

BY THE CITY COMMISSION

ORDINANCE NO.: 2005-0868

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA CREATING A DEVELOPMENT REVIEW PROCEDURES ORDINANCE; PROVIDING FOR INTENT, PURPOSE, AND CLASSIFICATION OF DEVELOPMENT; PROVIDING FOR PRELIMINARY SITE PLAN REQUIREMENTS; PROVIDING A PROCESS FOR SITE PLAN APPROVAL; PROVIDING FOR CONSTRUCTION PLAN REVIEW AND APPROVAL PROCEDURES; PROVIDING FOR REPEALER, MODIFICATION, INCLUSION IN CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has created the Citizens Advisory Committee for the Land Development Code to review existing land use ordinances and to create new ordinances; and

WHEREAS, the Citizens Advisory Committee has reviewed this attached Ordinance providing for procedures for the submittal and review of preliminary and construction plans for various development within the City; and

WHEREAS, the City Commission has determined that there is a public need for the review of impacts associated with proposed development as well as the coordination of site planning with the comprehensive plan and with existing patterns of development.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Dade City, Florida, as follows:

**Section 1.** The Dade City Development Procedures Ordinance is hereby created as follows:

**I. Intent and Purpose**

It is hereby declared to be in the best interest of the public to require the review of all development in Dade City prior to the commencement of such activity. It is also hereby determined by the City Commission of the City of Dade City, that the division of land creates a public need for:

- A. The review of impacts associated with the proposed development.
- B. Approval of proposed solutions designed to resolve such development impacts.

- C. Site planning which is coordinated and consistent with the Dade City Comprehensive Plan and with existing patterns of development or an existing system of public improvements.
- D. 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.

The procedures established in this Ordinance are deemed to be the minimum procedures necessary to ensure the protection of the public health, safety, and welfare, and shall govern the review of development in Dade City.

## **II. Classification of Development**

Each classification of development, as set forth in Paragraphs A through D below, shall conform with procedures, which are applicable to that particular classification of development.

- A. Class I development shall include the construction of a single family home on an existing lot where no division of land is involved.
- B. Class II development shall include:
  - 1. Professional, commercial, institutional, or industrial development or redevelopment involving a building floor area of 25,000 square feet or less, where no new division of land is involved.
  - 2. Multifamily development, including duplexes and triplexes, where no new division is involved.
- C. Class III development shall include all commercial development or redevelopment involving a building floor area greater than 25,000 square feet
- D. Class IV development shall include the creation of any residential, commercial or industrial subdivisions, or combinations of the same.

## **III. Exemptions**

The following developments shall not be subject to the procedural requirements of this Ordinance.

- A. The combination or recombination of all or a portion of previously platted lots of record where none of the newly created or residual lots contain less area, width, or depth than the smallest of the original lots of record being combined and no streets or alleys of any kind or public easements are created, changed, or extinguished.

- B. Any conveyance between adjoining landowners if the purpose of the conveyance is to adjust or settle the common boundary line and the deed of conveyance or other legal instrument states such purpose of the conveyance and is recorded in the Official Records of Pasco County.
- C. The combination of an adjoining parcel or a portion of an adjoining parcel provided a substandard lot is not created and a unity of title is recorded in the Official Records with the Clerk of the Court.
- D. Any division of land for the purpose of conveying land to any federal, state, or local government entity or agency or public utility, provided such conveyance is accepted and acknowledged by the grantee by an instrument recorded in the Public Records of Pasco County.
- E. Any division of land by order of a court of competent jurisdiction.
- F. Any conveyance for the purpose of correcting an error made in the language used in an original conveyance.

Developers of projects which do not qualify as development must only submit a project plan sufficient to demonstrate that the project will conform to this Code and the Comprehensive Plan. The Community Development Director, or his designee, shall review such project for compliance with this Code and the Comprehensive Plan. Developers of projects are advised that dedication of rights-of-way and/or easements and utility connections may be required as a condition of approval of development plans. In addition, other local, state, and federal regulatory permits may be required before building permits may be issued.

#### **IV. Preliminary Site Plan and Preliminary Plan Requirements**

Prior to commencing any development as defined above, the following procedures shall be followed, where applicable:

##### **A. Pre-application Conference**

Although not required, a developer is encouraged to confer with the Community Development Department staff prior to the preparation of development plans, in order to familiarize Dade City with the intent of the developer, to become familiar with the requirements of this Ordinance and the Comprehensive Plan, and to determine which review procedure must be followed.

