

AT THE REQUEST OF THE ENTIRE CITY COMMISSION

ORDINANCE NO. 2018 - 12

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING SECTIONS IN ARTICLE 2 ENTITLED "ADMINISTRATION" OF THE DADE CITY LAND DEVELOPMENT REGULATIONS RELATED TO REVIEW AND DECISION MAKING BODIES; TABLE 2.1-1 DEVELOPMENT REVIEW STRUCTURE; TABLE 2.2-1 REQUIRED PUBLIC HEARINGS; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Dade City Land Development Regulations ("LDR") were adopted by Ordinance 2014-06 on August 12, 2014 and amended on February 23, 2016 and February 13, 2018;

WHEREAS, since adoption of the LDR, and its amendments, City staff has recommended amendment of additional sections of the LDR to provide greater clarity and efficiency of administration; and

WHEREAS, the Dade City Planning Board has reviewed the proposed changes and recommends the Dade City Commission adopt the amendments contained herein; and

WHEREAS, the City Commission, sitting as the Local Planning Agency, has reviewed the proposed changes and recommends the Dade City Commission adopt the amendments contained herein; and

WHEREAS, the City Commission finds adoption of the amendments contained herein is in the best interest of the residents of the City of Dade City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DADE CITY, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The above recitals and "Whereas" clauses are hereby included herein as findings by the Dade City Commission and made a part of this Ordinance.

SECTION 2. Section 2.1.1 "Summary of Administration and Review Roles" in Article 2 entitled "Administration" is hereby amended to read as follows:

SECTION 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 under these LDRs.

- (1) City Commission (CCOM)
- (2) Planning Board/Local Planning Agency (PB/LPA)
- (3) City Staff
 - (a) City Manager
 - (b) Community Development Director
 - (c) Public Works Director
 - (d) Building Official
 - (e) City Attorney
 - (f) Police Chief
 - (g) Fire and Safety Services Officer
 - (h) Development Review Technician
 - (i) Other staff as may be designated by the City Manager

SECTION 3. Table 2.1-1 “Development Review Structure” in Article 2 entitled “Administration” is hereby deleted and replaced in its entirety.

(B) Development Review Structure

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

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TABLE 2.1-1: DEVELOPMENT REVIEW STRUCTURE

R= Review and Recommend

D=Final Decision

A= Appeal

APPLICATION TYPE	CITY STAFF	PLANNING LOCAL PLANNING AGENCY	CCOM
Land Use Actions			
Comprehensive Plan Amendments (163.3194, F.S., Section 2.1)	R	R	D
General Text Amendments and Amendments to the Official Zoning Map of the Land Development Regulations (Section 2.4)	R	R	D
Planned Development (Section 2.4)	R	R	D
Conditional Use Permit (Section 2.4.4)	R	D	
Variance Permit (Section 2.4.5)	R	D	
Site and Construction Plan (Section 2.4.8)	D		
Extension of Land Use Approval (Section 2.2.15) [SAME AS ORIGINAL REQUEST]			
Waiver of Time Limit to Submit Application (Section 2.2.16) [SAME AS ORIGINAL REQUEST]			
Development Agreement (Section 2.5)	R		D
Subdivision			
Minor Subdivision (Section 2.4.7)	D		
Major Subdivision, Preliminary Plat (Section 2.4.7)	R	R	D
Subdivision Construction Plans (Section 2.4.8)	D		
Major Subdivision Final Plat (Section 2.4.7)	R	R	D
Other Permits/City Staff Action			
Administrative Adjustment (Section 2.4.6)	D		
Sign Permit (Section 2.4.9)	D		
Certificate of Level of Service Standard and Certificate of Concurrency Compliance [Section 2.4.11(1)(2)]	D		
Certificate of LDR Compliance (Section 2.4.12)	D		
Appeal of the Interpretation or Decision of the Community Development Director, Building Official or City Manager (Section 2.4.18)			A

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 City Commission shall have the following powers and duties:

(A) Amendments to the Dade City Comprehensive Plan

To initiate, review and approve text amendments and applications to amend the Dade City Comprehensive Plan.

(B) Text Amendments to the Dade City Land Development Regulations.

To initiate, review, and approve text amendments to these LDRs.

(C) General Amendments to Official Zoning Map. (Legislative Rezoning).

To initiate, review, and approve amendments to the Official Zoning Map.

(D) Site Specific Amendments to Official Zoning Map (Quasi-Judicial Rezoning)

To initiate, review, and approve or deny applications for Site Specific Amendments to the Official Zoning Map.

