Commission

City Commission (CCOM)

(2) Planning (PB)

Planning Board (PB)

(3) Local Planning Agency (LPA)

City Commission (CCOM)

(4) Code Enforcement Board

Code Enforcement Board

(5) Technical Advisory Committee (TAC)

(a) *City Manager*

(b) *Community Development Director*

(c) *City Engineer*

(d) *Public Works Director*

(e) *Police Chief*

(f) *Safety Services Officer*

(g) *Building Official*

(h) *Development Review Technician*

(i) *Other staff as may be necessary*

(6) Development Review Committee (DRC)

(a) *City Manager*

(b) *Community Development Director*

(c) *Public Works Director*

(d) *City Engineer*

(e) *Fire or Safety Services Officer*

(d) *City Attorney(non-voting member)*

(e) *Building Official*

(f) *Police Chief*

(7) City Staff

City staff, including the:

(a) *City Manager*

(b) *Community Development Director/City Planner*

(c) *City Engineer*

(d) *Public Works Director*

(e) *Building Official*

(f) *City Attorney*

(g) *Police Chief*

(h) *Safety Services Officer*

(i) *Development Review Technician*

(j) *Other staff as may be necessary*

(B) Development Review Structure

Table 2.1-1, *Development Review Structure*, summarizes the review bodies and City staff that have specific permit review roles under these LDRs, and their responsibilities.

TABLE 2.1-1: DEVELOPMENT REVIEW STRUCTURE						
S = STAFF REVIEW R = REVIEW AND ADVISE D = FINAL DECISION A = APPEAL						
DEVELOPMENT PERMIT	COMMUNITY DEVELOPMENT DIRECTOR/STAFF	TAC	DRC	PLANNING BOARD (PB)	LOCAL PLANNING AGENCY	CCOM
Text Amendment and General Amendment to Official Zoning Map (Section 2.4.1)	S	R	R	R		D
Site Specific Official Zoning Map Amendment (Rezone) (Section 2.4.2)	S	R	R	R		D
Planned Development (Section 2.4.3)	S	R		R		D
Conditional Use Permit (Section 2.4.4)	S	R		D		
Zoning Variance Permit (Section 2.4.5(C))	S	R	D			Circuit Court
Subdivision Variance Permit (Section 2.4.5(D))	S	R	D			A
Administrative Adjustment (Section 2.4.6)	D		A			
Site and Construction Plan (Section 2.4.8)	R	R	D			
Subdivision						
Minor Subdivision (Section 2.4.7(F))	R	R	D			A
Major Subdivision (Section 2.4.7 (G) 1)	R	R	R			D
Preliminary Plan (Section 2.4.7 (G).2)	R	R	R	R		A
Construction Plans (Section 2.4.7 (G).3)	R	D	R			A
Final Plat (Section 2.4.7(G).5)	R	R	R	R		D
Other Permits						
Special Permit (Section 2.4.13)	S	D				
Certificate of Concurrence Compliance (Section 2.4.11)	D	D				
Certificate of LDR Compliance (Section 2.14.12)	D	A				
Interpretation by Community Development Director (Section 2.14.15)	D	A				
Appeals of Interpretation and Decision of Community Development Director (Section 2.4.6(k))	R	D	A			D
Development Agreement (Section 2.5)	S	R	R			D

2.1.2 City Commission

Powers and Duties

In addition to any authority granted the City Commission by general or special law or the City Charter, the Commission shall have the following powers and duties:

(A) Amendments to the Dade City Comprehensive Plan

To initiate, review and decide applications to the Dade City Comprehensive Plan, including the text and Future Land Use Map (FLUM). Other amendments may be adopted as decided upon by the City Commission.

(B) Amendments to LDR Text

To initiate, review, and decide applications to amend the text of these LDRs (Text amendment)

(C) General Amendments to Official Zoning Map

To initiate, review, and decide applications to General Amendments to the Official Zoning Map

(D) Site Specific Amendments to Official Zoning Map (Rezone)

To initiate, review, and decide applications on Site Specific Amendments to the Official Zoning Map (Rezone)

(E) Planned Development District (PD) Classification

To review and decide recommendations from the PB on PD Master Plans and amendments to the Official Zoning Map to a Planned Development (PD) District

(F) Major Subdivision Preliminary Plan

To review and decide applications for Major Subdivision Preliminary Plans

(G) Major Subdivision Final Plat

To review and decide applications for Major Subdivision Final Plats

(H) Appeals of Community Development Director on Major Construction Plans

To review and decide appeals on decisions of the Community Development Director on Major Subdivision Construction Plans

(I) Appeal of PB Decisions

To review and decide appeals on decisions of the PB on Conditional Use Permits

(J) Special Permit

To review and decide appeals for Special Permits

(K) Development Agreements

To review requests and where appropriate and in its sole discretion, enter into Development Agreements

(L) Schedule of Fees

To approve by resolution a schedule of fees governing applications for permits and other permit approvals reviewed under these LDRs.

(M) Other

To take any other action not delegated to the PB, DRC, Code Enforcement Board, Community Development Director, Public Works Director, or City Attorney, as the City Commission may deem desirable and necessary to implement the provisions of these LDRs.

2.1.3 Planning Board (PB)

(A) Designation

The Planning Board (PB) is authorized by the City Commission as the reviewing agency and in that role shall have the following powers and duties:

(1) Acquire and Maintain Information to Understand Trends and Conditions

Acquire and maintain such information and materials as are necessary to gain an understanding of past trends, present conditions and forces at work to cause changes in these conditions. Such information and materials may include maps and photographs of man-made and natural physical features of the areas subject to the

Comprehensive Plan, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the areas subject to the Comprehensive Plan.

(2) Make Recommendations to City Commission on Comprehensive Plan

Prepare, update, and recommend to the City Commission and from time to time amend the Comprehensive Plan for meeting present requirements and such future requirements as may be foreseen.

(3) Recommend Principles and Policies for Guiding Actions

Recommend principles and policies for guiding action affecting development in the City.

(4) Prepare and Recommend Land Development Regulations

Prepare and make recommendations to the City Commission on proposed land development regulations, land development codes, ordinances, regulations, and other proposals promoting orderly development along the lines indicated as desirable by the comprehensive plan.

(5) Public Hearings

Conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the Comprehensive Plan and ordinances, codes, and regulations related to it and establish public committees when deemed necessary for the purpose of collecting and compiling information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or part.

(6) Special Studies

Make or cause to be made any necessary special studies on the location, adequacy, and conditions of specific facilities which are subject to the Comprehensive Plan. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking, and the like.

(7) Advise City Commission and Local Planning Agency

Keep the City Commission and Local Planning Agency informed and advised on preceding matters.

(8) Operate in Conformity with Charter

Operate in conformity with the Charter and other ordinances of the City, unless the Charter and/or the ordinances are inconsistent with Chapter 165 of the Florida State Statutes.

(9) Other Duties

Perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the Comprehensive Plan.

(B) Powers and Duties

The PB is authorized by the City Commission with the following powers and duties under these LDRs:

(1) Amendments to LDR Text

To initiate, review, and make recommendations to the City Commission to approve or deny applications to amend the text of these LDRs (Text amendment)

(2) General Amendments to Official Zoning Map

To initiate, review, and make recommendations to the City Commission to approve or deny applications to general amendments to the Official Zoning Map

(3) Major Subdivision Preliminary Plans

To review and make recommendations to the City Commission on Major Subdivision Preliminary Plans

- (4) Development Agreements**
To review and make recommendations to the City Commission on Development Agreements
 - (5) Make Special Knowledge and Expertise Available**
To make its special knowledge and expertise available upon written request and authorization of the City Commission to any official, department, board, commission or agency of the City.
 - (6) Studies**
To make studies of the resources, possibilities and needs of the City upon the authorization of the City Commission, and report its findings and recommendations, with reference thereto, to the City Commission.
 - (7) Annual Review of Capital Improvement Plan**
To conduct an annual review of the Capital Improvement Element of the Comprehensive Plan to ensure that the fiscal resources necessary to maintain adopted level of service standards are available.
- (C) Membership**
- (1) Number**
The PB shall consist of seven (7) members. One (1) member shall be appointed by each Commissioner and two (2) additional members shall be appointed by consensus of a majority of the Commission. One at-large member shall serve an initial term of two (2) years and the other shall serve an initial term of four (4) years. Thereafter, all terms shall be for a period of four (4) years. Planning Commission members shall be residents of the City of Dade City. The City Commission may act ex-officio as the City Planning Board or may at its discretion appoint a City Planning Board. At any time when no board has been appointed by the City Commission, the City Commission shall be deemed to be the City Planning Board. The procedures, functions, rights, powers, privileges and duties of the City Planning Board shall be set forth in Chapter 163, Florida Statutes and adopted by-laws.
 - (2) Appointment**
Each voting member shall be appointed by the City Commission.
 - (3) Other Office**
No voting member shall hold another municipal office or be an employee of the City.
 - (4) Terms of Office**
(a) Terms of office shall coincide with the terms of the appointing Commissioner.
(b) A member shall continue to serve until the member is reappointed or replaced.
 - (5) Resignation**
Any member who resigns prior to the end of the member's term shall do so in writing to the Chair.
 - (6) Removal**
Any member shall be removed for more than three (3) unexcused absences during any calendar year.
 - (7) Filling of Vacancy**
(a) When a vacancy occurs due to expiration of term or removal, the City Commission shall submit recommendations for filling of a vacancy. The City Commission shall then vote in a regular meeting to fill the vacancy from among the application names submitted.
(b) Vacancies occurring other than through expiration of a term shall be filled for the unexpired term by appointment from the City Commission.
 - (8) Compensation**
The members of the PB shall serve without compensation, except that the City Commission may prescribe a per diem for attendance at meetings.
 - (9) Filing of Financial Disclosure Form**
Members of the Planning Board shall file any appropriate financial disclosure forms as required by the State of Florida.

(D) Chair and Other Officers

(1) General

The PB shall elect a Chair and Vice-Chair from among the appointed members and create and fill such other of its offices as it may determine.

(2) Term of Office

The term of office of the Chair or Vice-Chair shall be one (1) year, and there shall be no limits placed on the number of consecutive terms as Chair or Vice-Chair.

(3) General Duties

(a) The Chair shall preside at all meetings of the PB, decide all points of order on procedure, compel the attendance of witnesses, and take such action as shall be necessary to preserve the order and integrity of all proceedings before the PB.

(b) In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all powers of the Chair. In the absence of the Chair and Vice-Chair, the most senior PB member shall act as Chair and shall have the powers of the Chair.

(E) Staff

The Community Development Director or his/her designee and City Planning staff shall serve as the secretary and professional staff to the PB and provide it with administrative support.

(F) Meetings

The PB shall hold at least one (1) regular meeting in each month, if necessary.

(1) Special Meetings

In addition to its regular meetings, the PB may meet at the call of the Chair or within thirty (30) days after receipt of a matter to be acted upon by the PB, or at the written request of one (1) member submitted to the Community Development Director for the Chair's consideration.

(2) Quorum

No meeting of the PB shall be called to order, nor may any business be transacted by the PB without a quorum consisting of four (4) voting members being present. If at any time during a public meeting or public hearing a quorum is lost, it shall be stated in the minutes and no final action on a matter shall be taken by the PB.

(3) Decisions

The concurring vote of a simple majority of a quorum in attendance and voting shall be necessary to pass any motion of the PB.

(4) Abstention

Any PB member with a private or personal interest in matters coming before the PB shall declare such interest and abstain from all participation regarding that matter. No member of the PB shall appear before the PB as an agent or attorney representing another person.

(5) Open to the Public

All meetings of the PB shall be open to the public.

(6) Official Record

(i) The PB shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings, and determinations.

(ii) Such record shall be a public record, and shall be maintained in the office of the Community Development Director.

(7) Disbursement of Funds

Funds may be appropriated by the City Commission in connection with the work of the PB as determined necessary by the City Commission.

(G) Rules

The PB shall establish written rules for its operation in accordance with these LDRs and any applicable state laws, which shall be made available to the public.

(H) Assistance to PB

All employees of the City and public officials shall, upon written request, furnish to the PB, within a reasonable time, such available information as it may require for its work.

(I) Right of Entry

The PB and its members, officers and staff, in the performance of their functions, may enter upon any land for which an application for development permit is being considered, and make examinations and surveys and place and maintain necessary monuments and marks thereon, as allowed under relevant public meeting laws outlined in the Florida Statutes.

2.1.4 Technical Advisory Committee (TAC)

(A) Powers and Duties

The Technical Advisory Committee is authorized by the City Commission with the following powers and duties under these LDRs.

- (1) Serve as technical staff to the Community Development Department.
- (2) Provide recommendations to the Development Review Committee and other City committees, boards and commissions regarding issues relating to land development.
- (3) Provide regulatory review of site and construction plans for coordination with the City's Comprehensive Plan, these land development regulations and other City codes and ordinances.
- (4) Provide reports and information to various board and committees of the City.
- (5) Issue Certificates of LDR Compliance

(B) Membership

The TAC shall consist of members appointed by the City Manager and listed in Section 2.1.1.(5).

2.1.5 Development Review Committee (DRC)

(A) Powers and Duties

The DRC is authorized by the City Commission with the following powers and duties under these LDRs:

- (1) Issue Development Orders (DO)
- (2) Approval of solutions designed to resolve such development impacts
- (3) Review and approve site and construction plans with the City's Comprehensive Plan and Land Development Code/Regulations.
- (4) Record disclosure of the existence and nature of and the dedication or creation of streets, easements or other areas and facilities proposed to service the development.
- (5) Provide reports and information to various board and committees of the City.
- (6) Review and decide applications for variances to these land development regulations including zoning and subdivision variance permits.
- (7) Approve or deny applications for
 - (i) Site and development plans
 - (ii) Administrative Adjustments
 - (iii) Minor Subdivision Plats
 - (iv) Major Subdivision Construction Plans
 - (v) Temporary Use Permits
 - (vi) Certificates of Concurrency
 - (vii) Certificates of LDR Compliance
- (8) Variances
Review and decide applications for Zoning Variance and Subdivision Variance Permits from dimensional and design standards
To hear and decide appeals on:
 - (a) Variances from these Land Development Codes
 - (b) Administrative Adjustments
 - (c) Temporary Use Permits

(B) Membership

The DRC shall consist of at least seven (7) members appointed by the City Manager.

(C) Chair and Other Officers

(1) General

The City Manager is the designated Chair of the DRC and the Community Development Director is the Vice-Chair.

(2) General Duties

(a) The Chair shall preside at all meetings of the DRC, decide all points of order on procedure, compel the attendance of witnesses, and take such action as shall be necessary to preserve the order and integrity of all proceedings before the DRC.

(b) In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all powers of the Chair. In the absence of the Chair and Vice-Chair, the City Engineer shall act as Chair and shall have the powers of the Chair.

(D) Staff

The Community Development Director or designee shall serve as the secretary and professional staff to the DRC and provide it with administrative support.

(E) Meetings

The DRC shall hold meetings as necessary.

(1) Special Meetings

In addition to its regular meetings, the DRC may meet at the call of the Chair or in the absence of the Chair, the Vice-Chair may call a meeting.

(2) Quorum

No meeting of the DRC shall be called to order, nor may any business be transacted by the DRC without a quorum consisting of four (4) members being present. If at any time during a public hearing a quorum is lost, it shall be stated in the minutes and no final action on a matter shall be taken by the DRC.

(3) Decisions

The concurring vote of a simple majority of the members in attendance and voting shall be necessary to pass any motion of the DRC.

(4) Open to the Public

All meetings of the DRC shall be open to the public.

(5) Official Record

(i) The DRC shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings, and determinations.

(ii) Such record shall be a public record, and shall be maintained in the office of the City Clerk.

(F) Rules

The DRC shall establish written rules for its operation in accordance with these LDRs and any applicable state laws, which shall be made available to the public.

2.1.6 City Staff

(A) Community Development Director/City Planner

(1) General

The Community Development Director or his/her designee shall be the City official responsible for administering the provisions of these LDRs.

(2) Powers and Duties

In addition to the jurisdiction, authority and duties that may be conferred upon the Community Development Director by other provisions of the City Code and general or special law, the Community Development Director shall have the following jurisdiction, powers and duties under these LDRs:

(a) Review and make recommendations through a Staff Report to the DRC, LPA, Planning & Zoning Board and the City Commission on applications for development permits and permit approvals, where appropriate, and take any other action necessary to administer the provisions of these LDRs

- (b) Provide expertise and technical assistance to the City Commission, LPA, PB, DRC, RAC, the Historic Board and the CRA upon request.
- (c) To supervise, review and make recommendations on applications for:
 - (i) Approval or denial of site and development plans
 - (ii) Approval of Administrative Adjustments
 - (iii) Approval, approval with conditions, or denial of Major Subdivision Construction Plans
 - (iv) Sign Permits
 - (v) Temporary Use Permits
 - (vi) Special Event Permits
 - (vii) Certificates of Concurrency Compliance (
 - (viii) Certificates of LDR Compliance
- (d) To render interpretations of these LDRs and the Official Zoning Map
- (e) To establish application content requirements and a submission schedule for review of applications and appeals
- (f) To review and make recommendations through a Staff Report to the City Commission, LPA, PB, and other boards and committees on applications for development permits and permit approvals, where appropriate, and take any other action necessary to administer the provisions of these LDRs
- (g) To maintain the Official Zoning Map and other such records and official materials that relate to the adoption, amendment, enforcement, or administration of these LDRs.
- (h) To track public facility capacity and prepare reports on development activity as part of a concurrency management system
- (i) To provide staff assistance to the Code Enforcement Board as necessary in enforcing these LDRs and other codes and ordinances of the City of Dade City.
- (j) To provide expertise and technical assistance to the City Commission, PB, DRC, TAC and LPA, Historic Board and other boards and committees upon request.

(B) Public Works Director / City Engineer

In addition to the authority and duties that may be conferred on the Public Works Director/City Engineer by general law, the City Code of Ordinances and the City Charter, the Public Works Director shall be responsible for reviewing compliance with the standards in Section 7.3, *Required Improvements*.

(C) City Attorney

In addition to the authority and duties that may be conferred upon the City Attorney by general law, the Code of Ordinances and the City Charter, the City Attorney shall have the following powers and duties under these LDRs:

(1) General

Review and approve as requested, as to form all written findings of fact, conclusions of law, permits, permit approvals, ordinances, and other documents drafted by the City departments, City Commission, PB, DRC, and Community Development Director in connection with any requirement of these LDRs.