##### **B. Conceptual Plan**

In addition to the pre-application conference referenced above, the developer, at his option, may submit a conceptual development plan for the purpose of resolving specific issues and questions regarding the acceptability of the proposed development. The

developer shall show on a scaled and dimensioned drawing items such as: the location and legal description of the property to be developed, location and classification of existing streets, the size of existing lots with the land use and zoning classification, the approximate location of wetlands or jurisdictional areas, retention/detention areas, and such other physical features as may be required by the City in evaluating the proposed design. The developer may also show the approximate location of proposed lots, proposed buildings, land uses, parking areas, access, retention/detention areas, buffers, and any other items, which the developer wants to discuss. The specific issues included with the conceptual plan submittal shall be reviewed for consistency and compliance with this Ordinance and the City's Comprehensive Plan by City review staff or by the Development Review Committee, as appropriate. However, acceptance of a conceptual plan or site plan in no way implies approval of an entire preliminary plan or preliminary site plan. Those issues resolved in the conceptual phase cannot be used for denial of a preliminary plan or preliminary site plan.

### C. Preliminary Site Plan (Class II and III Developments)

Projects which qualify as Class II or Class III developments shall submit a preliminary site plan drawn at a readable scale showing, when applicable:

1. A legend, title, and number of revision, date of preliminary site plan and revision(s), scale of plan, north arrow, parcel size and dimensions, name, address, and telephone number of developer, owner, surveyor, and engineer.
2. Location map showing the relationship between the area proposed for development and surrounding developments or lots, including a current aerial photograph, which in no case shall be older than that available at the Pasco County Property Appraiser's Office, with boundaries of development and roadway layout delineated. The location map shall show all functionally classified roadways established by the Dade City Comprehensive Plan Future Roadway Network within one mile of the development boundary.
3. Legal description, sufficient to describe the size and location of the project site.
4. Existing streets: The name, location, right-of-way width, and pavement status (i.e., dirt, limerock, concrete, asphalt, etc.) of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 100 feet of the proposed development.
5. Existing storm sewers; potable water facilities; and sewerage facilities on or within 100 feet of the tract.
6. Other existing structures or uses on the project site with a statement as to their intended use.

7. Configuration of that portion of abutting developments within 100 feet, with preliminary plan approval or if platted, with plat book and page number shown.
8. If individual lot sewage disposal is proposed to be utilized, a map indicating the distribution of soil types, categorized using the Soil Conservation Service's classification, and their limiting factors as they relate to the intended land use scheme.
9. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the site to be developed and, where practicable, extending a minimum 100 feet beyond the site boundary.
10. Present land use classification and zoning of parcel proposed for development and abutting land. Plans may not be processed for review without appropriate land use classification and/or zoning.
11. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.
12. Tree data meeting the requirements of the Dade City Tree Ordinance.
13. Proposed building height(s), number of floors, intended use(s), and finished floor elevation(s).
14. Parking: Calculations showing the number of parking spaces required and a statement as to the number of parking spaces provided.
15. Indicate type of paving surface proposed for use on-site including proposed classification and design standards, and typical design cross sections with a description of pavement as required by the Dade City Code.
16. Proposed and existing platted or recorded easements or rights-of-way for drainage and access, including location, width, design criteria, and purpose.
17. Location of proposed potable water and sewer facilities.
18. Location of existing and proposed fire hydrants.
19. The Base Flood Elevation, where available, and delineation of flood zone(s) shall be superimposed on the preliminary site plan in accordance with the latest Flood Insurance Rate Map published by the Federal Emergency Management Agency or the latest study as accepted by the Federal Emergency Management Agency.

20. Drainage concept with direction of flow and method of disposition indicated, along with a general description of the relationship of the proposed drainage system to the natural drainage system and adjacent properties.
21. Dates of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.
22. Identify and designate any historic resources or sites within the proposed development as identified by the Dade City Comprehensive Plan or the Historic Preservation Committee.
23. Proof of ownership or legal interest.

D. Preliminary Plan (Class IV Developments)

Projects which qualify as Class IV developments shall submit a preliminary plan, including a sketch and description of the entire parent parcel, drawn at a readable scale, showing the following:

1. A legend, title, date of preliminary plan and revision(s), scale of plan, north arrow, acreage in the project, and the name, address, and telephone number of the developer, owner, and engineer/surveyor.
2. Sketch and legal description of parent parcel.
3. Legal description sufficient to describe the size and location of the project site/tract to be subdivided.
4. Existing streets: The name, location, right-of-way width, and pavement status (i.e., dirt, limerock, concrete, asphalt, etc.) of all existing streets, platted or recorded easements, other rights-of-way, and platted streets within 200 feet of the proposed development.
5. Proposed streets: The name, location, width, proposed street classification and design standards, and typical design cross sections with a description of pavement as required by the Dade City Code.
6. Proposed lot lines, lot numbers, and dimensions, and any proposed model center locations.
7. Location of any existing buildings or structures on site with setbacks from lot lines shown.
8. Approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.