(E) Planned Development District (PD) Master Plan & PD Agreement

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

(F) Major Subdivision Preliminary Plats

To review and approve or deny applications for Major Subdivision Preliminary Plats.

(G) Major Subdivision Final Plats

To review and approve or deny applications for Major Subdivision Plats.

(H) Appeal of PB/LPA Decisions

To review and decide appeals on decisions of the PB/LPA.

(I) Development Agreements

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

(J) Schedule of Fees

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

(K) Other

To take any other action not delegated to the PB/LPA or City staff as the City Commission may deem desirable and necessary to implement the provisions of these LDRs.

2.1.3 Planning Board (PB) / Local Planning Agency (LPA)

In addition to any additional authority granted by the City Commission by general or special law or the City Charter, the Planning Board / Local Planning Agency shall have the following powers

and duties: 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 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.

- (1) Make Recommendations to City Commission on the Comprehensive Plan. Prepare, update, and recommend to the City Commission amendments to the Comprehensive Plan for meeting present requirements and such future requirements as may be foreseen, including but not limited to review of requests for text amendments, amendments to the Future Land Use Map, and an annual review of the Capital Improvement Element to ensure that the fiscal resources necessary to maintain adopted level of service standards are available.
- (2) Issue Development Orders (DO) evidencing approval of variances, site and subdivision construction plans associated with proposed development.
- (3) Appeal of Interpretations or Decisions by the Community Development Director.
To review and decide appeals of administrative decisions by the Community Development Director.
- (4) Recommend Principles and Policies for Guiding Actions. Recommend principles and policies for guiding action affecting development in the City.
- (5) Prepare, Review and Recommend Land Development Regulations. Prepare, review and make recommendations to the City Commission on proposed land development regulations, land development codes, ordinances, regulations, and other proposals to existing or proposed land development regulations and ordinances to promote orderly development along the lines indicated as desirable by consistent with the comprehensive plan.
- (6) Public Hearings. (A) Conduct such public hearings as may be required to gather information necessary for the review of, drafting, amending, establishment, implementation and maintenance of the Comprehensive Plan and ordinances, codes, and these Land Development 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. (B) Conduct public hearings when required by these Land Development Regulations or Florida law on land use applications, including but not limited to rezonings, subdivisions, and conditional use applications.

- (7) Special Studies. Make or cause to be made any necessary special studies of the resources, possibilities and needs of the City upon the authorization of the City Commission and report its findings, including but not limited to 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.
- (8) Serve as the Local Planning Agency (LPA) and Advise City Commission. Fulfill the role of the LPA as required by Florida law and keep the City Commission informed and advised on planning and land use matters.
- (9) Operate in Conformity with Charter. Operate in conformity with the Charter and other ordinances of the City.
- (10) 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 and these Land Development Regulations.

(C) Membership

(1) Number

- (a) When serving as the Planning Board, the Planning Board 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.
- (b) When serving as the Local Planning Agency, membership shall include the Planning Board members in subsection (a) and a representative of the Pasco County School Board, appointed by the school board, who shall have voting rights to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. The procedures, functions, rights, powers, privileges and duties of the Planning Board when serving as the Local Planning Agency shall be as set forth in Chapter 163, Florida Statutes and as may be directed by the City Commission.

- (2) Appointment. Each voting member shall be appointed by the City Commission as provided in subsection (a) with the exception of the Pasco County School Board representative.
 - (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 of the PB/LPA, who shall notify the City Commission at the next regularly scheduled City Commission meeting.
 - (6) Removal. Any member shall be removed for more than three (3) unexcused absences during any calendar year, with the exception of the Pasco County School Board representative.
 - (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/LPA shall serve without compensation.
 - (9) Filing of Financial Disclosure Form. Members of the PB/LPA shall file any appropriate financial disclosure forms as required by the State of Florida.
- (D) Chair and Other Officers.
- (1) General. The PB/LPA 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/LPA, 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/LPA. (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/LPA 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/LPA and provide it with administrative support.

- (F) Meetings. The PB/LPA shall hold at least one (1) regular meeting in each month, if necessary.
- (1) Special Meetings in addition to its regular meetings, the PB/LPA 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/LPA, 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/LPA shall be called to order, nor may any business be transacted by the PB/LPA 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/LPA.
 - (4) Abstention. Any PB/LPA 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/LPA shall appear before the PB/LPA as an agent or attorney representing another person.
 - (5) Open to the Public. All meetings of the PB/LPA shall be open to the public.
 - (6) Official Record. (i) The PB/LPA 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.
 - (7) Disbursement of Funds. Funds may be appropriated by the City Commission in connection with the work of the PB/LPA as determined necessary by the City Commission.
- (G) Assistance to PB/LPA. All employees of the City and public officials shall, upon written request, furnish to the PB/LPA, within a reasonable time, such available information as it may require for its work.