(2) Agreements, Easements, Performance Agreements

Review as to form all agreements, planned development terms and conditions, easements, declarations of covenants, letters of credit, performance bonds or such other documentation in connection with any requirement of these LDRs.

(3) Enforcement

Assist the Community Development Director in the enforcement of these LDRs in accordance with Article 9: *Enforcement and Remedies*.

(4) Counsel

Provide counsel the City Commission, LPA, PB, DRC, Community Development Director, and City departments regarding the legal issues that may arise in the review of applications for permits and permit approval and the general implementation of these LDRs.

(D) Hearing Officer

(1) Creation and Appointment

The City Commission may designate and confirm one (1) or more Hearing Officers to hear and consider such matters as may be required to be conducted by a hearing officer under any provision of these LDRs, or as may be determined to be appropriate. The Hearing Officer(s) shall serve at the pleasure of the City Commission for such period as is determined by the City Commission. The Hearing Officer(s) shall be compensated at a rate to be determined by the City Commission. Whoever shall accept an appointment as a Hearing Officer shall not, for a period of one (1) year from the date of termination as holder of such position, act as agent or attorney in any proceeding, application, or any matter before any decision-making or advisory body of the City in any matter involving land that was the subject of a proceeding which was pending during the time served as a Hearing Officer.

(2) Minimum Qualifications

A Hearing Officer shall have the following minimum qualifications:

- (a) Demonstrated knowledge of zoning and zoning administration, land use planning, and land use law and practice.
- (b) Hold no appointive or elective public office or position in the City during the period of appointment.
- (c) Be an Attorney, licensed to practice law in the State of Florida or be member of the American Institute of Certified Planners (AICP).

(3) Powers and Duties

A Hearing Officer shall have the following duties:

- (a) Compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at hearings.
- (b) Perform such other tasks as the City Commission may assign.

SECTION 2.2 COMMON DEVELOPMENT REVIEW PROCEDURES¹

The general provisions of this section shall apply to all applications for development permits under these LDRs, unless otherwise stated.

2.2.1 Authority to File Applications

(A) General

Applications submitted under the LDRs in accordance with Section 2.2.5, *Application Submission*, shall be submitted by the land owner, or any other person having a recognized interest in the land upon which the development is proposed, or their authorized agent.

(B) Applicant Not the Owner

If the applicant is not the owner of the land, or is a contract purchaser of the land, an affidavit signed by the owner consenting to the submission of the application shall be submitted. If the applicant is a tenant, the applicant shall also include the lease or rental agreement in addition to the owner affidavit.

(C) Applicant Is Not the Sole Owner

If the applicant is not the sole owner of the land, an affidavit signed by the other owners or an entity representing the owners consenting to or joining in the application shall be submitted.

¹ NOTE: Any additional procedures or aspects unique to a particular development permit are located in the appropriate subsection dealing with that type of development permit in Section 2.4, *Specific Requirements for Applications*.

2.2.2 Application Contents, Submission Schedule, and Fees

(A) Administrative Manual

The Community Development Director shall compile in an Administrative Manual, the requirements for application contents and forms, the submission and review schedule (including time frames for review) and fees. The Administrative Manual shall be maintained in the Office of Community Development and shall be made available to the public.

(B) Establishment of Application Contents

The Community Development Director is authorized and shall establish the requirements for application contents and forms. The Community Development Director may amend and update these requirements, as determined necessary.

(C) Establishment of Submission Schedule

The Community Development Director is authorized and shall establish the submission and review schedule (including time frames for review) for applications for development permits. The City may amend and update these requirements, as determined necessary.

(D) Fees

- (1) The City Commission shall establish application fees and may amend and update those fees, as determined necessary.
- (2) No application shall be processed until the established fee has been paid.
- (3) Application fees, or portions thereof, are not refundable except where the Community Development Director determines that an application was accepted in error, the fee paid exceeded the amount due, the application is withdrawn prior to notification of a public hearing (if required), or if the Decision-Making Body or City staff determines the application has been submitted in good faith, but circumstances beyond the applicant's control result in a need to withdraw the application.

2.2.3 Pre-Application Conference

(A) Purpose

The purpose of a pre-application conference is to familiarize the applicant and the City staff with the applicable provisions of these LDRs required to permit proposed development, and to inform the applicant about the preparation of the application and the application process.

(B) Pre-Application Conference Mandatory

A pre-application conference is mandatory prior to submission of any application for:

- (1) Comprehensive Plan Future Land Use Map and/or text amendments
- (2) Developments of Regional Impact, NOPC's or DRI Amendments
- (3) Site Specific Amendments to the Official Zoning Map (Rezoning)
- (4) Planned Developments
- (5) Site and Construction Plans
- (6) Special Permits
- (7) Minor Subdivisions
- (8) Major Subdivision Preliminary Plans
- (9) Conditional Uses
- (10) Development Agreements

(C) Pre-Application Conference Optional

A pre-application conference is optional prior to submission of any other application for development permit.

(D) Initiation

An applicant proposing to submit an application for development permit for which a pre-application conference is mandatory shall request in writing such pre-application conference from the Community Development Director prior to submission of the application. Application for the development permits that require pre-application conferences shall not be complete (Section 2.2.6, *Determination of Completeness*) until after a required pre-application conference is conducted.

(E) Required Information

Applicants for required pre-application conferences shall provide a written description of the proposal to the Community Development Director at least three (3) days in advance of the conference. The written description shall include, at a minimum, a description of the character, location, and magnitude of the proposed development, a concept or sketch plan, information regarding the status of public facilities proposed to serve the development, basic environmental information, and any other information determined to be appropriate by the Community Development Director.

(F) Effect

The pre-application conference is intended as one means of facilitating review of application for development permit. Discussions held in accordance with this section are not binding on the City. Processing times for review of applications do not begin until a formal, complete application is submitted and determined to be complete.

2.2.4 Neighborhood Meetings

(A) General

The purpose of the neighborhood meeting is to educate occupants and owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible.

(B) Favored Practice

Neighborhood meetings are encouraged as opportunities for informal communication between owners and occupants of nearby lands, applicants, and other residents who may be affected by development proposals.

(C) Applicability

Neighborhood meetings are mandatory for Site-Specific Amendments to the Official Zoning Map, Comprehensive Plan Future Land Use Map amendments, Conditional Use Permits, Major Subdivision Preliminary Plans and Special Permits. Neighborhood meetings are optional for any other applications under these LDRs.

(D) Procedure

If a neighborhood meeting is held by the applicant, it shall generally comply with the following procedures:

(1) Time and Place

The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application. It shall be scheduled after 5:00 P.M. on a weekday or at any time on a weekend day. The City Manager may grant a waiver from the requirement to hold the neighborhood meeting after 5:00 P.M. on a weekday if the applicant demonstrates, in writing, that a particular hardship or undue burden exists that prevents them from holding the neighborhood meeting after 5:00 P.M. on a weekday.

(2) Notification

The applicant shall provide notification of the neighborhood meeting a minimum of ten (10) business days in advance of the meeting by placing notice in a newspaper of general circulation and by mailing notice to all owners and occupants within four hundred (400) feet of the land subject to the application, and to any organizations or persons who have registered to receive notification of applications for development permit in accordance with Section 2.2.9, *Registration to Receive Notice by Mail*. The list of owners within four hundred (400) feet of the affected property shall be obtained by the applicant from the most recent version of the property owners of record provided by the Pasco County Property Appraiser. The City of Dade City, Community Development Department shall be added to the notification mailing list for all neighborhood meetings. The notification shall state the time and place of the meeting.

(3) Conduct of Meetings

At the neighborhood meeting, the applicant shall explain the development proposal and application, inform attendees of the character and nature of the process for review, respond to comments and questions neighbors may have about the application, and propose ways to resolve conflicts.

(4) Staff Attendance

City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of these LDRs, but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.

(5) Written Summary and Recordation of Neighborhood Record of Meeting

The applicant shall provide the Community Development Director with a written summary and digital recording of the neighborhood meeting. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials, and be made available to the public for inspection.

(6) Response to Summary

Any party in attendance at the neighborhood meeting may submit an additional written summary indicating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the neighborhood meeting. The written summary shall be included with the application materials, and be made available for public inspection.

2.2.5 Application Submission

Applications shall be submitted to the Community Development Director in accordance with the application submittal schedule, in the form established by the Community Development Director and along with a fee established in accordance with fees established by the City Commission. Applications not meeting the requirements for *Determination of Completeness* shall be considered incomplete.

2.2.6 Determination of Completeness

(A) Completeness Review

Upon receipt of an application, the Community Development Director shall determine if the application is complete. A complete application is one that:

(1) Contains All Necessary Information and Materials

Contains all information and materials established by the Community Development Director as required for submittal of the particular type of application (Section 2.2.2 (A) and (B)).

(2) In Proper Form

Is in the form established by the Community Development.

(3) In Sufficient Detail

Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive standards of these LDRs. (Information that is incorrect does not automatically render an application incomplete provided that the error is minor in nature and can be corrected by the applicant within ten (10) working days of notification about the error by the Community Development Director.)

(4) Accompanied by Proper Fee

Is accompanied by the fee established for the particular type of application in accordance with the fee established by the City.

(B) Application Incomplete

- (1) If it is determined the application is incomplete, the Community Development Director shall send written notice to the applicant of the deficiencies within five (5) business days after submittal, and the application shall not be processed. (The day of submittal of the application shall not be counted.) The applicant may correct the deficiencies and resubmit the application for completeness determination. The time frame and cycle for review shall be based upon the date the application is determined to be complete.
- (2) If the applicant fails to respond to the identified deficiencies within forty-five (45) calendar days, the application shall be considered withdrawn.

(C) Application Complete

When the application is determined complete, it shall be reviewed in accordance with the procedures and standards of this section.

2.2.7 Preparation of Staff Report

(A) Application Subject to Public Hearing or to be Reviewed by Review Body

When an application is subject to a public hearing (see Table 2.2-1, *Required Public Hearings*) or will be considered by a decision-making or review body after it is determined complete, the Community Development Director shall refer the application to the appropriate staff and any other appropriate review agencies for comment, review the application, communicate with the applicant regarding any questions, and prepare a written Staff Report. The Staff Report shall be made available to the public a reasonable period of time before the first scheduled public hearing on the application. The Staff Report shall be addressed to the decision-making or review body and shall state whether the application complies with all appropriate standards of these LDRs. The Staff Report shall include a staff recommendation. Conditions for approval may also be recommended to eliminate any areas of noncompliance or to mitigate any adverse effects of the applications for development permit.

(B) Application Reviewed by TAC

If the Community Development Director determines that a Staff Report is necessary, it shall be done in accordance with Section 2.2.7(C), reviewed by the TAC and provided to the applicant.

(C) Contents of Staff Report

At a minimum, the staff report shall contain the following information:

- (1) Findings of fact;
- (2) A finding of compliance or non-compliance with the Comprehensive Plan;
- (3) Application of the facts to the relevant review standards, including concurrency management;
- (4) Staff's recommendation for approval, approval with conditions, or denial of the application; and,
- (5) Basis for staff's recommendation, including relevant citations of Comprehensive Plan Goals, Objectives and Policies and these LDRs.

2.2.8 Scheduling Public Hearings

(A) Application To Be Scheduled for Meeting

When an application is subject to a public hearing (see Table 2.2-1, *Required Public Hearings*), the Community Development Director shall ensure that the public hearing(s) on the application is (are) scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the decision-making or review body reviewing the application.

(B) Timing

The public hearing(s) on the application shall be scheduled so there is sufficient time for a Staff Report to be prepared and for the public notification (Section 2.2..9, *Public Notification*) requirements to be satisfied.

(C) Public Hearings

Public hearing(s) shall be conducted by the appropriate decision-making or review bodies for applications for development permit as depicted in Table 2.2-1, *Required Public Hearings*, and in accordance with Section 2.3, *Public Hearing Procedures*.

TABLE 2.2-1: REQUIRED PUBLIC HEARINGS REVIEW TYPE				
Q = QUASI-JUDICIAL HEARING (SECTION 2.3.1) S = STANDARD PUBLIC HEARING (SECTION 2.3.2)				
APPLICATION TYPE	REVIEW AND/OR DECISION-MAKING BODY			
	DEVELOPMENT REVIEW COMMITTEE (DRC)	PLANNING BOARD (PB)	LOCAL PLANNING AGENCY	CITY COMMISSION
Comprehensive Plan Amendment – General, non-site specific	S		S	S
Comprehensive Plan Future Land Use Map Amendment	S		Q	Q
Site Specific Amendment to Official Zoning Map (Rezone) (Section 2.4.2)	S	Q		Q
Text Amendment and General Amendment to Official Zoning Map (Section 2.4.1)	S	Q		Q
Planned Development (Section 2.4.3)	S	Q		Q
Conditional Use (Section 2.4.4)	S	Q		
Zoning Variance Permit (Section 2.4.5(C))	S			
Subdivision Variance Permit (Section 2.4.5 (D))	S			
Minor Subdivision (Section 2.4.7(F))	S			
Major Subdivision Preliminary Plan (Section 2.4.7(G))	S	Q		Q
Major Subdivision Final Plan (Section 2.4.7.(G)5)	S			Q
Special Permits (Section 2.4.13)	S			S
Appeals of Interpretation and Decision of Community Development Director(Section 2.14.16	S			
Appeals of Community Development Director Decision on Construction Plans (Section 2.4.8.ZZ)	S			
Appeals of PB Decision (Section 2.4.17)	S			S
Development Agreement (Section 2.5)	S	S		S
Site and Construction Plan	S			

2.2.9 Public Notification

All applications for development approval requiring public hearing(s) shall comply with the Florida Statutes, 163 and 166, Table 2.2-2, *Timing of Required Notice*, and the other provisions of this section with regard to public notification.

(A) Content

All notices for public hearings, unless expressly noted otherwise, whether done by mail (written notice), publication, or posting shall:

(1) Application and Applicant

Identify the application and date of filing, and the name of the applicant or the applicant's agent (except posted notice).

- (2) **Time and Place of Public Hearing**
Indicate the date, time, and place of the public hearing (except posted notice).
- (3) **Location**
Describe the land involved by street address or by tax parcel number and nearest cross street, and area (size) (except posted notice).
- (4) **Current Zoning**
Identify the current zone district classification of the land subject to the application.
- (5) **Describe Nature and Scope of Application**
Describe the nature, scope, and type of the application or proposal being advertised. In addition, for an application for Development Agreement, identify the proposed uses and proposed densities and intensities of the land that would be subject to the Development Agreement.
- (6) **Describe Materials Available for Public Instruction**
Describe where the application, the Staff Report, and any related materials may be inspected by the public, and state that these materials are available for public inspection during normal business hours.
- (7) **Submission of Written Materials Prior to Public Hearing**
Include a statement describing where affected parties and the public may submit written comments or evidence prior to the public hearing.
- (8) **Notify Affected Parties Where They May Be Heard**
Include a statement informing affected parties that they may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application.
- (9) **Notify Public That They May Be Heard**
Include a statement stating that the general public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application.

(B) Written (Mailed) Notice

When the provisions of these LDRs require that notice be provided, the Applicant shall be responsible for preparing required public hearing notices. Notice shall be as follows:

- (1) **All Owners of Land Subject to an Application**
All owners of the land subject to an application for ~~development permit~~ whose address is known by reference to the latest ad valorem tax records at the time the application is determined complete.
- (2) **Organizations and Persons**
Organizations and persons that have registered to receive notice with this section.

Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Applicant shall prepare an affidavit with a certified list of land owners to whom notice was mailed based upon the ad valorem tax records and registrants with affirmation that notice meeting the content requirements of Section 2.2.9(A) *Content*, was mailed. The affidavit shall be conclusive that notice has been given in accordance with the terms of this subsection. A copy of the mailed notice shall be provided to the Community Development Department and maintained in the Office of the Community Development Director for public inspection during normal business hours. The affidavit shall be included as an appendix to the Staff Report.

(C) Published Notice

When the provisions of these LDRs require notice be published, *Required Notice, and Timing, 2.2.9E* the Community Development Director shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation. The content and form of the published notice shall be consistent with the requirements of Florida law (Section 166.041, Fla. Stat., as amended). The Community Development Director shall prepare an affidavit certifying that published notice has occurred in accordance with the requirements of this subsection. The affidavit shall be included as an appendix to the Staff Report.

(D) Posted Notice

When the provisions of these LDRs require that notice be posted on the land subject to the application, *Required Notice and Timing*, 2.2.9(E), the Applicant shall:

- (1) Post a notice on weatherproof signs in a form established by the Community Development Director; and
- (2) Place the signs on land that is the subject of the application, along each public street which is adjacent to or runs through the land in a manner that makes them clearly visible at intervals of not more than 200 feet.

The sign(s) shall be set back no more than 25 feet from the public street(s) so that the lettering is visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest public street with an attached notation indicating generally the direction and distance to the land subject to the application. The applicant shall sign and provide to the Community Development Director an affidavit stating that posted notice has been provided in accordance with the requirements of this subsection, and that the contents of the posted notice comply with the content requirements of Section 2.2.9(A), *Content*. The affidavit shall be conclusive that notice has been given in accordance with the terms of this subsection. The affidavit shall be included as an appendix to the Staff Report. The signs shall be inspected by the Community Development Director subsequent to posting. The applicant shall be responsible for ensuring that the posted notice is maintained on the land subject to the application until the completion of the final public hearing on the application. The signs shall be removed by the applicant within 10 days after the final decision on the application.

(E) Required Notice and Timing

Unless otherwise expressly provided in state statutes or these LDRs, notice shall be provided in accordance with Table 2.2-2, *Timing of Required Notice and Florida Statutes Chapters 163.3184, 163.3225 and 166.041, as amended*:

TABLE 2.2-2: TIMING OF REQUIRED NOTICE

APPLICATION TYPE	NOTICE REQUIRED [1]		
	WRITTEN (MAILED) (SECTION 2.2.9(B))	PUBLISHED (SECTION 2.2.9(C))	POSTED (SECTION 2.2.9(D))
Text Amendment	NA		
General Amendment to Official Zoning Map		At least 10 days prior to first and second public hearings	
Site Specific Amendment to Official Zoning Map (Rezone)	NA		At least 14 days prior to first and second public hearings
Planned Development			
Variance Permits	NA		At least 14 days prior to public hearing
Appeals of Interpretations and Decisions of Community Development Director	NA		
Subdivisions (Minor Subdivision, Major Preliminary Plan, Major Final Plat)	At least 14 days prior to public hearing		At least 14 days prior to public hearing
Development Agreement	At least 14 days prior to PB public hearing. At least 14 days prior to first and second City Commission public hearings	At least 10 days prior to first and second public hearings	

NOTES:

[1] When multiple application types are processed simultaneously, notice requirements for each application type shall apply.

(F) Notice Requirements for Continued Hearings

In the event that a required public hearing is opened and subsequently continued to a date certain by a review or decision-making body, additional public notice is not required.

2.2.10 Continuance or Deferral of Application

(A) Request Prior to Publication of Notice

An applicant may request that a review or decision-making bodies' consideration of an application at public hearing be deferred by submitting a written request for deferral to the Community Development Director prior to the publication of notice for the public hearing. The Community Development Director may grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted.

(B) Request After Publication of Notice

If a request for deferral of consideration of an application by a review or decision-making body is submitted subsequent to publication of notice, the request for deferral shall be placed on the public hearing agenda and acted upon by the review or decision-making body. The review or decision-making body may grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted. If a deferral is granted, the application may be subject to additional application fees to defray the costs of processing the application, and, any notice requirements.

2.2.11 Changes to Application After Notice of Public Hearing

After notice of public hearing has occurred, changes to an application (including changes to an application at the public hearing) not made solely to satisfy staff or review body recommendations or conditions shall be governed by the provisions of this section.

(A) Major Changes

No substantive changes may be made in major elements of the development proposal relating to uses, densities, intensities, and/or access without referral of the application as amended back to City staff for evaluation and preparation of a Staff Report in accordance with Section 2.2.7, *Preparation of Staff Report*, and to any other relevant review or decision-making bodies in the same manner as is required for the original submittal of the application.

(B) Conditions and Development Standards

Proposed changes in conditions and development standards may be considered without referral back to staff or other relevant review bodies, provided the changes do not

constitute a major substantive change in the proposal in the determination of the body with decision-making authority over the application.

2.2.12 Request for Withdrawal of Application

(A) Submission of Request

Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Community Development Director, or shall be made through a verbal request at a public hearing.

(B) Prior to Notice of Public Hearing

The Community Development Director shall approve a request for withdrawal of an application, if it has been submitted prior to public notification on the application in accordance with Section 2.2.9, *Public Notification*.

(C) Subsequent to Notice of Public Hearing

If the request for withdrawal of an application is submitted subsequent to public notification (Section 2.2.9, *Public Notification*), the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

(D) Fees

Fees may be refunded minus advertisement costs for withdrawn applications only in accordance with the schedule of fees established by the City Commission.

2.2.13 Review by Community Development Director

When an application for development permit is not subject to a public hearing, but is reviewed by the Community Development Director, it shall be reviewed in accordance with the following procedures:

(A) Staff Report

Preparation of a Staff Report is optional, at the discretion of the Community Development Director.

(B) Review

After the application is determined complete, the Community Development Director shall review the application and approve, approve with conditions, or deny the application, based on the appropriate review standards for the particular development permit.

2.2.14 Conditions of Approval

(A) General

When a decision-making body or the Community Development Director approves a permit or development such body or the Community Development Director may impose restrictions and conditions on the approval. The conditions may, ensure compliance with the goals, objectives, and policies of the Comprehensive Plan or with particular standards of these LDRs.

(B) Limitations

The restrictions and conditions imposed must be related both in type and amount to the impact that the proposed development would have on the public and surrounding development. All conditions imposed shall be expressly set forth in the development order or permit approval.

2.2.15 Lapse of Approval (Expiration)

(A) General

Lapse of approval (also referred to as “expiration”) shall occur as provided by these LDRs for the various types of development permits. If no provision for lapse is given or otherwise authorized by these LDRs for a particular type of development permit, and if no lapse period is imposed as part of an approval by the decision-making body, lapse shall

occur if development is not commenced or a subsequent development permit is not obtained within one (1) year.

(B) Extension

Upon written application submitted at least thirty (30) days prior to the expiration of the development permit period by the applicant, and upon a showing of good cause, the decision-making body or Community Development Director (whoever approved the original application) may grant one (1) extension not to exceed six (6) months. The development permit approval shall be deemed extended until the decision-making body or Community Development Director has acted upon the request for extension. Failure to submit an application for an extension within the time limits established in the development permit, appeal, or by this section shall result in the lapse of approval.

2.2.16 Waiver of Time Limit

(A) General

Whenever any application for a development permit requiring a public hearing is denied, an application for all or a part of the same land shall not be considered for a period of one (1) year after the date of denial unless a Waiver of Time Limit is subsequently approved by the decision-making body in accordance with the requirements of this section. Only one (1) request for Waiver of Time Limit may be submitted by the applicant during the one (1) year period.

(B) Waiver of Time Limit Initiation

(1) Owner or Authorized Agent

Only the owner of land or the owner's authorized agent may submit a request for Waiver of Time Limit.

(2) Initiation

A request may be initiated by the owner or the owner's authorized agent by submitting a request for Waiver of Time Limit to the Community Development Director, along with a fee to defray the cost of processing the request.

(C) Action

At the meeting for which the request for Waiver of Time Limit is scheduled, the decision-making body shall consider the request, other relevant support materials, information provided by the applicant, the applicant's representative, and the public, and approve or deny the request based on the standards in Section 2.2.16(D), *Waiver of Time Limit Standards*.

(D) Waiver of Time Limits Standards

The Waiver of Time Limit shall be approved only upon a finding by simple majority or more of the membership of the decision-making body that substantial evidence is presented that demonstrates:

(1) Substantial Change in Circumstances

There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or

(2) New or Additional Information

New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or

(3) New Application Materially Different

A new application is proposed to be submitted that is materially different from the prior application; or

(4) Material Mistake of Fact

The final decision on the application was based on a material mistake of fact.

2.2.17 Simultaneous Processing of Applications

Whenever two (2) or more forms of review and approval are required under these LDRs, the applications for those permits or approvals may, at the option of the Community Development Director, be processed simultaneously, so long as all applicable state and local requirements are satisfied. Site plans and major or minor subdivision plats shall not be processed concurrently with applications for Text Amendments or Site-Specific Amendments to the Official Zoning Map or Planned Developments.

2.2.18 Relationship to the Comprehensive Plan

If the approval of an application for development permit requires prior amendment of the Comprehensive Plan, action on the amendment to the City's Comprehensive Plan shall be taken prior to action on the application for development permit requiring the amendment. This provision shall not prohibit the concurrent review of the application and consideration of a Comprehensive Plan amendment.

2.2.19 Notification of Decision

Within 30 days after a decision on an application for development permit, the Community Development Director shall notify the applicant of the decision by mail. Within 30 days after the decision, a copy of the decision shall also be made available to the public at the offices of the Community Development Director during normal business hours.

2.2.20 Examination and Copying of Application

At any time upon reasonable request and during normal business hours, any person may examine an application, the Staff Report, and materials submitted in support or opposition to an application for development permit on file in the office of the Community Development Director. Copies of such material shall be made available at a reasonable cost.

SECTION 2.3 PUBLIC HEARING PROCEDURES

2.3.1 Quasi-judicial Public Hearings

All quasi-judicial hearings on applications for development approvals (Table 2.2-1, *Required Public Hearings*) shall comply with the procedures set forth in this subsection.

(A) Testimony and Evidence

(1) Information, Witnesses, Evidence, or Questions

Any member of the review or decision-making body may request information, call witnesses, submit evidence, or ask questions of any person who testifies during the hearing.

(2) Opportunity to Present Testimony and Evidence

Any affected party shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of the applicant and the applicant's representatives and City staff and City staff's representatives. At the discretion of the Chair of the review or decision-making body, an affected party may be granted an opportunity to ask questions of any other member of the public who has testified at the hearing.

(3) Not Bound by Rules of Evidence

The decision-making body is not bound by the rules of evidence, or limited to consideration of evidence that is admissible in a court of law in a quasi-judicial hearing. The body may consider all testimony and evidence it deems relevant, material and competent to the application under consideration. The Chair of the body may exclude testimony or evidence that is determined irrelevant, immaterial, incompetent, unreliable, or unduly repetitious.

(B) Burden of Proof

The burden of demonstrating that an application complies with applicable review and approval standards of these LDRs is on the applicant, which shall be demonstrated by

competent substantial evidence. The burden is not on the City or other parties to show that the standards have not been met by the applicant.

(C) Establishment and Maintenance of Record

The Office of the City Clerk shall keep and maintain the record of all quasi-judicial hearings, which shall consist of:

- (1) The application for development permit under consideration;
- (2) The Staff Report;
- (3) All other written City staff materials prepared on the application;
- (4) All other written materials provided to the Community Development Director by affected parties or the public, that are related to the application;
- (5) The review board recommendation, where relevant, and the record from the review board proceedings on the application;
- (6) These LDRs;
- (7) The Comprehensive Plan;
- (8) All written communications received by members of the review or decision-making body and City staff about the application;
- (9) Curriculum vitae of all City staff and City representatives who testify at the hearing;
- (10) All documents entered into the record at the hearing and
- (11) The testimony and other statements and opinions offered at the public hearing, which shall be recorded.

(D) Order of Proceedings

The order of the quasi-judicial hearing shall be as follows:

- (1) **Swearing In**
Swearing of all persons who will testify at the hearing.
- (2) **Ex Parte Disclosure**
Disclosure of all *ex parte* communications by review or decision-making body members.
- (3) **Description of Proposal**
Staff will provide an introduction of the application; include a brief narrative and/or graphic description of the application.
- (4) **Applicant Presentation**
This shall include applicant's presentation of any testimony and evidence, including testimony of witnesses and expert witnesses. Further examination by members of the review or decision-making body shall be allowed after each witness. Cross-examination by the City and affected parties is also allowed, including questioning of Community Development Director, City staff, and City witnesses.
- (5) **Affected Parties' Presentation**
This shall include affected parties' presentation of any testimony and evidence, including testimony of witnesses and expert witnesses. Further examination by members of the review or decision-making body shall be allowed after each witness. Cross-examination by the applicant and City is allowed.
- (6) **Community Development Director Presentation of Staff Report**
This includes a presentation of the Staff Report and its written recommendation, and presentation of additional witnesses, including expert witnesses, if appropriate. The recommendation in the Staff Report shall address each standard required to be considered by these LDRs prior to approval of the application. Questioning of Community Development Director, City staff, and witnesses by review or decision-making body, and the applicant, and affected parties, as appropriate.
- (7) **Public Comment and Testimony**
First those in support of the application and then those in opposition to the application are allowed to speak and enter testimony and evidence into the record.
- (8) **Rebuttal**
 - (a) Affected parties' rebuttal, if appropriate.

- (b) Applicant's rebuttal, if requested.
- (c) Community Development Director and City staff rebuttal, if requested.

(9) Conclusion

- (a) Affected Parties conclusion, if any.
- (b) City conclusion.
- (c) Applicant conclusion.

(10) Deliberation, Continuance, or Vote

Deliberation, continuance, or vote by review or decision-making body.

(E) Information by Member

Any member of the review or decision-making body may request information, call witnesses, or ask questions of any person who testifies during the hearing. All questions shall be directed through the Chair.

(F) Length of Presentation and Testimony

The length of presentations and testimony shall be established by the Chair of the review or decision-making body (whichever is appropriate). The Chair may place reasonable and equitable limitations on any presentation or discussion to avoid undue delay.

(G) Cross Examination

The inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness.

(H) Re-direct and Re-cross

No re-direct or re-cross shall be allowed unless it is requested by the applicant, an affected party, or the City, who shall state the desired area of inquiry, and the request is approved by the Chair of the review or decision-making body (whichever is appropriate). If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.

(I) Objections

The applicant, any affected party, or a member of the review or decision-making body (whichever is appropriate) may raise evidentiary objections, which shall be ruled upon by the Chair or City Attorney.

(J) Public Comment

Any person who is not an affected party may be permitted to speak for up to five (5) minutes in support of or in opposition to the application. At the discretion of the Chair of the review or decision-making body (whichever is appropriate), a member of the public may be granted additional time to speak when it is justified. Neither the applicant, an affected party, nor their witnesses or representatives shall be permitted to speak during the public comment portion of the hearing.

(K) Continuance

- (1) The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place. An applicant shall have the right to request and be granted one (1) continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.
- (2) A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this section, provided the continuance is set for a date within 45 days, and the date and time of the continued hearing is announced at the time of the continuance.

(L) Action by Decision-Making Body

- (1) Upon receipt of all testimony and evidence in accordance with this section, the quasi-judicial hearing shall be closed. No additional testimony, evidence, or public comments will be heard or considered after the close of the public hearing.
- (2) Upon the close of the public hearing, the review or decision-making body shall consider the application, the relevant support materials, the Staff Report, all review board recommendations (if relevant), and the public testimony and other evidence

given at the public hearing and make a recommendation or decision on the application (whichever is appropriate), based on the relevant review standards

- (3) Notification regarding the decision shall be provided by the Community Development Director.

2.3.2 Standard Public Hearings

All public hearings on applications for development permit (Table 2.2-1, *Required Public Hearings*) which are not quasi-judicial public hearings shall be considered as Standard Public Hearings, and shall comply with the procedures set forth in this subsection.

(A) Burden of Proof

The burden of demonstrating that an application complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have not been met by the applicant.

(B) Conduct of the Hearing

(1) Rights of All Persons

Any person may appear at a public hearing, or may be represented by counsel or agent, and may submit documents, materials, and other written or oral testimony either individually or as a representative of an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

(2) Presentation of Testimony and Submission of Documents and Materials

The body conducting the public hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.

(3) Continuance of Hearing

The body conducting the hearing may, on its own motion or at the request of any person, continue the hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one (1) continuance. All subsequent continuances requested by an applicant shall be granted at the discretion of the body granting the public hearing only on good cause shown.

(C) Order of Proceedings

The order of proceedings at the public hearing shall be as follows:

- (1) The Community Development Director shall present a narrative or graphic description of the application.
- (2) The applicant shall present any information the applicant deems appropriate.
- (3) The Community Development Director shall present the Staff Report, which includes a written recommendation. This recommendation shall address each standard required to be considered by these LDRs prior to approval of the application.
- (4) Public testimony shall be heard.
- (5) The applicant may respond to any testimony or evidence presented by the public.
- (6) The Community Development Director may respond to any statement made by the applicant or public.

(D) Record of Public Hearing

The review or decision-making body conducting the hearing shall record the proceedings by any appropriate means, and the record shall consist of:

- (1) The application for development permit under consideration;
- (2) The Staff Report;
- (3) All other written City staff materials prepared on the application;
- (4) All other written materials related to the application provided by the public;
- (5) The review board recommendation, where relevant, and the record from the review board proceedings on the application;
- (6) These LDRs;
- (7) The Comprehensive Plan;
- (8) All documents entered into the record at the hearing, and

(9) The record of the hearing recorded by the review board (if relevant).
If a sound recording is made, any person shall be entitled to listen to the recording at a reasonable time, or make copies at that person's own expense, at the offices of the City Clerk.

(E) Action by Decision-Making Body

The decision making body shall render its decision within 30 days. Unless stated otherwise in these LDRs, the form of the decision shall include at least the following elements:

- (1) A clear statement of the factors considered in the decision, and a statement of the basis upon which such facts were applied to the relevant review standards.
- (2) A statement of a recommendation or decision of approval, approval with conditions, or denial (whichever is appropriate).

Notification regarding the decision shall be provided by the Community Development Director.

SECTION 2.4 SPECIFIC REQUIREMENTS FOR APPLICATIONS FOR LAND USE ACTIONS

2.4.1 Text Amendments and General Amendments to Official Zoning Map

(A) Purpose

The purpose of this section is to provide a means for amending the text of these LDRs or making a general amendment to the Official Zoning Map.

(B) Authority

The City Commission may adopt an ordinance amending the text of these LDRs or a general amendment to the Official Zoning Map upon compliance with the provisions of this section.

(C) Initiation

(1) Amendment to the Text of LDRs

An application to amend the text of these LDRs may be initiated by the City Commission, the PB, the DRC, the Community Development Director, any department or Board of the City, or a person who may submit applications in accordance with Section 2.2.1, *Authority to File Applications*.

(2) General Amendment to Official Zoning Map

An application for a General Amendment to the Official Zoning Map may be initiated by the City Commission, the PB, the Community Development Director, or a person who may submit applications in accordance with Section 2.2.1, *Authority to File Applications*.

(D) Procedures

(1) Application Review, Notification, and Scheduling Hearing

The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.

(2) Review and Recommendation by PB

After preparation of a Staff Report, public notification, and the scheduling of the public hearing, the application shall be referred to the PB by the Community Development Director. The PB shall conduct a public hearing on the application in accordance with Section 2.3.2, *Standard Public Hearings*. At the public hearing, the PB shall consider the application, the relevant support materials, the Staff Report, the testimony given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to approve or deny the application based on the standards of these LDR's. The PB shall then forward the report to the City Commission.

(3) Review and Action by City Commission

After receipt of the report from the PB, public notification, and the scheduling of the public hearings, the City Commission shall consider the application during the two public hearings conducted in accordance with Section 2.3.2, *Standard Public*

Hearings. At the first public hearing, the City Commission shall review the application, the relevant support materials, the Staff Report, the report of the PB, and the testimony given at the hearing. At the second public hearing, the request and any subsequent information or materials received after the first public hearing shall be considered. After the close of the second hearing, the City Commission shall either adopt an ordinance amending the Text of these LDRs or the Official Zoning Map (whichever is appropriate), or deny the application, based on the standards of these LDR's.

(E) Standards

(1) Text Amendments

Amending the text of these LDRs is a matter committed to the legislative discretion of the City Commission. In determining whether to adopt or deny the proposed amendment, the City Commission shall consider and weigh the relevance of the following factors:

- (a) *Consistent with Comprehensive Plan*
Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.
- (b) *Consistent with Ordinances*
Whether the proposed amendment is in conflict with any provision of these LDRs or the City Code of Ordinances.
- (c) *Changed Conditions*
Whether and the extent to which there are changed conditions that require an amendment.
- (d) *Community Need*
Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- (e) *Compatible with Surrounding Uses*
Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zone districts in these LDRs, or will improve compatibility among uses and will ensure efficient development within the City.
- (f) *Development Patterns*
Whether and the extent to which the proposed amendment will result in a logical and orderly development pattern.
- (g) *Effect on Natural Environment*
Whether and the extent to which the proposed amendment will result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- (h) *Public Facilities*
Whether and the extent to which the proposed amendment will result in development that is adequately served by public facilities (roads, potable water, sewage, stormwater management, parks, and solid wastes).