2.1.6 5 City Staff.

(A) Community Development Director. The Community Development Director or his/her designee shall be the City official responsible for administering and implementing the provisions of these LDRs as provided herein.

(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/City Engineer shall be responsible for reviewing compliance with the standards in Section 7.3, Required Improvements and as otherwise provided in these LDRs.

(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 powers and duties as provided by these LDRs. The City Attorney shall provide counsel to the City Commission, PB/LPA, DRC, Community Development Director, and City staff regarding the legal issues that may arise in the review of applications for land use matters and the general implementation of these LDRs.

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SECTION 4. Table 2.2-1 “Required Review Type” in Article 2 entitled “Administration” is hereby deleted and replaced in its entirety.

TABLE 2.1-1: REQUIRED PUBLIC HEARINGS TYPE
Q = QUASI-JUDICIAL S = STANDARD

APPLICATION TYPE			PLANNING BOARD/ LOCAL PLANNING AGENCY	CCOM
Land Use Actions				
Comprehensive Plan Amendment (163.3194, F.S.)			Q	Q
Comprehensive Plan Future Land Use Map Amendment (163.3194, F.S.)			Q	Q
Text Amendment to the Dade City Land Development Regulations (Section 2.4.1)			Q	Q
Rezoning – General Amendment to the Official Zoning Map (Section 2.4.1)			Q	Q
Rezoning – Site(s) Specific Amendment to Official Zoning Map (Section 2.4.2)				Q
Rezoning – Site(s) Specific Amendment to a Planned Development District (Section 2.4.3), Master Plan and PD Agreement [Section 2.4.3(D)(3)]			Q	Q
Conditional Use Permit (Section 2.4.4)			Q	
Variance Permit (Section 2.4.5)			Q	
Site and Construction Plan (Section 2.4.8)				
Extension of Land Use Approval (Section 2.2.15) [SAME AS ORIGINAL REQUEST]				
Waiver of Time Limit to Submit Application (Section 2.2.16)[SAME AS ORIGINAL REQUEST]				
Development Agreement (Section 2.5)				Q
Subdivision				
Major Subdivision Preliminary Plat [Section 2.4.7(G)(2)]			S	Q
Major Subdivision Final Plat [Section 2.4.7(G)5]			S	Q
Appeal of the Interpretation or Decision of the Community Development Director, Building Official or City Manager (Section 2.4.18) [SAME AS ORIGINAL REQUEST]				Q

SECTION 5. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict. To the extent that any provision of the LDR not amended by this Ordinance references the TAC or the DRC, those provisions shall no longer be applicable, and the provisions of this Ordinance shall control the development review process applicable to any petition or application filed after the effective date of this Ordinance. If any provision of the LDR is inconsistent with the provisions of this Ordinance, the provisions of this Ordinance shall control.

SECTION 6. Codification. This ordinance shall be incorporated into the Dade City Land Development Regulations. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon its final adoption.

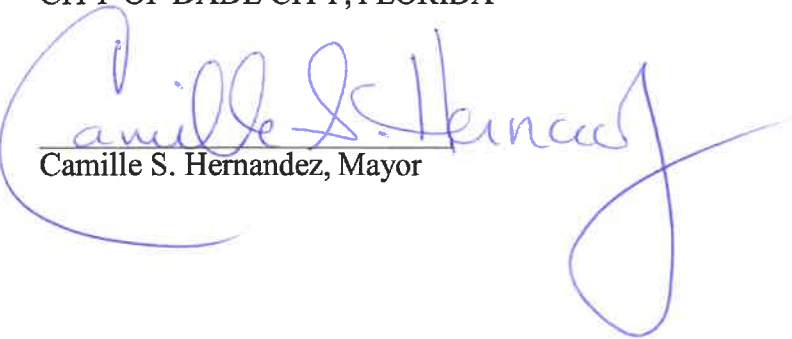
Adopted by the City Commission at duly advertised public hearings after first reading and introduction on the 12th day of February, 2019, and second reading and adoption on the 23rd day of July, 2019.

ATTEST:

CITY OF DADE CITY, FLORIDA



Angelia Guy, City Clerk



Camille S. Hernandez, Mayor

Approved as to form and legality:



Thomas A. Thanas, Interim City Attorney