(2) General Amendments to Official Zoning Map

General Amendments to the Official Zoning Map are a matter committed to the legislative discretion of the City Commission. In determining whether to adopt or deny the proposed amendment, the City Commission shall consider and weigh the relevance of the following factors:

- (a) *Consistent with Comprehensive Plan*
Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.
- (b) *Changed Conditions*
Whether and the extent to which there are changed conditions that require an amendment.
- (c) *Compatible with Surrounding Uses*

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land.

(d) *Development Patterns*

Whether and the extent to which the proposed amendment will result in a logical and orderly development pattern, or deviate from logical and orderly development patterns.

(e) *Premature Development*

Whether and the extent to which the proposed amendment will encourage premature development.

(f) *Strip or Ribbon Commercial Development*

Whether and the extent to which the proposed amendment will result in strip or ribbon commercial development.

(g) *Isolated Zone District*

Whether and the extent to which the proposed amendment will result in the creation of an isolated zone district unrelated to adjacent and surrounding zone districts.

(h) *Property Values*

Whether and the extent to which the proposed amendment will result in significant adverse impacts on the property values of surrounding lands.

(i) *Effect on Population Density*

Whether and the extent to which the proposed amendment will result in substantial increases in population density beyond the City's ability to address adverse impacts from such increases.

(j) *Effect on Natural Environment*

Whether and the extent to which the proposed amendment will result in significantly adverse impacts on the natural environment, including but not limited to light, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

(k) *Public Facilities*

Whether and the extent to which the proposed amendment will result in development that is adequately served by public facilities (roads, potable water, sewage, parks, stormwater management, and solid waste facilities).

2.4.2 Site-Specific Amendments to Official Zoning Map

(A) Purpose

The purpose of this section is to provide a means for making a site-specific amendment to the Official Zoning Map.

(B) Authority

The City Commission may adopt an ordinance amending the Official Zoning Map upon compliance with the provisions of this section.

(C) Initiation

An application for a Site-Specific Amendment to the Official Zoning Map may be initiated by the City Commission, the PB, the Community Development Director, or a person who may submit applications in accordance with Section 2.2.1 *Authority to File Applications*.

(D) Procedures

(1) *Pre-Application Conference, Application Review, Notification, and Scheduling Hearing*

The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.

(2) *Review and Recommendation by PB*

After preparation of a Staff Report, public notification, and the scheduling of the public hearing, the application shall be referred to the PB by the Community Development Director. The PB shall conduct a public hearing on the application in

accordance with Section 2.3.1, *Quasi-judicial Public Hearings*. At the public hearing, the PB shall consider the application, the relevant support materials, the Staff Report, the testimony and evidence given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to approve or deny the application based on the standards in Section 2.4.2(E), *Standards for Site Specific Amendments to the Official Zoning Map*. The PB shall then forward the report to the City Commission.

(3) Review and Action by City Commission

After receipt of the report from the PB, public notification, and the scheduling of the public hearing, the City Commission shall consider the application at two public hearings conducted in accordance with Section 2.3.1, *Quasi-judicial Public Hearings*. At the first public hearing, the City Commission shall review the application, the relevant support materials, the Staff Report, the report of the PB, and the testimony and evidence given at the hearing. At the second public hearing, the request and any subsequent information or materials received after the first hearing shall be considered. After the close of the second hearing, the City Commission shall either adopt an ordinance amending the Official Zoning Map, or deny the application, based on the standards of Section 2.4.2(E), *Standards for Site Specific Amendments to the Official Zoning Map*.

(E) Standards for Site Specific Amendments to the Official Zoning Map

The advisability of making a site-specific amendment to the Official Zoning Map is a matter subject to quasi-judicial review by the City Commission and constitutes the implementation of the general land use policies established in these LDRs and the Comprehensive Plan. In determining whether to approve a proposed site-specific amendment to the Official Zoning Map, the City Commission shall find that:

Competent Substantial Evidence Provided

The applicant has provided competent substantial evidence that is made part of the record of the hearing that:

(1) Consistent with Comprehensive Plan

The proposed amendment is consistent with and furthers the goals, objectives, and policies of the Comprehensive Plan.

(2) Consistent with Ordinances

The proposed amendment is not in conflict with any portion of these LDRs or any of the City Code of Ordinances.

(3) Logical Development Pattern

The proposed amendment will result in a logical and orderly development pattern.

(4) Pre-Mature Development

The proposed amendment will not create premature development in undeveloped or rural areas.

(5) Incompatible with Adjacent Lands

The uses permitted by the proposed amendment are not incompatible with existing land uses of adjacent lands and/or the uses permitted by the zone district classifications of adjacent lands.

(6) Adverse Effect on Local Character

The proposed amendment will not adversely affect the character of the general area where it is proposed to be located by creating excessive traffic, density and/or intensities of use, building height and bulk, noise, lights, or other physical effects or nuisances.

(7) Not Deviate from Pattern of Development

The uses permitted by the proposed amendment will not deviate from the development pattern (both established and as proposed by surrounding zone districts) of the area where the proposed amendment is located.

(8) Encourage Sprawl

The proposed amendment will not encourage urban sprawl, either by resulting in strip or ribbon commercial development, leap-frog development or low density single dimensional development.

(9) Spot Zoning

The proposed amendment will not result in the creation of an isolated zone district unrelated to adjacent and surrounding zone districts (spot zoning).

(10) Public Facilities

The proposed amendment will not result in development in a location where there are no plans by the City or other governmental entities to provide public facilities to serve the development (roads, potable water, wastewater, parks, stormwater management, and solid wastes), and there are no assurances by the private sector that public facilities are planned and will be available to adequately accommodate development.

(11) No Adverse Effect on the Environment

The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

2.4.3 Planned Development Districts

(A) General

This section establishes the procedures for review of the City's Planned Development (PD) zone districts: Planned Development–Residential (PD-R); Planned Development–Commercial (PD-COMM); Planned Development–Employment Center (PD-EC); and Planned Development–Traditional Neighborhood Development (PD-TND).

(B) Location

A PD zone district classification may be established on any land that complies with all of the applicable standards of this section.

(C) Unified Ownership or Control

To ensure unified control, copy of the title to all land that is part of a proposed PD zone district classification shall be provided, and all owners of the land shall sign the planned development application to indicate their support for the application and willingness to be bound by any conditions of approval.

(D) PD Zone District Classification

(1) Procedure

(a) General

A PD zone district classification shall constitute a Site-Specific Amendment to the Official Zoning Map subject to findings by the City Commission satisfying the standards contained in Section 2.4.2(E). Development standards for a PD zone district classification shall be identified in a PD Master Plan and PD Agreement. Following approval by the City Commission of a PD zone district classification ordinance and the PD Agreement containing the PD Master Plan, a Subdivision or Site Plan and Construction plan must be approved by the Development Review Committee as provided in Section 2.4.7 or 2.4.8, as applicable. Variances or variations from the development standards set forth in PD Agreement shall be approved by the City Commission during the public hearing. When variations from PD Agreement are reviewed and approved by the City Commission as a public hearing, it shall not be necessary for the property owner to file a formal variance application under this LDR.

(b) Pre-application Conference, Application Submission, Review, Public Notification, and Scheduling Hearing

The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.

(c) Review and Recommendation by the PB

After preparation of a Staff Report, public notification, and the scheduling of the public hearing, the application shall be referred to the PB by the Community Development Director. The PB shall conduct a public hearing on the application in accordance with Section 2.3.1, *Quasi-judicial Public Hearings*. At the public hearing, the PB shall consider the application, the relevant support materials, the Staff Report, the testimony and evidence given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to approve, approve with conditions, or deny the application based on the standards in Section 2.4.3 *Planned Development Standards*. The PB shall then forward the report to the City Commission.

(d) *Review and Action by City Commission*

After receipt of the report from the PB, public notification, and the scheduling of the public hearing, the City Commission shall consider the application at one public hearing conducted in accordance with Section 2.3.1, *Quasi-judicial Public Hearings*. At the public hearing, the City Commission shall review the application, the relevant support materials, the Staff Report, the report of the PB, and the testimony and evidence given at the hearing. After the close of the second public hearing, the City Commission shall adopt an ordinance amending the Official Zoning Map to a PD zone district classification, modify or approve the application with conditions, or deny the application, based on the standards of Section 2.4.3(d)(2), *Planned Development Standards*.

(2) *Planned Development Standards*

A PD zone district classification, PD Master Plan, and PD Agreement shall comply with the criteria in Section 2.4.2(E), *Standards for Site Specific Amendments to Official Zoning Map*, and the requirements for PD districts in Section 3.5 *Planned Development (PD) Districts*.

(3) *PD Agreement*

Concurrent with the approval of the adopting ordinance, the City and the applicant shall agree to a PD Agreement which shall include, but is not limited to:

(a) *PD Master Plan*

(b) *Conditions*

Conditions related to the approval of the PD Master Plan.

(c) *Provisions Governing Public Facilities*

Provisions governing how transportation, potable water, wastewater, stormwater management, park, and other public facilities will be provided to accommodate the development proposed in the PD Master Plan.

(d) *Provisions Related to Environmental Protection*

Standards, conditions, or other provisions related to protection of light, water, air, wildlife, vegetation, wetlands, and the natural functioning of the environment.

(e) *Other Provisions Related to Future Development of PD*

Standards, conditions, or other provisions related to future applications for development permit, or responsibilities of the landowners within the PD Master Plan.

(f) *Expiration Provisions*

Certain planned development projects may require additional time for completion, which may be extended by a term of the PD Agreement, notwithstanding any provisions to the contrary in this LDR, including but not limited to an extension needed as a result of a concurrency study.

(g) The PD Agreement may be assigned by amendment to the PD Agreement with at least a thirty (30) day notice to the City and by the consent of the City Commission at a public hearing.

(h) Schedule for achieving compliance with level of service standards and completion of the project.

- (i) Posting of the site as least ten (10) days prior to any public hearing by the City Commission for any proposed amendments to performance standards or conditions contained in the adopted PD Agreement.

(4) Conditions of Approval

In approving a PD zone district classification, a PD Master Plan, and PD Agreement, the City Commission may impose appropriate conditions on the approval in accordance with Section 2.2.14, *Conditions of Approval*.

(5) Placement of Planned Development District (PD) Classification on Official Zoning Map

After final approval of the adopting ordinance for the PD zone district classification, the PD Master Plan, and PD Agreement, the Community Development Director shall amend the Official Zoning Map to show a PD zone district classification.

(6) Recording

The applicant shall record the adopting ordinance, the PD Master Plan and the PD Agreement with the Pasco County Clerk of Court. They shall be binding upon the landowners, their successors and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the PD Master Plan and in the PD Agreement. The applicant shall submit proof to the Community Development Director that the adopting ordinance, PD Master Plan, and PD Agreement have been recorded with the Pasco County Clerk of Court within six (6) months of its approval or the adopting ordinance, PD Master Plan, and PD Agreement shall automatically and immediately be rendered invalid and the land shall return to its prior zone district classification. No further applications for development permit shall be reviewed for the planned development until the adopting ordinance, PD Master Plan, and PD Agreement have been recorded in accordance with this subsection.

(7) Expiration

(a) *General*

Unless otherwise provided in the PD Agreement, the approval of the adopting ordinance for a PD zone district classification, and the PD Agreement shall expire unless an application for a Subdivision or Site and Construction Plans for any part or section of the plan for development shown on the PD Master Plan is submitted within two (2) years of approval. Such time period may be extended with transfer of ownership with the consent of the City Commission subject to the provisions of section 2.4.3(D)(7)(b) of these LDR's.

(b) *Extension*

(i) Unless otherwise provided in the PD Agreement, upon written application submitted by the property owner or applicant at least thirty (30) days prior to the expiration of the two (2) years period, and upon a showing of good cause, the City Commission may grant an extension not to exceed six (6) months for the submission of a Subdivision or Site and Construction Plans. The approval shall be deemed extended until the City Commission has acted upon the request for extension.

(ii) If the Subdivision or Site and Construction Plans is not submitted within the time established in the extension, the City Commission, prior to the time the extension will expire, shall determine if either one (1) additional six (6) month extension be granted, for good cause, or the land be rezoned to its prior zone district classification. Any extensions to the PD Agreement shall be requested by the developer.

(c) *Expiration*

Unless otherwise provided in the PD Agreement, failure to submit a Subdivision or Site and Construction Plans within the time limits established by this section shall result in expiration of the PD zone district classification, and the PD

Agreement, and the prior zone district classification shall thereupon be re-established.

(8) Minor Deviations

A minor deviation to a PD Master Plan and/or PD Agreement shall not be considered as an amendment, and shall be approved by the Community Development Director. The minor deviation shall comply with the standards of these LDRs. A minor deviation shall be limited to technical considerations which could not reasonably be anticipated during the approval process or any other change which has no material effect on the character of the approved PD development or any of its approved terms or conditions. The following shall constitute minor deviations:

- (a) *Driveway Relocations*
- (b) *Structure Floor Plan Revisions*
- (c) *Facility Design Modifications*

Facility design modifications for amenities and the like.

Changes that materially affect the basic concept of the PD Master Plan are not considered minor deviations, and shall only be changed as amendments to the PD Master Plan and/or the PD Agreement.

(9) Amendments

(a) *General*

If an applicant determines it is necessary to alter the concept or intent of the PD Master Plan, and/or the PD Agreement, the PD Master Plan and/or PD Agreement shall be amended, extended or modified only in accordance with the procedures and standards for its original approval.

(b) *Amendments Defined*

The following items are considered an alteration of the concept or intent of the PD Master Plan or PD Agreement:

- (i) Changes in use designations;
- (ii) Density/intensity increases;
- (iii) Decreases in open space;
- (iv) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development are moved so traffic flows both inside and outside the development are affected);
- (v) Change in the proportion of housing types by more than fifteen percent (15%); or
- (vi) Violation of any specific condition of the PD Agreement.

(E) Completion of PD Development

- (1) Notwithstanding any terms and conditions to the contrary in the PD Agreement, the PD development shall be completed after a land use inspection is performed by the Community Development Director or designee for compliance with the PD Agreement.

2.4.4 Conditional Use Permit

(A) Purpose

The purpose of this section is to provide a means for reviewing applications for approval of uses allowed as Conditional Uses. These are uses that are generally compatible with the other uses permitted in a zone district, but require individual review of their location, design, configuration, density, intensity, and public facility impact to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses. Conditional Uses may require the imposition of conditions to ensure the appropriateness of the use at a particular location.

(B) Authority

The PB is authorized to review and decide applications for Conditional Use Permits in accordance with this section. Only those uses identified as Conditional Uses in Table 4.1-1, *Table of Allowed Uses*, are authorized to be considered as Conditional Uses under this section. The designation of a use as a Conditional Use in Table 4.1-1 does not constitute an authorization that such use shall be approved as a Conditional Use Permit in accordance with this section. Rather, each proposed Conditional Use shall be evaluated by the PB for compliance with the standards set forth in this section and the applicable standards for the use in Section 4.3, *Use Specific Standards* (if appropriate).

(C) Procedure**(1) Application Submission, Review, Public Notification, and Scheduling Hearing**

The procedures and requirements for submission and review of an application are established in Section 2.2 *Common Development Review Procedures*.

(2) Review and Action by PB

After preparation of a Staff Report, public notification, and the scheduling of a public hearing, the PB shall conduct a public hearing on the application in accordance with Section 2.3.1 *Quasi-judicial Public Hearings*. At the public hearing, the PB shall consider the application, the relevant support materials, the Staff Report, and the testimony and evidence given at the public hearing. After the close of the public hearing, the PB shall approve, approve with conditions, or deny the application based on the standards in Section, 2.4.4 *Conditional Use Standards*.

(D) Conditional Use Standards

A Conditional Use Permit shall be approved only upon a finding the applicant demonstrates all the following standards are met:

(1) Complies with Use Specific Regulations

The proposed Conditional Use complies with all relevant standards in Section 4.3, *Use Specific Standards*.

(2) Compatibility

The proposed Conditional Use is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zone district.

(3) Design Minimizes Adverse Impact

The design of the proposed Conditional Use minimizes adverse effects, including visual impacts of the proposed use on adjacent lands; furthermore, the proposed Conditional Use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.

(4) Design Minimizes Environmental Impact

The proposed Conditional Use minimizes environmental impacts and does not cause significant deterioration of light, water and air resources, wildlife habitat, stormwater management, scenic resources, and other natural resources.

(5) Roads and Other Public Facilities

There is adequate public facility capacity available to serve the proposed Conditional Use, and the proposed Conditional Use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.

(6) Not Injure Neighboring Land or Property Values

The proposed Conditional Use will not substantially injure the use of neighboring land for those uses that are permitted in the zone district, or reduce land values.

(7) Complies with the City of Dade City Comprehensive Plan, current edition**(8) Site Plan**

A Site Plan and Construction Plan (Section 2.4.8) has been prepared that demonstrates how the proposed Conditional Use complies with the other standards of this subsection.

(9) Complies with All Other Relevant Laws and Ordinances

The proposed Conditional Use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.

(E) Conditions of Approval

In approving a Conditional Use Permit, the PB may impose appropriate conditions on the permit approval in accordance with Section 2.2.14 *Conditions of Approval*.

(F) Denial

If the PB denies an application for a Conditional Use Permit, the record shall clearly indicate the reasons for denial.

(G) Effect

Issuance of a Conditional Use Permit shall authorize only the particular Conditional Use that is approved in the permit. A Conditional Use Permit, including any conditions, shall run with the land and shall not be affected by a change in ownership, unless specifically conditioned as part of the approval.

(H) Expiration

(1) General

The PB may prescribe a time limit within which development shall begin or be completed on the Conditional Use Permit, or both. Failure to begin and/or complete such development within the time limit specified shall void the Conditional Use Permit. Unless specified otherwise by the PB, a Building Permit shall be obtained for the development approved within twelve (12) months from the date of approval, and development shall be completed as approved within the time allowed under the City's building regulations, or the Conditional Use Permit. In cases where a Building Permit is not required, to establish an approved Conditional Use, a Certificate of LDR Compliance (Section 2.4.12) shall be obtained within twelve (12) months from the date of approval, or the Conditional Use Permit shall expire and be void.

(2) Extension

Upon written application submitted at least thirty (30) days prior to the expiration of the permit period by the applicant, and upon a showing of good cause, the PB may grant one (1) extension not to exceed six (6) months. The approval shall be deemed extended until the PB has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall result in the expiration of the Conditional Use Permit.

(I) Amendments

A Conditional Use Permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

(J) Appeal of PB Decision on Conditional Use Permit

Any person aggrieved or affected by a decision of the PB may appeal such decision to the City Commission in accordance with Section 2.4. 7, *Appeal of Decisions of the Planning Board*

2.4.5 Variance Permits

(A) Overview

These LDRs include two (2) types of Variance Permits: Zoning Variance Permits (Section 2.4.5(C) and Subdivision Variance Permits (Section 2.4.5(D)).

(B) Purpose

The purpose of a variance is to allow certain deviations from the standards of these LDRs, including variance from the dimensional zoning standards (such as height, parking, landscaping, lot dimensions, and signage standards), and subdivision standards (such as deviations from subdivision layout or public improvement standards) when the applicant demonstrates that, owing to special circumstances or conditions beyond the applicant's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards in these LDRs would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

(C) Zoning Variance Permits

(1) Authority

The Development Review Committee (DRC) is authorized to review and decide Zoning Variance Permits in accordance with this section.

(2) Applicability

The following standards may be varied through the Zoning Variance Permit procedure:

- (a) The maximum height standards, maximum lot coverage standards, minimum yards and setbacks standards, minimum lot area standards, and minimum lot width standards in Section 5.1, *Dimensional Standards Tables*;
- (b) The allowable yard setbacks in Section 5.1.2 Dimensional Standards in Residential Districts and 5.1.3, Dimensional standards in Business Districts.
- (c) The standards in:
 - (i) Section 6.1, *Off-Street Parking and Loading Standards*;
 - (ii) Section 6.2, *Tree Protection and Landscaping Standards*;
 - (iii) Section 6.3, *Fencing Standards*;
 - (iv) Section 6.4, *Exterior Lighting Standards*;
 - (v) Section 6.5, *Signage*;
 - (vi) Section 6.6, *Large Retail (Big Box) Design Standards*.; and
 - (vii) Section 6.7, *Environmental Protection Standards*

(3) Procedures

- (a) *Application Submission, Review, Notification, and Scheduling Hearing*
The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.
- (b) *Review and Action by DRC*
After preparation of a Staff Report, public notification, and the scheduling of a public hearing, the DRC shall conduct a public hearing on the application in accordance with Section 2.3.1, *Quasi-judicial Public Hearings*. At the public hearing, the DRC shall consider the application, the relevant support materials, the Staff Report, and the testimony and evidence given at the public hearing. After the close of the public hearing, the DRC shall approve, approve with conditions, or deny the application based on the standards in Section 2.4.5(C)4, *Zoning Variance Permit Standards*.

(4) Zoning Variance Permit Standards

A Zoning Variance Permit shall be approved only upon a finding that the applicant demonstrates all of the following standards are met:

- (a) *Extraordinary and Exceptional Conditions*
There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of a parcel of land) pertaining to the particular piece of land for which the variance is sought, that do not generally apply to other land or structures in the vicinity.
- (b) *Not Result of Action by Applicant*
The special circumstances are not the result of the actions of the applicant.
- (c) *No Special Privilege*
The granting of the variance will not confer any special privilege on the applicant that is denied to other lands or structures in the same zone district.
- (d) *Strict Application Deprives Use*
Because of the requirements in the LDRs and the application thereof, the disapproval of a variance would effectively prohibit or unreasonably restrict the utilization of the land and result in unnecessary and undue hardship.
- (e) *Minimum Variance*

The granting of the variance is the minimum action that will make possible the reasonable use of the land or structure which is not contrary to the public interest, and which would carry out the spirit of these LDRs.

(f) *Not Detrimental*

The authorization of the variance will not result in substantial detriment to adjacent land and the character of the zone district in which the land subject to the application is located.

(g) *Consistency with these LDRs*

The granting of the variance will be generally consistent with the purposes and intent of these LDRs and the public interest.

(D) Subdivision Variance Permits

(1) Authority

The DRC is authorized to review and decide Subdivision Variance Permits in accordance with this section.

(2) Applicability

The following standards may be varied through the Subdivision Variance Permit procedure:

(a) The standards in Section 7.2, *Subdivision Layout and Design Generally*.

(b) The standards in Section 7.3, *Required Improvements*.

(3) Procedures

(a) *Application Submission, Review, Notification, and Scheduling Hearing*

Requests for approval of a Subdivision Variance Permit shall be submitted and approved prior to review of a Preliminary Plan (Section 2.4.5(D)). The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.

(b) *Review and Recommendation by DRC*

After preparation of a Staff Report, public notification, and the scheduling of the public hearing, the application shall be referred to the DRC by the Community Development Director. The DRC shall conduct a public hearing on the application in accordance with Section 2.3.1, *Quasi-judicial Public Hearings*. At the public hearing, the DRC shall consider the application, the relevant support materials, the Staff Report, the testimony and evidence given at the public hearing, and following the close of the public hearing, to either approve, approve with conditions, or deny the application based on the standards in Section 2.4.5(D) *Subdivision Variance Permit Standards*.

(4) Subdivision Variance Permit Standards

A Subdivision Variance Permit shall be approved only upon a finding that the applicant demonstrates all of the standards in Section 2.4.5.(D) *Subdivision Variance Permit Standards* are met.

(E) Conditions of Approval

In approving a Subdivision Variance Permit, the Community Development Director or decision-making body (as appropriate) may impose appropriate conditions on the permit approval in accordance with Section 2.2.14 *Conditions of Approval*.

(F) Recordation Recording

The Community Development Director or decision-making body (as appropriate) may require the applicant to record the Subdivision Variance Permit with the Pasco County Clerk of Court. The Subdivision Variance Permit shall be binding upon the landowners, their successors, and assigns and shall be noted in the Subdivider's Agreement, 2.4.7(G)(4).

(G) Subsequent Development

Development authorized by the Subdivision Variance Permit shall not be carried out until the applicant has secured all other permits required by these LDRs or any other applicable provisions of the City. A Subdivision Variance Permit does not ensure that the development approved as a variance shall receive subsequent approval for other

applications for development permit unless the relevant and applicable portions of these LDRs or any other applicable provisions are met.

(H) Effect

Issuance of a Subdivision Variance Permit shall authorize only the particular variance that is approved in the permit. A Subdivision Variance Permit, including any conditions, shall run with the land and not be affected by a change in ownership. Land subject to an approved Subdivision Variance Permit shall not be exempted from other relevant standards in these LDRs which are unrelated to the standard being varied.

(I) Amendment

A Subdivision Variance Permit may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(J) Variance Permits

Any request for a variance that is needed to approve or modify a planned development application or PD Agreement shall be exempt from the variance notice requirements if the variance request is reviewed by the City Commission at an advertised public hearing regarding the planned development. When variations from these LDRs are considered by the City Commission at an advertised public hearing regarding a planned development it shall not be necessary for the property owner to file a formal variance application under this LDR.

2.4.6 Administrative Adjustment

(A) General

This section sets out the procedures and standards for Administrative Adjustments, which are modifications of 10 percent or less of any numeric dimensional standard in Table 5.1-1, *Dimensional Standards in the Open Use Agricultural Districts*, Table 5.1-2, *Dimensional Standards in the Residential Zoning Districts*, and Table 5.1-3, *Dimensional Standards in the Business Zoning Districts*, except those related to maximum gross density.

(B) Authority

The Community Development Director is authorized to review and approve, approve with conditions, or deny an application for an Administrative Adjustment in accordance with this section.

(C) Procedure

(1) Initial Submission of Application and Staff Review

The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.

(2) Review and Action by Community Development Director

The Community Development Director shall review and take action on the application in accordance with the procedures and requirements of Section 2.2.13 *Review by Community Development Director*.

(D) Administrative Adjustment Standards

Administrative Adjustments shall be approved upon a finding the applicant demonstrates all of the following standards are met:

(1) General

The requested Administrative Adjustment is consistent with the character of development in the surrounding area, and will not result in incompatible uses.

(2) Mitigates Adverse Impacts

Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.

(3) Technical Nature

The Administrative Adjustment is of a technical nature (i.e. relief from a dimensional or design standard), and is either:

- (a) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
- (b) Supporting an objective or goal from the purpose and intent statements of the zone district where located; or
Proposed to save healthy existing trees.

(4) *Not Substantially Interfere with Convenient and Enjoyable Use of Adjacent Land*

The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

(E) *Conditions of Approval*

In approving an Administrative Adjustment, the Community Development Director may grant a lesser modification than the maximum allowed by this section or requested by an applicant, and may impose appropriate conditions on the permit approval in accordance with Section 2.4.6(E), *Conditions of Approval*.

(F) *Recordation*

The Community Development Director may require the applicant to record the Administrative Adjustment with the Pasco County Clerk of Court. The Administrative Adjustment shall be binding upon the landowners, their successors, and assigns.

(G) *Subsequent Development*

Development authorized by the Administrative Adjustment shall not be carried out until the applicant has secured all other permits required by these LDRs or any other applicable provisions of the City. An Administrative Adjustment shall not ensure that the development approved as an Administrative Adjustment receives subsequent approval for other applications for development unless the relevant and applicable portions of these LDRs or any other applicable provisions are met.

(H) *Effect*

Issuance of an Administrative Adjustment shall authorize only the particular Administrative Adjustment that is approved in the permit. An Administrative Adjustment, including any conditions, shall run with the land and not be affected by a change in ownership.

(I) *Expiration*

(1) *General*

The Community Development Director may prescribe a time limit within which development shall begin or be completed on the Administrative Adjustment, or both. Failure to begin and/or complete such development within the time limit specified shall void the Administrative Adjustment. Unless specified otherwise by the Community Development Director, a Building Permit shall be obtained for the development approved by the permit within twelve (12) months from the date of approval of the Administrative Adjustment, and development shall be completed on the Building Permit within the time allowed under the City's building regulations, or the Administrative Adjustment shall expire and be void. In cases where a Building Permit is not required to establish the use, a Certificate of LDR Compliance (Section 2.4.12) shall be obtained within twelve (12) months from the date of approval, or the Administrative Adjustment shall expire and be void.

(2) *Extension*

Upon written application submitted at least thirty (30) days prior to the expiration of the permit period by the applicant and upon a showing of good cause, the Community Development Director may grant one (1) extension not to exceed six (6) months. The approval shall be deemed extended until the Community Development Director has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall result in the expiration of the Administrative Adjustment.

(J) Amendment

An Administrative Adjustment may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(K) Appeal of Decision of Community Development Director

Any person aggrieved or affected by a decision of the Community Development Director may appeal such decision to the City Commission in accordance with Section 2.4.6(K), *Appeal of Decisions by Community Development Director*.

2.4.7 Subdivision

(A) Purpose

The purpose of this section and Article 7: *Subdivision Standards* are to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City by:

(1) Orderly Growth and Development

Providing for the orderly growth and development of the City, and discourage haphazard, premature, or scattered development.

(2) Coordinating Streets and Roads with City's Planned Street System and Other Public Facilities

Coordinating streets and roads within proposed subdivisions with the City's planned street system, and with other public facilities.

(3) ROW For Streets and Utilities

Providing adequate right-of-way easements for streets and utilities.

(4) Avoiding Congestion and Overcrowding

Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets so as to provide safe and convenient traffic control.

(5) Open Space and Recreation Facilities

Ensuring there is adequate open space and recreation facilities to serve development.

(6) Proper Land Records

Ensuring there is proper recordation of landownership records.

(7) Prevent Flooding

Preventing periodic and seasonal flooding by providing adequate flood control and drainage facilities while minimizing development in flood prone areas.

(8) Protect Health, Safety, and Welfare

Ensuring the provision of such other matters as the City Commission may deem necessary in order to protect the general health, safety and welfare of the City.

(B) Applicability

(1) General

The following development, unless exempted in accordance with Section 2.4.7(B)(3), *Exemptions*, is required to have land subdivided in accordance with the procedures and standards of this section prior to the transfer of title or sale of any lots, or the issuance of a building permit for development.

- (a) The division of land into three (3) or more lots, building sites, or other divisions for the purpose of immediate or future sale, lease, or building development;
- (b) All divisions of land involving a new street or change in existing streets;
- (c) Re-subdivision involving the further division or relocation of lot lines of any lot or lots within an already approved subdivision; and
- (d) The combination or consolidation of lots of record.

(2) Overview of Development Permits Required

- (a) Every subdivision of land is classified as either (1) a Minor Subdivision or (2) a Major Subdivision. A Final Plat shall be approved by the City Commission and recorded in the Official Records of Pasco County for a subdivision prior to the transfer of title or sale of any lots for the land subject to subdivision.

- (b) For non-residential subdivisions, an application for Site Plan approval may run concurrently with an application for construction plans.

(3) Exemptions

The following development shall be exempt from the requirements of this section:

(a) *Subdivision into Tracts*

The subdivision of land into two (2) or more tracts of five (5) acres in size or larger provided that no new streets or changes to existing street alignments are proposed.

(b) *Lot Split*

A lot split, or the division of a parent tract into no more than two lots, as long as the lot area complies with the dimensional standards of these LDRs. This exemption does not apply to lots within an existing platted subdivision.

(c) *Land For Widening or Opening Streets and Land obtained from Eminent Domain*

The public acquisition by purchase of strips of land for the widening or opening of new streets.

(d) *Partition of Land by Court*

The partition of land by Court decree.

(e) *Transfer by Sale or Gift*

The transfer of property without subdivision by sale, gift, succession, or for the purposes of dissolving tenancy in common among tenants.

(C) Subdivision Name

Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or similar to a subdivision name appearing on another recorded plat within the County so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same subdivider or the subdivider's successors in title. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The City Commission shall have final authority to approve the names of subdivisions.

(D) Vacation or Annulment

(1) General

The vacation and annulment of plats shall be according to Chapter 177 of the Florida Statutes. If a replat has been filed, a plat vacation under this section is not required.

(2) Required Findings

Vacation of a subdivision shall be based on a finding by the City Commission that the proposed vacation and reversion to acreage of subdivided land is consistent with the Comprehensive Plan.

(3) Retention of Access

No owner of land in a subdivision shall be deprived by the vacation of reasonable access to existing development in the subdivision. Plat vacation shall not result in the land locking of any developed properties.

(E) Preparation of Plats

All Final Plats shall be prepared by a surveyor registered in the State of Florida and Preliminary Plats and Construction Plans and specifications for required improvements shall be prepared by an engineer registered in the State of Florida. The subdivider shall present a letter to the Community Development Director certifying that the subdivider has employed a registered surveyor and a registered engineer in the preparation of these documents.

(F) Minor Subdivision

(1) General

Excluding subdivisions exempted by Section 2.4.7(B)(3), *Exemptions*, minor subdivisions constitute:

- (a) The subdivision of land into six (6) or fewer lots provided that:

- (i) No new streets, alleys, or other public ways are created;
 - (ii) No changes are made to the existing rights-of-way of any streets, alleys, or other public ways;
 - (iii) No new utilities are required to serve the subdivided land;
 - (iv) The division of land complies with the standards of Article 7, *Subdivision Standards*;
 - (v) No flag lot is created in a residential district that is inconsistent with existing development patterns; and
 - (vi) The lots have direct access onto a public street that has been accepted for maintenance by the appropriate jurisdiction.
- (b) Revisions of single lots within an existing platted subdivision.
- (c) The subdivision of land into fifty (50) or fewer single-family detached or attached lots where a minimum of twenty-five (25) percent of the lots are restricted for affordable housing for low income residents.

(2) Procedure

Minor subdivisions shall be exempted from the requirements for a Subdivision Preliminary Plan and Construction Plans but shall be required to obtain Final Plat approval in accordance with the procedure below:

- (a) *Pre-application Conference, Application Submission, Review, Public Notification, and Scheduling Hearing*
The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.
- (b) *Review and Recommendation by PB.*
After preparation of a Staff Report, public notification, and the scheduling of the public hearing, the application shall be referred to the PB by the Community Development Director. The PB shall conduct a public hearing on the application in accordance with Section 2.3.1, *Quasi-Judicial Public Hearings*. At the public hearing, the PB shall consider the application, the relevant support materials, the Staff Report, the testimony given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending to approve, approve with conditions, or deny the application based on the standards in Section 2.4.7(F), *Minor Subdivision Standards*. The PB shall then forward the report to the City Commission.
- (c) *Review and Action by City Commission*
After receipt of the report from the PB, public notification, and the scheduling of the public hearing, the City Commission shall consider the application during a public hearing conducted in accordance with Section 2.3.1, *Quasi-Judicial Public Hearings*. At the hearing, the City Commission shall review the application, the relevant support materials, the Staff Report, the report of the PB, and the testimony given at the hearing. After the close of the hearing, the City Commission shall approve the application for a Minor Subdivision, modify or approve the application with conditions, or deny the application, based on the standards of Section 2.4.7(F), *Minor Subdivision Standards*.

(3) Minor Subdivision Standards

A Minor Subdivision shall be approved on a finding that the application complies with the standards in Article 7: *Subdivision Standards*, all other relevant provisions of these LDRs, and all other relevant City ordinances and regulations.

(4) Recordation

- (a) The subdivider shall file an approved Minor Subdivision with the Pasco County Clerk of Court for recording within thirty (30) days after the date of approval and prior to the recording of any individual deeds for the subdivided lots, or the Minor Subdivision approval shall be null and void.
- (b) If the subdivider places restrictions on land in the subdivision greater than those required by these LDRs, such restriction shall be indicated in the documents

recorded with the Minor Subdivision recorded with the Pasco County Clerk of Court.

(5) Amendments

A Minor Subdivision may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(G) Major Subdivision

(1) Applicability

The standards and procedures of this subsection shall apply to all subdivision of land not exempted in accordance with Section 2.4.7(B)(3), *Exemptions*, or considered a Minor Subdivision in accordance with Section 2.4.7(F), *Minor Subdivision*. It requires approval of a Subdivision Preliminary Plan, Construction Plan, and Final Plat for Subdivision.

(2) Preliminary Plan

(a) General

A Subdivision Preliminary Plan establishes the general layout and design for the subdivision. Upon the approval of a Subdivision Preliminary Plan, detailed plans for street construction, utility line installations, and similar approvals shall be prepared and approved for Construction Plans. Building Permits may not be issued before approval of a Subdivision Final Plat.

(b) Pre-application Conference, Application Submission, Review, Public Notification, and Scheduling Hearing

The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.

(c) Review and Recommendation by PB

After preparation of a Staff Report, public notification, and the scheduling of the public hearing, the application shall be referred to the PB by the Community Development Director. The PB shall conduct a public hearing on the application in accordance with Section 2.3.1, *Quasi-Judicial Public Hearings*. At the public hearing, the PB shall consider the application, the relevant support materials, the Staff Report, the testimony given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending to approve, approve with conditions, or deny the application. The PB shall then forward the report to City Commission.

(d) Review and Action by City Commission

After receipt of the report from the PB, public notification, and the scheduling of the public hearing, the City Commission shall consider the application during a public hearing conducted in accordance with Section 2.3.1, *Quasi-Judicial Public Hearings*. At the hearing, the City Commission shall review the application, the relevant support materials, the Staff Report, the report of the PB, and the testimony given at the hearing. After the close of the hearing, the City Commission shall approve the application for a Subdivision Preliminary Plan, modify or approve the application with conditions, or deny the application, based on the standards of Section 2.4.7(G)(2)(e), *Subdivision Preliminary Plan Standards*.

(e) Subdivision Preliminary Plan Standards

A Subdivision Preliminary Plan shall be approved upon a finding the application complies with the standards in Article 7: *Subdivision Standards*, all other relevant provisions of these LDRs, and all other relevant City ordinances and regulations.

(f) Conditions

In approving a Subdivision Preliminary, the City Commission may impose appropriate conditions on the permit approval in accordance with Section 2.2.14, *Conditions of Approval*.

(g) Effect of Approval

Approval of a Subdivision Preliminary Plan shall constitute approval of the development with the general lot shapes and alignments of streets identified on the Preliminary Plan. Approval of a Subdivision Preliminary Plan allows the subdivider to proceed to the Construction Plan phase of subdivision approval. Approval of a Subdivision Preliminary Plan does not constitute approval of a Subdivision Final Plat. The Subdivision Preliminary Plan shall run with the land.

(h) *Expiration*

The approval of a Subdivision Preliminary Plan shall expire at the end of six (6) years from the date approval was granted by the City Commission unless the applicant has received approval of Subdivision Final Plat.

(i) *Extension*

Upon written application submitted at least thirty (30) days prior to the expiration of the permit period by the applicant and upon a showing of good cause, the City Commission may grant one (1) extension not to exceed twelve (12) months. The approval shall be deemed extended until the City Commission has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the Subdivision Preliminary Plan void.

(j) *Amendment*

A Subdivision Preliminary Plan may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(3) Construction Plans

(a) *General*

Within twelve (12) months of the approval of the Subdivision Preliminary Plan, Construction Plans shall be reviewed in accordance with this section. Construction Plans are engineered drawings depicting the precise design, location, and profile of all public facilities proposed for development of the subdivision, including, but not limited to streets, street markings, street signs, sidewalks, public pedestrian pathways or trails, potable water lines, sanitary sewer lines, public utility meter locations, storm drains, fire suppression systems, and locations of conduit crossings for private utilities.

(b) *Initial Submission of Application and Staff Review*

The procedures and requirements for submission and review of an application for Construction Plans are established in Section 2.2, *Common Development Review Procedures*.

(c) *Review and Action by Community Development Director*

The Community Development Director shall review and take action on the Construction Plans within thirty (30) days of acceptance of a complete application.

(d) *Construction Plan Standards*

Construction Plans shall be in substantial conformance with the approved Subdivision Preliminary Plan, the standards in Article 7: *Subdivision Standards*, and City Construction Standards.

(e) *Effect of Approval*

Approval of Construction Plans allows a subdivider to proceed with preparation and submittal of the Final Subdivision Plat.

(f) *Amendment*

Construction Plans may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(4) Subdivider's Agreement

(a) After the approval of the Preliminary Plan, but prior to Construction Plan approval, the City shall enter into an agreement with the subdivider. This Subdivider Agreement shall include, but not be limited to, provisions for installing

the required construction and infrastructure improvements to completion; the developing of the subdivision in phases, if applicable; and, proportionate share costs of potable water facilities, wastewater facilities, transportation facilities, and stormwater management facilities which may be required to be installed at a larger size or capacity to serve the subdivision as well as a larger geographic area or population.

- (b) The Subdivider Agreement shall address, but is not limited to, the following:
 - (i) The infrastructure improvements to be done and the time specified for the installation of infrastructure improvements by the subdivider.
 - (ii) The variances, if any, approved by the City Commission to the subdivision regulations contained in Article 7.
 - (iii) The participation in the installation of infrastructure beyond the capacities needed by the subdivision, if any, by the City Commission and the time for completion of such work.
 - (iv) The agreement of the subdivider to post a surety device to cover at least 125% of the estimated cost of all required public infrastructure improvements in accordance with Section 7.4, *Improvement Guarantees for Public Improvements*.
 - (v) The agreement of the subdivider to post a surety device to cover at least 125% of the estimated cost of all private improvements in accordance with Section 7.4, *Improvement Guarantees for Private Improvements*.
 - (vi) The agreement of the subdivider to maintain and repair all improvements which these LDRs require the subdivider to install in the subdivision for a period of one year after the completion of the same, in accordance with Section 7.8, *Maintenance*.
 - (vii) Anything else the City deems necessary to ensure compliance with the Comprehensive Plan, LDRs, and other applicable rules and regulations.

(5) Final Plat for Subdivision

(a) *General*

Within 6 months of the approval of Construction Plans and simultaneously with the submittal of a Subdivider Agreement and the posting of a surety device for the public improvements in accordance with Section 7.4 *Improvement Guarantees for Public Improvements*, the subdivider shall prepare a Subdivision Final Plat for review in accordance with this section.

(b) *Initial Submission of Application and Staff Review*

The procedures and requirements for submission and review of an application for Final Plat for Subdivision are established in Section 2.2, *Common Development Review Procedures*.

(c) *Action by City Commission*

After public notification and the scheduling of the public hearing, the City Commission shall consider the application on its consent agenda and approve or disapprove the application based on the standards of Section 2.4.7(G)(5)(d) *Final Plat Standards*.

(d) *Final Plat Standards*

The Final Plat for Subdivision shall:

- (i) Comply with the standards contained in Article 7: *Subdivision Standards*,
- (ii) Be in substantial conformance with the Preliminary Plat, and the Construction Plans;
- (iii) Be consistent with all other relevant provisions of these LDRs;
- (iv) Be consistent with all other relevant City ordinances and regulations;
- (v) Address the provision of required public improvements in the following ways:
 - a. Submittal of a Subdivider Agreement in accordance with Section 2.4.7(G)(4), *Subdivider Agreement*.

- b. Provide the city with surety device in accordance with Section 7.4, *Improvement Guarantees for Public Improvements*.

(e) *Recording*

The subdivider shall file the approved Final Plat for Subdivision with the Pasco County Clerk of Courts for recording within forty-five (45) days after the date of approval of the Final Plat for Subdivision or the Final Plat for Subdivision shall be null and void.

(f) *Completion of Required Public Improvements Prior to Issuance of Certificate of Occupancy*

Public improvements shall be completed in accordance with the terms and conditions of the Subdivider Agreement, inspected, and approved in accordance with Section 2.4.7(G) 6, *Inspection of Public Improvements*, prior to the issuance of the first Certificate of Occupancy for development within the subdivision.

(g) *Effect of Final Plat*

The approval of a Final Plat for Subdivision shall not be deemed to constitute or affect the acceptance by the City of the dedication of any street, public utility line, or other public facility shown on the plat. Upon satisfactory completion of the one (1) year warranty period, streets, utility lines, and other public improvements shall be accepted by the City. However, the City may by resolution accept any dedication of lands or facilities for streets, parks, or public utility lines. Inspection of Public Improvements

(h) Following recording of the Final Subdivision Plat the subdivider may construct and install all required public improvements in accordance with the Construction Plans and the terms and conditions of the Subdivider Agreement. Following construction, the subdivider shall submit a request for inspection of public improvements to the Community Development Director.

(i) The Community Development Director shall have sixty (60) days after the request for inspection to cause the inspections to be performed and receive certification that the public improvements are constructed in accordance with the requirements of these LDRs or to provide the subdivider with a list specifying all defects, deficiencies, and required repairs. The surety device should be for 110% of the cost of the improvement.

(j) Contractor shall submit a certified cost of construction for any utilities subject to inspection. This certified cost of construction shall be the basis for the amount of the surety device for the warranty period.

(6) *Warranty Period Following Passing Inspection*

(a) Following approval of required public improvements in accordance with this section, a one year warranty period begins, during which time the developer shall provide routine maintenance of the improvements. Following the warranty period, the subdivider shall request a final inspection of the improvements by the Public Works Director, who shall have sixty (60) days to complete the final inspection. "As-built" drawings shall be submitted for all public infrastructure improvements prior to acceptance of full maintenance responsibility.

(b) When the public improvements pass final inspection, the City shall accept full maintenance responsibility for the improvements and shall release any remaining Improvement Guarantees. For the purposes of this section, passing of the final inspection shall be considered as acceptance of the public utilities.

(c) The installation of required public improvements shall in no case bind the city to accept any such improvements for public maintenance or operation thereof, until the Public Services Director has accepted the improvements in accordance with the standards in these LDRs.

2.4.8 Site and Construction Plans**(A) Purpose**

Site and Construction Plan review is required to ensure that the layout and general design of proposed development is compatible with surrounding uses, complies with: Article 6: *Development Standards*, Article 7: *Subdivision Standards*; and all other appropriate provisions of these LDRs and is consistent with the City's adopted comprehensive plan.

(B) Applicability

All development, unless exempted in accordance with Section 2.4. 8(C), *Exemptions*, shall be required to have Site and Construction Plan approved in accordance with this section prior to issuance of a Building Permit.

(C) Exemptions

The following development shall be exempted from the requirements of this section (but is not exempted from Section 2.4.12, *Certificate of LDR Compliance*, or the need to obtain a Building Permit):

(1) Single-Family Development

Single-family development on a single lot.

(2) Two-to Four-Family Development

Two- to four-family dwelling development on a single lot.

(3) Internal Construction

Internal construction that does not increase gross floor area, increase the intensity of use, or affect the requirements of these LDRs or is consistent with an approved site plan.

(4) Residential Subdivisions

Minor or single-family residential subdivisions and two-to-four family dwelling subdivisions.

(5) Additions to Existing Commercial Development

De minimus development on existing developed commercial or industrial sites where an accessory building is to be constructed for storage and the accessory building is not greater than 300 ft².

(D) Procedures**(1) Submission and Review of Application**

The procedures and requirements for submission and review of an application are established in Section 2.2, *Common Development Review Procedures*.

(2) Review and Action by the City

Upon determination of a complete application, the Community Development Director shall notify the applicant and schedule a meeting for review with the TAC. At the TAC meeting, the TAC consider the Site and Construction Plan and support materials. After consideration of the Site and Construction Plan and support materials, the Community Development Director shall either, provide a written report to the applicant detailing the issues to be addressed, or schedule a meeting before the DRC for final approval of the Site and Construction Plan.

(E) Site and Construction Plan Standards

Site and Construction Plans shall be approved only upon a finding the applicant demonstrates all of the following standards are met:

(1) Consistency with Comprehensive Plan

The development and uses in the Site Plan comply with the Goals, Objectives and Policies of the Comprehensive Plan.

(2) Use Allowed in Zone District

The use is allowed in the zone district in accordance with Article 4: *Use Regulations*.

(3) Zone District Use-Specific Standards

The development and uses in the Site Plan comply with Section 4.3, *Use-Specific Standards*.

(4) Development and Design Standards

The development proposed in the Site Plan and its general layout and design comply with all appropriate standards in Article 6: *Development Standards*.

(5) Subdivision Standards

In cases where a subdivision has been approved or is pending, the development proposed in the Site Plan and its general layout and design comply with all appropriate standards in Article 7: *Subdivision Standards*.

(6) Complies with All Other Relevant Laws and Ordinances

The proposed site plan development and use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.

(F) Conditions of Approval

In approving a Site and Construction Plan, the DRC may impose appropriate conditions on the permit approval in accordance with Section 2.2.14, *Conditions of Approval*.

(G) Expiration

(1) General

The DRC may prescribe a time limit within which development shall begin or be completed, or both. Failure to begin and/or complete such development within the time specified shall void the Site Plan. Unless specified by the DRC a Site and Construction Plan approval shall automatically expire at the end of twelve (12) months after the date of its issuance if a Building Permit for at least one (1) building in the development proposed in the Site Plan is not approved. A change in ownership of the land does not affect this time frame.

(2) Extension

Upon written application submitted at least thirty (30) days prior to the expiration of the permit period by the applicant and upon a showing of good cause, the DRC may grant one (1) extension not to exceed six (6) months. The approval shall be deemed extended until the DRC has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the Site and Construction Plan void.

(H) Amendments

A Site and Construction Plan may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(I) Appeal of DRC Decision on Site Plan

Any person aggrieved or affected by a decision of the DRC may appeal such decision to the City Commission in accordance with Section 2.4.21, *Appeal of Decisions of the Development Review Committee*.

2.4.9 Sign Permit

(A) Purpose and Applicability

Signs regulated by this Section, but not covered by the provisions of general sign permits, shall be erected, installed, or created only in accordance with a duly issued and valid sign permit from the Building Official. Such a permit shall be issued only in accordance with the following requirements and procedures:

(B) Sign Permit Procedure

An application for construction, creation, or installation of a new sign or for a modification of an existing sign shall be accompanied by detailed drawing to show the dimensions, design, structure, and location of each particular sign. One application and permit may include multiple signs on the same development site.

- (1) All applications for sign permits of any kind shall be submitted to the Building Official on an application form provided by the Building Official or in accordance with application specifications published by the Building Official.
- (2) Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Commission from time-to-time by resolution.
- (3) Within five (5) business days of receiving an application from the Building Department for a sign permit, the Community Development Director shall review it for completeness. If the Community Development Director finds that it is complete, the application shall then be processed. If the Community Development Director finds that it is incomplete, the Community Development Director shall within such five (5) day period, return the application to the Building Department with a notice of the specific ways in which the application is deficient, with appropriate references to the application subsections of this section or to the application form or application specifications provided by the Building Official.
- (4) Within fourteen (14) days of the acceptance of a complete application for a sign permit, the Building Official shall either:
 - (a) Issue the sign permit, if the sign(s) that is or are the subject of the application conform in every respect to this section and other provisions of the LDRs and the Florida Building Code; or,
 - (b) Deny the sign permit if the sign(s) that is or are the subject of the application fail(s) in any way to conform to this section or other applicable provisions of the LDRs or the Florida Building Code. In case of a denial, the Community Development Director or Building Official shall specify in the notice of rejection the paragraph(s) of this section or other applicable portions of the LDRs or Florida Building Code with which the sign(s) are not consistent.

2.4.10 Temporary Use Permit

(A) Applicability

The provisions of this section shall apply to all proposed temporary uses as set forth in Section 4.5.4, *Temporary Uses and Structures*.

(B) Procedure

Submission and Review of Application

The applicant/operator shall submit an application as set forth by the City prior to review or issuing of a permit by the Building Official.

(C) Temporary Use Standards

A Temporary Use Permit shall be approved upon a finding that the temporary use, as proposed, complies with the relevant standards in Section 4.5.5, *General Standards for all Temporary Uses and Structures*.

(D) Conditions of Approval

In approving a Temporary Use Permit, the Building Official may impose appropriate conditions on the permit approval in accordance with Section 2.2.14 *Conditions of Approval*.

(E) Expiration

A Temporary Use Permit shall be effective beginning on the date specified in the permit approval, and shall remain effective for the period indicated on the permit.

(F) Amendment

A Temporary Use Permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

(G) Appeal of Decision of the Building Official or the City Manager

Any person aggrieved or affected by a decision of the Building Official or City Manager as relating to issuance of a Temporary Use Permit may appeal such decision to the Development Review Committee in accordance with Section 2.4.18, *Appeal of the City Manager or Building Official*.

2.4.11 Certificate of Concurrency Compliance

(A) Purpose

The purpose of this section is to provide a mechanism for reviewing applications for development approval to ensure that no development order is issued unless there is adequate public facility capacity for roads, sanitary sewer, solid waste, stormwater management, potable water, or recreation facilities. This purpose is accomplished by establishing:

- (1) A regulatory program that ensures the adopted level of service (LOS) standard for each public facility is available to serve development concurrent with the impacts of development; and
- (2) A management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development.

(B) Applicability

Unless exempted by Section 2.4.11 (C), *Exemptions*, the provisions of this section shall apply to all development orders specified in Section 2.4.11 (D), *Overview of Certificates*. A separate Certificate of Concurrency Compliance shall not be required for each permit approval associated with an individual development order.

(C) Exemptions

The following forms of development shall be exempt from the requirements of this section:

- (1) Projects determined to be vested from the concurrency requirements in these LDRs;
- (2) A facility that is not subject to the concurrency requirements of the LDRs as a result of state or federal law;
- (3) Development with a de minimus, or no impact on public facility levels of service as determined by the Community Development Director;
- (4) Building Permits for individual single-family dwellings (including mobile homes) and accessory uses on existing lots of record, as of the effective date of the LDRs;
- (5) Building Permits required to bring existing structures into compliance with the LDRs;
- (6) Sign Permits;
- (7) Temporary Use Permits;
- (8) Special Event Permits;
- (9) Tree Removal Permits;
- (10) Construction of public facilities identified in the Capital Improvement Element (CIE) of the Comprehensive Plan; and
- (11) Public facilities budgeted, but not identified in the CIE of the Comprehensive Plan.

(D) Overview of Certificates

Certificates of Level of Service Standard shall be issued by the Community Development Department concurrent with the issuance of a preliminary development order, and Certificates of Concurrency Compliance shall be issued by the Community Development Department concurrent with decisions for final development orders. Preliminary and final development orders shall include the following:

- (1) Preliminary Development Orders
 - (a) Site-Specific Amendments to the Official Zoning Map;
 - (b) Planned Development Master Plans;
 - (c) Conditional Use Permits;
 - (d) Preliminary Site and Construction Plans;
 - (e) Variance Permits;
 - (f) Administrative Adjustments;
 - (g) Major Subdivision Preliminary Plat and
 - (h) Special Permits
- (2) Final Development Orders
 - (a) Site and Construction Plans;
 - (b) Minor Subdivision Plats;
 - (c) Final Plats for Subdivision, and

(d) Final PD Plans

(E) Level of Service (LOS) Standards

The level of service (LOS) standards adopted for roads, sanitary sewer, solid waste, stormwater management, potable water, and recreation facilities are those adopted in the Comprehensive Plan, which is incorporated herein by reference.

(F) Non-Binding Determination of Available Capacity

If an applicant desires to determine whether there is sufficient capacity to accommodate their proposed development prior to submittal of an application for a preliminary development order, the applicant shall submit an application for non-binding determination of available capacity. Then, within 30 days from submittal of a complete application, the Community Development Department shall make an informal non-binding determination of whether there appears to be sufficient capacity in the public facilities and services to satisfy the demands of the proposed development. If there appears to be insufficient capacity, the Community Development Department shall then make a non-binding determination of what public facilities or services would be deficient if the proposed development were approved.

(G) Requirements for Certificate of Concurrency Compliance

Except for development that is vested from concurrency requirements, no final development order shall be approved unless it is determined the necessary public facilities will be available concurrent with the impacts of the proposed development. The burden of meeting this requirement will be on the applicant requesting a Certificate of Concurrency Compliance. The criteria for determining whether the public facilities affected by the development will be available concurrent with the impacts of proposed development shall be based on the following standards:

(1) Sanitary Sewer, Solid Waste, Stormwater Management Facilities, and Potable Water

- (a) A development order is issued subject to the condition that, at the time of the issuance of a Certificate of Occupancy, the necessary facilities and services are in place and available to serve the new development; or
- (b) At the time the development order is issued, the necessary facilities and services are guaranteed to be in place and available to serve new development at the time of the issuance of a Certificate of Occupancy in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

(2) Parks

- (a) At the time the development order is issued, the necessary facilities and services are in place or under actual construction; or
- (b) A development order is issued subject to the condition that, at the time of the issuance of a Certificate of Occupancy, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the City, or funds in the amount of the developer's fair share are committed; or
- (c) A development order is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one (1) year after issuance of a Certificate of Occupancy as provided in the adopted five-year schedule of capital improvements; or
- (d) *At the time the development order is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one (1) year after issuance of a Certificate of Occupancy; or*
- (e) At the time the development order or permit is issued, the necessary facilities and services are guaranteed to be in place or under actual construction not more than one (1) year after issuance of a Certificate of Occupancy in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an

agreement or development order issued pursuant to Chapter 380, Florida Statutes.

(3) Roads

- (a) At the time a development order is issued, the necessary facilities and services are in place or under construction; or
- (b) A development order is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction as provided in the adopted five-year schedule of capital improvements not more than three (3) years after issuance of a Certificate of Occupancy. The schedule of capital improvements may recognize and include transportation projects included in the first three (3) years of the applicable, adopted Florida Department of Transportation five-year work program.

(H) Information and General Methodology to be Used for Concurrency Determination

(1) Basis for Concurrency Determination

The information and methodology to be used by the Community Development Director as the basis for concurrency determinations shall include:

- (a) The maximum service volume of each public facility affected by the proposed development based on the adopted level of service standards;
- (b) The existing demand on each public facility affected by the proposed development;
- (c) Any reservation of capacity on each affected public facility for approved development; and
- (d) Proposed development impacts (the projected or estimated portion of the capacity of the affected public facility to be used by the proposed development).

(2) Affected Roadway Segments

For the purposes of making concurrency determinations, affected roadway facilities shall be determined as follows:

(a) Developments Generating 1,000 or Fewer Trips

For proposed developments generating less than or equal to 1,000 external average daily trips (ADT), affected roadway segments are all those wholly or partially located within ½ mile of the development's ingress/egress, or to the nearest intersecting major street, whichever is greater.

(b) Developments Generating More than 1,000 Trips

- (i) For proposed developments generating greater than 1,000 external average daily trips (ADT), affected roadway segments are those on which the development's impacts are 5% or greater of the maximum service volume of the roadway, plus one segment beyond the 5% impact; and
- (ii) The study area for proposed developments generating greater than 1,000 external average daily trips (ADT), shall include all roadway segments located partially or wholly within ½ mile of the development's ingress/egress, or to the nearest major intersection, whichever is greater.

(3) Availability of Public Facility Capacity

The necessary public facilities will be deemed available concurrent with the impacts of the proposed development if the sum of proposed development impacts when added to the existing demand and the capacity reservations are less than the maximum service volume on the affected facilities.

(I) Procedure

(1) Issuance of a Certificate of Level of Service Standard

(a) Timing

Unless vested from concurrency requirements, or exempt in accordance with Section 2.4.11(C) Exemptions, an applicant shall apply for a Certificate of Level of Service Standard no later than the time of application for development permit associated with a Site and Construction Plan review.

- (b) Contents
The application shall contain the appropriate traffic documentation required or the documentation supporting any assertion of de minimus impact.
 - (c) Review
The Community Development Director shall review the application in accordance with the procedures in Section 2.2, *Common Development Review Procedures*, for each public facility affected by the proposed development, and shall provide an assessment of whether the concurrency requirements of this section are met for each public facility as part of the Staff Report.
 - (d) Issuance
The Community Development Director shall issue a Certificate of Level of Service Standard within five (5) business days of the appropriate decision-making body's action on the preliminary development order. The Certificate of Level of Service Standard shall indicate the following:
 - (i) If the proposed development's impacts are considered de minimus impacts;
 - (ii) If the requirements for concurrency will be met, subject to any limitations indicated by the public facility provider, based on the preliminary development order;
 - (iii) If the development does not have de minimum impacts, and the concurrency requirements are not met, what deficiencies will have to be addressed in the final development order for a Certificate of Concurrency Compliance to be issued; and
 - (iv) Any additional information to be submitted with the final development order application.
 - (e) Amendment
In the event an applicant seeks to increase the density or intensity of a development subject to a Certificate of Level of Service Standard, the applicant shall submit the proposed increases in densities or intensities and all other relevant information to the Community Development Director for an amended Certificate of Level of Service Standard to be issued. The amended Certificate of Level of Service Standard approval must be obtained by the applicant prior to application for final development order approval by the appropriate decision-making body.
 - (2) Issuance of a Certificate of Concurrency Compliance**
The Certificate of Level of Service Standard may be submitted with an application for a final development order as the basis for a Certificate of Concurrency Compliance, which shall be issued by the Community Development Director following approval of the final development order by the appropriate decision-making body, provided all of the following conditions are met:
 - (a) The final development order is submitted and determined to be complete by the Community Development Director prior to the expiration date of a valid Certificate of Level of Service Standard;
 - (b) Any conditions identified in the Certificate of Level of Service Standard are adequately addressed and are contained in the final development order application; and
 - (c) The intensities and densities requested for the final development order approval do not exceed those approved for the preliminary development order, unless the applicant has applied for and been issued an amended Certificate of Level of Service Standard addressing the impacts of the increased densities or intensities requested and finding that adequate capacity will be available for each affected public facility.
- (J) Period of Validity**
- (1) Certificate of Level of Service Standard**

- (a) For all land development projects other than a phased subdivision or planned development a Certificate of Level of Service Standard is valid for 180 days from the date of assessment by the Community Development Director.
 - (b) For projects associated with a phased subdivision or planned development (PD), the Certificate of Level of Service Standard may be issued for time periods established by the phasing schedule of the subdivision or PD Master Plan, provided that the applicant demonstrates that LOS standards can be met for the time frames established. In no instance may the Certificate of Level of Service Standard for a PD or subdivision be valid for greater than a ten-year time frame or a period established in a concurrency study provided and included as a term in a PD Agreement.
 - (c) If there are changes to a proposed development's timing, the proposed density or intensity increases, or if the Certificate of Level of Service Standard expires, then an amended Certificate of Level of Service Standard must be obtained through the appropriate process. An amended Certificate of Level of Service Standard is valid for 180 days from the date of reassessment by the Community Development Director.
- (2) Certificate of Concurrency Compliance**
- (a) Period of Validity
The Certificate of Concurrency Compliance shall be valid for a period of one (1) year from date of issuance by the Community Development Director, unless otherwise specified in the final development order, after which time it shall be void unless substantial construction has commenced prior to expiration of the one (1) year period, or other period specified in the final development order, or an extension of no more than one (1) year has been granted by the Community Development Director for good cause shown.
 - (b) Extensions
Extensions shall only be issued if no imminent or existing public facility deficiencies exist at the time of the application for extension. Denial of an extension by the Community Development Director may be appealed to in accordance with this Section 2.4.16, *Appeal of Interpretations or Decisions by Community Development Director*.
 - (c) Capacity Reservation
 - (i) Provided that substantial construction has commenced within the allowable period, the development shall have reserved capacity for a period of no more than two (2) years from commencement of construction.
 - (ii) After expiration of the two-year period, or any period otherwise specified in the Certificate of Concurrency Compliance, the public facility capacity required to accommodate the impacts of the unconstructed portions of the development may be made available to other proposed developments applying for a Certificate of Concurrency Compliance.
 - (iii) Allocation of this unused capacity shall be based on a management plan approved by the City Commission to address any deficiencies or imminent deficiencies identified in the annual concurrency status report prepared pursuant to Section 2.4.11(M), *Monitoring and Management*.
- (K) Denial of Certificate of Concurrency Compliance**
- (1) Denial Notice**
If it is determined that the requirements for concurrency cannot be met for any public facility impacted by a proposed development, a certificate of concurrency denial notice identifying the facilities that were determined not to be concurrent, the level of service deficiency, and the impact assessment that was the basis for that determination will be issued by the Community Development Director.
 - (2) Request for Reconsideration**

Upon receipt of a denial notice, the applicant may submit a request for reconsideration by the Community Development Director within 30 days. Such request shall be accompanied by a proposed alternative impact assessment demonstrating that impacts will not violate concurrency requirements, or proposed options to remedy the deficiency or deficiencies. Such options may include:

- (a) Modification of the density, intensity, or timing of the proposed development with identification of how the modifications will remedy the deficiency that was the basis for the denial;
- (b) Measures to mitigate the deficiency, including an action plan to reduce the impacts of the proposed development on the affected public facilities that were determined not to be concurrent, such as demand management measures to be incorporated as conditions of a final development order; or
- (c) Proposed improvements to the affected public facility that will be sufficient to offset the impacts of the proposed development resulting in the failure to meet concurrency. Such improvements may be included by the applicant as part of a development agreement or proposed as an amendment to the comprehensive plan in the form of projects to be included in the capital improvement program of the comprehensive plan or amendments to adopted level of service standards.

(3) Response to Request for Reconsideration

The request for reconsideration shall be reviewed and approved, approved with conditions, or denied by the Community Development Director within 45 days of the receipt of the request for reconsideration, based on the standards of this section. If the proposal requires approval by a decision-making body in the City, the applicant shall be informed of the process to be followed to apply for such approval.

(L) Appeal of Decision of Community Development Director, City Manager or City Building Official

Any person aggrieved or affected by a decision of the Community Development Director, City Manager or City Building Official may appeal such decision in accordance with Section 2.4.18, *Appeal of Interpretations or Decisions by Community Development Director, City Manager, or City Building Official*.

(M) Monitoring and Management

In order to ensure that adequate capacity for roads, sanitary sewer, solid waste, stormwater management, potable water, and recreation facilities is available concurrent with the impacts of development occurring on those public facilities, a monitoring and management program shall be implemented to evaluate the conditions of those public facilities subject to concurrency on an ongoing basis. This management program shall consist of the following components:

(1) Development Monitoring Report

Monthly permit activity and available public infrastructure capacity needed to support development shall be monitored in a quarterly Development Monitoring Report. The report shall assess the impacts of development on the City's adopted LOS standards, including development that has been issued a Certificate of Level of Service Standard or a Certificate of Concurrency Compliance. Required public facility improvements identified in this report shall be included for consideration as capital improvement projects to be programmed in the City's capital improvements program, and shall be identified in the Annual Concurrency Status Report.

(2) Capital Improvements Program

The capital improvements program (CIP) shall be updated annually, and the most current adopted CIP shall be used by the Community Development Director in making concurrency determinations. The CIP is used to identify capital improvements that will contribute to the maintenance of the level of service standard adopted for that facility in the capital improvements element. The City shall identify any capital improvements that would be required to remedy level of service deficiencies that have resulted in any Certificate of Concurrency Compliance denials.

(3) Annual Concurrency Status Report (ACSR)

By May 1 of each year, the Community Development Director shall provide an annual concurrency status report (ACSR) to the City Commission that includes:

- (a) The available capacity of all public facilities subject to concurrency requirements based on their levels of service and the most recent Development Monitoring Report;
- (b) A forecast of the capacity of existing and planned public facilities identified in the five-year capital improvements schedule;
- (c) Any deficiencies or projected deficiencies and remedial action for consideration by the City Commission, including, but not limited to:
 - (i) Critical facilities for which deficiencies are imminent, and identification of areas within which development may be affected by denial of Certificates of Concurrency Compliance;
 - (ii) Public facility project additions to the CIE/CIP;
 - (iii) Deferral of final development orders in affected areas pending:
 - a. Lowering LOS via a comprehensive plan amendment;
 - b. Inclusion of necessary public facility projects in the adopted annual budget and annual CIE/CIP update;
 - c. Approval of new or increased revenue sources for needed public facility projects by the City Commission, the state legislature, or city voters;
 - (iv) A management plan including guidelines for allocation of scarce public facility capacity among applicants for development approval and previously approved developments which are not vested for concurrency; and
- (d) Information on Certificate of Concurrency Compliance denials and proposals to address denials.

2.4.12 Certificate of LDR Compliance

(A) Purpose

A Certificate of LDR Compliance shall be required in accordance with the provisions of this section in order to ensure that proposed development or use complies with the standards of these LDRs, and to otherwise protect the public health, safety, and welfare of the citizens of the City.

(B) Applicability

The requirements of this section shall apply to any development that requires a Building Permit and any change of use.

(C) Certificate of LDR Compliance Requirement

No Building Permit shall be issued or change-of-use occur without approval of a Certificate of LDR Compliance by the Community Development Director in accordance with this section.

(D) Procedure

(1) Submission and Review of Application

The procedures and requirements for submission and review of an application are established in Section 2.2 *Common Development Review Procedures*.

(2) Action by Community Development Director

The Community Development Director shall review the application in accordance with the procedures and requirements of *Review by Community Development Director, 2.2.13*.

(E) Certificate of LDR Compliance Standards

A Certificate of LDR Compliance shall be approved upon a finding the application complies with all relevant standards of these LDRs.

(F) Temporary Certificate of LDR Compliance

A temporary Certificate of LDR Compliance may be issued by the Community Development Director for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary

certificate may include such conditions and safeguards as are necessary in the circumstances to protect the safety of occupants and the general public.

(G) Expiration

If a Building Permit is not issued within six (6) months of the date of issuance of the Certificate of LDR Compliance, a Certificate of Occupancy shall not be issued, and the Certificate of LDR Compliance shall expire and be void.

(H) Effect

(1) Failure to obtain a Certificate of LDR Compliance prior to development activity shall be a violation of these LDRs, subject to the penalties and remedies in Article 8: Enforcement and Remedies.

(2) Use, arrangement or construction different from that authorized by a Certificate of LDR Compliance shall be a violation of these LDRs subject to penalties and remedies.

(I) Amendment

A Certificate of LDR Compliance may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

(J) Appeal of Decision of Community Development Director

Any person aggrieved or affected by a decision of the Community Development Director may appeal such decision to the DRC in accordance with Section 2.4.11, *Appeal of Interpretations or Decisions by Community Development Director*.

2.4.13 Special Permits

RESERVED

2.4.14 Tree Removal Permits

(A) Purpose

This section provides a mechanism for the removal of trees within the City.

(B) Applicability

The requirements of this section shall apply to the application for the removal of trees within the City, in accordance with the standards in Section 6.2, *Tree Protection and Landscape Standards*.

(C) Exemptions

Exemptions to the requirements of this section are found in Section 6.2.1(D), *Exemptions*.

(D) Procedure

(1) Application

Any person wishing to obtain a tree removal permit shall make application to the City Building Official on forms provided by the City. No permits shall be issued for the removal of champion or heritage trees, unless the conditions for approval are met under subsections 2.4.14(E) below.

(2) Review of Application by Building Official

The Building Official, utilizing such technical assistance as may be required, shall review all applications for tree removal and determine from among other considerations what effect the removal will have upon the drainage, topography, natural resources, ecology of the area, public safety and welfare, aesthetic value, and the reasonable use of the site for development and shall consider these factors in granting or denying said permit application.

(3) Determination by Building Official

Within seven (7) days of the filing of an application for a tree removal permit (except for site plan and major preliminary plat applications), the Community Development Director shall attempt to verify the information contained in the application and shall either approve or deny the application as to each regulated tree proposed to be removed or relocated.

(E) Tree Removal Standards

The City may grant the tree removal permit if it finds one or more of the following conditions are met:

(1) Immediate Safety Hazard

The tree is an immediate safety hazard, either to persons who reasonably may be physically harmed by the tree or to domestic animals, buildings, or other construction, or motor, bicycle, or pedestrian traffic;

(2) Infestation of Harmful Insects or Fungi

The tree is infected with an infestation of harmful insects or fungi that are not generally present on other trees of the species and may reasonably be expected to spread to other trees not so infected;

(3) No Other Reasonable or Economic Alternatives to Use

The tree, by its location, prevents reasonable use or development of the site, and that no other reasonable or economical alternatives to such use or development are possible; or,

(4) Progressive Damage to Building or Structures

The tree, by the normal growth of its branches or roots, is causing progressive damage to buildings, structures, or other more desirable trees and that no reasonable correction or prevention is available other than the tree's removal.

(F) Appeal of Decision of Building Official

Any person aggrieved or affected by a decision of the Building Official regarding Tree Removal Permits may appeal such decision to the DRC in accordance with Section _____, *Appeal of Interpretations*.

2.4.15 Interpretation by Community Development Director

(A) Authority

Interpretations of all provisions of these LDRs shall be made by the Community Development Director, including: interpretations of the text of these LDRs; interpretations of the zone district boundaries; and interpretations of whether an unspecified use falls within a use classification, use category or use type allowed in a zone district.

(B) Initiation

A written interpretation may be requested by the City Commission, the PB, the DRC, any resident or landowner, or any person having a contractual interest in land in the City.

(C) Procedure

(1) Submission of Request for Interpretation

Before a written interpretation shall be provided by the Community Development Director, a Request for Interpretation shall be submitted to the Community Development Director in writing on a form established by the Administrator and made available to the public, along with a non-refundable fee.

(2) Determination of Completeness

Within five (5) business days after a Request for Interpretation has been submitted, the Community Development Director shall determine whether it is complete.

(a) If the Community Development Director determines the request is not complete, a notice shall be provided to the applicant specifying the deficiencies. The Community Development Director shall take no further action on the Request for Interpretation until the deficiencies are remedied.

(b) When the Request for Interpretation is determined complete, the Community Development Director shall review the request and render an interpretation in accordance with the procedures and standards of this section.

(3) Rendering of Interpretation

After the Request for Interpretation has been determined sufficient, the Community Development Director shall review and evaluate the request in light of the Comprehensive Plan, these LDRs, the Official Zoning Map, and other relevant codes and statutes, consult with the City Attorney and other affected City staff, and then render an interpretation.

(4) Form

The interpretation shall be in writing, approved as to form by the City Attorney, and sent to the applicant by mail after the interpretation is made by the Community Development Director.

(D) Official Record

The Community Development Director shall maintain a record of written interpretations that shall be available for public inspection, upon reasonable request, during normal business hours.

2.4.16 Appeal of Interpretation or Decision by Community Development Director

(A) Right of Appeal

Any person aggrieved or affected by a decision or interpretation of the Community Development Director (except those related to Construction Plans may appeal such decision or interpretation to the DRC.

(B) Appeal Procedure

(1) Initiation

(a) An appeal taken in accordance with this section may be initiated by filing a written Notice of Appeal within thirty (30) days of the date of the written interpretation or decision with the Community Development Director.

(b) The Notice of Appeal shall be filed, in writing, in the office of the Community Development Director during normal business days between the hours of 8:00

AM and 4:30 PM. If the Notice of Appeal is filed after 4:30 PM, it shall be considered filed on the subsequent day.

(2) Contents of Appeal

The written Notice of Appeal shall specify the grounds for the appeal, a statement of the decision or interpretation being challenged by the appellant, the date of that decision or interpretation, and all support materials related to the decision.

(3) Record

After filing of the Notice of Appeal, the Community Development Director shall ensure public notification is accomplished, schedule the appeal for consideration by the DRC, and transmit all the papers, documents, and other materials relating to the decision or interpretation appealed to the DRC. These materials shall constitute the record of the appeal.

(4) Scheduling of Notice and Hearing

The DRC shall hear the appeal within a reasonable time after its filing, after public notification.

(5) Hearing and Decision by DRC

At the hearing, the person making the appeal may appear in person or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The Community Development Director shall be given an opportunity to respond, as well as any other City staff or other person the DRC deems necessary. After the conclusion of the hearing, the DRC shall affirm, partly affirm, modify, or reverse the decision or interpretation, based on the record, and the requirements and standards of these LDRs.

(C) Effect of Appeal

A pending appeal stays all proceedings in furtherance of the action appealed from, unless the Community Development Director certifies to the DRC after the Notice of Appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed.

2.4.17 Appeal of Decision of PB or City Commission

(A) General

Any person aggrieved or affected by a decision of the PB, , may appeal such decision to the Circuit Court. The Planning and Zoning Board is the final decision-making body for Conditional Use applications. The City Commission is the final decision-making body with regard to all other zoning matters other than administrative determinations. Any aggrieved party may appeal a final determination of the PB to the Sixth Judicial Circuit Court of Pasco County in accordance with the applicable Florida Statutes and Florida Rules of Procedure. An appeal shall be filed within thirty (30) days of the decision to be appealed and shall not be a hearing de novo, but shall be limited to certiorari review of the record created before the Planning Board and/or the City Commission in accordance with applicable Florida law. For the purposes of this appeal, the "record" shall include but not be limited to the transcript of the public hearing along with an additional evidence presented and accepted at the public hearing, any applicable City staff reports, and any written orders or decisions of either the Planning Board and/or the City Commission.

(B) Effect of PB Decision Upon Filing of Appeal

The effect of the PB decision upon the filing of an appeal shall be that the decision of the PB becomes an advisory recommendation to the City Commission and does not have the effect of a final decision. If the decision of the PB is appealed, no further approvals for development shall be issued by the City until the completion of the appeal process.

(C) Contents of Notice of Appeal

The written Notice of Appeal shall specify the grounds for the appeal, a statement of the improper decision, the date of that decision, and all support materials related to the decision and shall be submitted on forms provided by the City. Although not required, the

Notice of Appeal may include the appellant's concerns with the decision of the PB for informational purposes only.

(D) Record

After filing of the Notice of Appeal, the Community Development Director shall schedule the appeal for consideration by the City Commission, and transmit the Notice of Appeal and the PB recommendation to the City Commission. This information shall constitute the record of the appeal. Information submitted to the City Commission, such as the application, verification of public notice, and staff's report is not considered as a transmittal of the record of the PB public hearing.

(E) Scheduling of Notice and Hearing

The City Commission shall hear the appeal within 45 days after receipt of a duly filed Notice of Appeal and all processes thereof.

(F) Hearing and Decision by City Commission

The appeal hearing shall be conducted as a de novo quasi-judicial public hearing, in accordance with Section 2.3.1, *Quasi-Judicial Public Hearings*. At the hearing, the participants shall be required to make a full and complete presentation. At the conclusion of the hearing, the City Commission shall approve, approve with conditions, based on the competent and substantial evidence and testimony given at the meeting and the relevant standards found in these LDRs.

2.4.18 Appeal Decision of Building Official or City Manager

(A) General

Any person aggrieved or affected by a decision of the City Manager or the Building Official, or any agent of the City may appeal such decision to the City Commission by filing a Notice of Appeal with the Community Development Director within thirty (30) days of the decision.

(B) Contents of Notice of Appeal

The written Notice of Appeal shall specify the grounds for the appeal, a statement of the improper decision, the date of that decision, and all support materials related to the decision and shall be submitted on forms provided by the City. Although not required, the Notice of Appeal may include the appellant's concerns with the decision of the PB for informational purposes only.

(C) Record

After filing of the Notice of Appeal, the Community Development Director shall schedule the appeal for consideration by the City Commission. This information shall constitute the record of the appeal.

(D) Scheduling of Notice and Hearing

The City Commission shall hear the appeal within 45 days after receipt of a duly filed Notice of Appeal and all processes thereof.

(E) Hearing and Decision by City Commission

The appeal hearing shall be conducted as a de novo quasi-judicial public hearing, in accordance with Section 2.3.1, *Quasi-Judicial Public Hearings*. At the hearing, the participants shall be required to make a full and complete presentation. At the conclusion of the hearing, the City Commission shall approve, approve with conditions, or deny the site plan, based on the competent and substantial evidence and testimony given at the meeting and the relevant standards found in these LDRs.

SECTION 2.5 DEVELOPMENT AGREEMENTS

2.5.1 Findings

(A) Long-Range Planning of Infrastructure Implements Comprehensive Plan.

The comprehensive, long-range planning of the City's facilities and infrastructure serves to implement the City's Comprehensive Plan and insure the presence of infrastructure necessary for coordinated growth.

(B) Ability to Provide Proposed Developments Greater Certainty in Application of Land Use Policy and City Laws Attracts Greater Capital and More Desirable Projects.

The ability to provide proposed developments with greater certainty in the application of land use policy and the application of the City's laws and codes will attract greater capital to the City and more desirable projects for the City; will result in a more efficient use of economic and land resources; will encourage sound capital improvement planning and financing; will lower the cost of development; and will encourage commitment to comprehensive planning.

(C) Implementation of Development Agreement Act Supplements City's Home Rule Authority.

Implementation of the provisions of the "Florida Local Government Development Agreement Act," Sections 163.3220 through 163.3241, Florida Statutes ("Act"), as amended, will provide a formal method that supplements the City's home rule authority and will provide additional means by which the foregoing goals can be attained with even greater certainty.

(D) City Commission Is Empowered to Adopt Procedures that Govern Development Agreements.

The City Commission, as the applicable local government, is empowered by the Act to adopt procedures to govern the adoption of the Development Agreements.

2.5.2 Intent

It is the intent of this section to set forth the procedures and requirements necessary for the City Commission to consider and enter into Development Agreements, at their sole discretion, in accordance with the provisions of this section and applicable Florida law. It is the further intent of this section to encourage a strong commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development concurrent with the impacts of development, encourage the efficient use of resources, and reduce the economic cost of development.

2.5.3 Procedure for Review of Development Agreement

(A) Submission of Application

An application for a Development Agreement and a proposed Development Agreement shall be submitted to the Community Development Director only by a qualified applicant, in conjunction with or separate from any other application for development permit, on a form provided by the Community Development Director and made available to the public. The application shall be accompanied by the applicable materials specified in the Administrative Manual and an application fee.

(B) Review and Recommendations of City Departments

Within 30 working days of the date the Community Development Director determines the application is complete, a Staff Report shall be prepared in accordance with Section 2.2.7, *Preparation of Staff Report*.

(C) Review and Recommendation by PB

After preparation of a Staff Report, public notification, and the scheduling of the public hearing, the application for a Development Agreement shall be referred to the PB by the Community Development Director. The PB shall conduct a public hearing on the application in accordance with Section 2.2.8(c), *Standard Public Hearings*. At the public

hearing, the PB shall consider the application, the relevant support materials, the Staff Report, the testimony and evidence given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to enter into or not to enter into the proposed Development Agreement based on the standards in this section.

(D) Review and Action by City Commission

(1) Two Public Hearings

After receipt of the report from the PB, the application and proposed Development Agreement shall be considered at two (2) public hearings by the City Commission. The day, date, time, and place of the second public hearing shall be announced at the first public hearing. The hearings shall be noticed consistent with the requirements of Section 163.3225, Florida Statutes.

(2) Action

At the conclusion of the second public hearing, and based upon consideration of the application and the proposed Development Agreement, the Staff Report, the report of the PB, and public testimony and evidence received during the public hearing, the City Commission, in their sole discretion, shall decide to either enter into or not enter into the Development Agreement, based upon the standards in this section.

2.5.4 Contents of Development Agreement

A Development Agreement shall, at minimum, include the following provisions:

(A) Legal Description and Owner

A legal description of the land subject to the Development Agreement and the names of the legal and equitable owners.

(B) Duration

The duration of the Development Agreement, which shall not exceed ten (10) years, or such time as the Act may provide.

(C) Uses, Densities, Intensities, and Height

The development uses permitted on the land including population densities, building intensities, and height.

(D) Future Land Use Map (FLUM) Designation

The land use designation of the land subject to the Development Agreement under the Future Land Use Element of the Pasco Comprehensive Plan and FLUM.

(E) Zoning

The current zoning of the land subject to the Development Agreement.

(F) Conceptual Site Plan

A conceptual site plan indicating phases, if the development is subject to phasing.

(G) Public Facility Adequacy

A description of public facilities that will service the development, including who shall provide such facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impact of the development. Any public facilities to be designed and/or constructed by the developer shall be in compliance with all applicable Federal, state, and city standards to ensure the quality of the public facilities. The standards shall include, but not be limited to, guarantees of performance and quality, and project controls (including scheduling, quality controls, and quality assurances).

(H) Reservation or Dedication of Land

A description of any reservations or dedications of land for public purposes.

(I) Local Development Permits

A description of all local development permits approved or needed to be approved for the development of the land, including but not limited to the following:

(1) Any required Comprehensive Plan amendments.

(2) Any required amendments to the Official Zoning Map (rezoning)

- (3) Any required submission to the Tampa Bay Regional Planning Council (TBRC) or to the FDOE.
 - (4) Any required permits from the FDEP, the U.S. ACOE, the SRWMD, the USEPA and other governmental permissions that are required.
 - (5) Any Subdivision approvals
 - (6) Site Plan approval and agreement that in the event that a site plan is required by these LDRs, all the requirements of the site plan process shall be met prior to development.
- (J) Consistent with Comprehensive Plan and LDRs**
Demonstration that the development permitted or proposed is consistent with the Comprehensive Plan and these LDRs.
- (K) Local Development Permits Obtained by Applicant/Property Owner**
A statement that all local development permits identified in subsection (I) above, local development permits, shall be obtained at the sole cost of the applicant/land owner and, that in the event any such local development permits are not received, no further development of the land shall be allowed until such time as the City Commission has reviewed the matter and determined whether or not to terminate the Development Agreement, or to modify it in a manner consistent with the public interest and the Comprehensive Plan.
- (L) Compliance with Laws Not Identified in Development Agreement**
A statement indicating that failure of the Development Agreement to address a particular permit, condition, term, or restriction shall not relieve the applicant/land owner of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions, and that any matter or thing required to be done under existing ordinances of the City shall not be otherwise amended, modified or waived unless such modification, amendment or waiver is expressly provided for in the Development Agreement with specific reference to the LDRs so waived, modified or amended.
- (M) Compliance with Subsequently Adopted Laws and Policies**
A statement recognizing and anticipating the conditions and changes in laws to which the parties contemplate development in the Development Agreement will be subject.
- (N) Conditions Necessary to Protect Health, Safety, Welfare**
A statement of such conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.

2.5.5 Standards for Review

Development Agreements shall be approved only if all required provisions are included and if the City Commission makes the following findings:

- (A) Consistency with Comprehensive Plan**
The development permitted or proposed in the Development Agreement is consistent with the City's Comprehensive Plan. No Development Agreement shall be effective or implemented by the City Commission unless any Comprehensive Plan amendments required are found in compliance by the State planning laws.
- (B) Consistency with These LDRs**
The development permitted or proposed in the Development Agreement is consistent with these LDRs.
- (C) Furthers Public Health, Safety, and Welfare**
The development permitted or proposed in the Development Agreement furthers the public health, safety, and welfare of the city.

2.5.6 Duration of Development Agreement

The duration of a Development Agreement shall not exceed ten (10) years or such time as the Act may provide. A Development Agreement may be extended by mutual consent of the

City Commission and the developer, subject to public hearings. The term of any one (1) extension shall not exceed five (5) years or such time as the Act may provide.

2.5.7 Execution of Development Agreement

A Development Agreement shall be executed by all persons having legal or equitable title in the land subject to the Development Agreement, including the fee simple owner and any mortgagees, unless the City Attorney approves the execution of the Development Agreement without the necessity of such joinder or subordination based on a determination that the substantial interests of the City will not be adversely affected thereby. A Development Agreement is determined to be a legislative act of the City in the furtherance of its powers to plan, zone and regulate development within its boundaries and, as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the subject property and the Development Agreement, and the obligations and responsibilities arising thereunder on the land owner shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of the Development Agreement.

2.5.8 Recording and Effectiveness

(A) General

The City shall record the Development Agreement within fourteen (14) days of entering into the Development Agreement, with the Clerk of Circuit Court of Pasco County. A copy of the recorded Development Agreement shall be submitted to the FDEO within fourteen (14) days after the Agreement is recorded. If the Development Agreement is amended, canceled, modified, extended, or revoked, the Community Development Director shall record the agreement with the Clerk of the Pasco County Circuit Court and in the public records of the City and such recorded notice shall be submitted to FDEO. A copy of all Development Agreements shall be kept by the Community Development Director in a separate book located in the offices of the Community Development Director.

(B) Effective Date

A Development Agreement shall not be effective until it is properly recorded in the public records of Pasco County, and until thirty (30) days after having been received by FDEO in accordance with this subsection.

2.5.9 Amendment and Cancellation of Agreement by Mutual Consent

A Development Agreement may be amended or canceled by mutual consent of the parties to the Agreement or by their successors in interest. Prior to amending a Development Agreement, the City Commission shall hold public hearings on the proposed amendment, in accordance with the requirements of these LDRs..

2.5.10 City of Dade City Laws and Policies Governing Development Agreements

The City's laws and policies governing the development of land at the time of execution of the Development Agreement shall govern for the duration of the Development Agreement, except the City may apply subsequently adopted laws and policies to land and/or development subject to a Development Agreement only if the City Commission has held a public hearing that complies with Section 163.3225, Florida Statutes, and for which thirty (30) days written notice is provided to all parties to the Development Agreement (except in case of emergency), and the following determinations are made:

- (A) Not In Conflict with Laws and Policies Governing Development Agreements**
They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement; or
- (B) Essential to Public Health, Safety, or Welfare, and State They Apply**
They are essential to the public health, safety, or welfare, and expressly state they shall apply to a development that is subject to a Development Agreement; or
- (C) Anticipated and Provided For**
They are specifically anticipated and provided for in the Development Agreement; or
- (D) Substantial Changes**
Substantial changes have occurred in pertinent conditions existing at the time of approval of the Development Agreement; or
- (E) Based On Inaccurate Information**
The Development Agreement is based on substantially inaccurate information supplied by the developer.

2.5.11 Periodic Review

The City shall review the land and/or development subject to the Development Agreement at least once every twelve (12) months to determine if there has been a demonstration of good faith compliance with the terms of the Development Agreement. For each annual review conducted during the years six (6) through ten (10) of a Development Agreement, the review shall be incorporated into a written report, which shall be submitted to the parties subject to the Development Agreement. If the City Commission finds, on the basis of substantial competence evidence, there has been a failure to comply with the terms of the Development Agreement, the City Commission may revoke or modify the Development Agreement.

2.5.12 Effect of Contrary State or Federal Laws

In the event that state or federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties' compliance with the terms of the Development Agreement, the agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws. The modification or revocation shall take place only after the City Commission considers the matter in accordance with the procedures in Section 2.5.3, *Procedure for Review of Development Agreement*.

2.5.13 Enforcement

Any party, any aggrieved or adversely affected person, or FDEO may file an action for injunctive relief in the Circuit Court for Pasco County to enforce the terms of a Development Agreement or to challenge compliance of the Development Agreement with the provisions of this section and Section 163.3220, *et. seq.*, Florida Statutes.