9. The Base Flood Elevation, where available, and delineation of flood zone(s) shall be superimposed on the preliminary plan in accordance with the latest Flood Insurance Rate Map published by the Federal Emergency Management Agency or the latest study as accepted by the Federal Emergency Management Agency.
10. Proposed and existing easements or rights-of-way for drainage, pedestrian ways, bicycle paths, etc., including location, width, design criteria, and purpose within 200 feet of the proposed development.
11. Existing storm sewers, potable water facilities and sewerage facilities on or abutting the tract within 200 feet.
12. A location map showing relationship between the area proposed for development and surrounding developments or lots, including a current aerial photograph, which in no case shall be older than that available at the Pasco County Appraiser's Office, with boundaries of development and roadway layout delineated.
13. Phasing plan, if applicable, designating each phase by number or letter and a heavy line border, at a scale appropriate with the size of the tract to be subdivided.
14. Sites, if any, for multifamily dwellings, showing number of stories, estimated density per gross acre, shopping centers, churches, industry, parks, playgrounds, and other public and nonpublic uses, exclusive of single-family dwelling areas showing estimated density per gross acre.
15. Configuration of that portion of abutting developments within 200 feet, with preliminary plan approval or if platted, with plat book and page number shown.
16. Other existing structures or uses on the tract with a statement as to their intended use.
17. Gross residential acreage densities for the entire project and net residential acreage for each phase or portion thereof. This data shall be presented in a tabular format.
18. Indicate method of fire protection.
19. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, or later, identifying the tract to be developed and, where practicable, extending a minimum 100 feet beyond the tract boundary. A note stating the basis of the vertical datum shall be shown on the drawing.

20. Drainage concept with direction of flow and method of disposition indicated, along with a general description of the relationship of the proposed drainage system to the natural drainage system and adjacent properties.
21. Present land use classification and zoning of parcel proposed for development and abutting land. Plans may not be processed for review without appropriate land use classification and/or zoning.
22. Date of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.
23. Tree data meeting the requirements of the Dade City Tree Ordinance.
24. Identify and designate any historic resources or sites within the proposed development as identified by the Dade City Comprehensive Plan.
25. Proof of ownership or legal interest.

E. Preliminary Plan or Preliminary Site Plan Review and Approval Procedure

1. Content Review

The developer shall submit five (5) copies of the preliminary plan or preliminary site plan to the Community Development Director, or his designee, for processing. Within five (5) working days of receipt of Class II, III, or IV development plans, the Community Development Director, or his designee, shall determine whether the plans are complete and contain all required information. The developer shall be notified immediately thereafter of the content completion status of the plans. Once the plans are determined complete, the Community Development Director, or his designee, shall proceed to technical review.

2. Technical Review

a. Prior to any final determination regarding any preliminary Class II, III, and IV developments, the Development Review Committee shall hold a separate public meeting on the proposed development no later than forty-five (45) days after an application has been accepted for technical review, and no later than sixty (60) days after an application for a Class IV development has been accepted for technical review. Public notice shall be given prior to said hearings. The public notice shall consist of publication in a newspaper of general circulation in the County: the project name; developer; scope; location; and notice of the date, time, and location of the Development Review Committee meeting at which the proposed development will be considered. Said notice shall be published at least fourteen (14) days prior to the Development Review Committee meeting at which the proposed development will be considered and shall include notice of the provisions of appeal of the development approval/disapproval established in this Code. All determinations for Class II, III, and IV developments shall then, upon proof of



appropriate public notice, be referred to the Development Review Committee for final action at the date, time, and location established by the public notice. In addition to the above-noticed requirements, a sign shall be posted on the land which is the subject of the hearing, at least fourteen (14) days prior to that date of the Development Review Committee meeting at which the proposed development plan will be considered. The sign shall be erected on the property in such a manner as to allow the public to view the same from one or more streets. In the case of property not readily accessible, the sign shall be erected on the nearest street right-of-way, with an attached notation indicating the general distance and direction to the property for which development approval is sought. In all cases, the number of signs to be used shall be left to the discretion of the Community Development Director, or his designee, provided that the numbers shall be reasonably calculated to adequately inform the public of the consideration of the proposed development plan. Notice of the time, place, and purpose of the Development Review Committee meeting shall also be mailed to owners of property directly affected by the proposed development. For the purposes of this Code, persons or property owners directly affected by the proposed development shall be presumed to be those who own property immediately abutting the property lines of the land for which the development approval is sought, or who own property immediately across a street or other easement from such land. For the purposes of this Code, names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County. Proof of publication, mailing, and posting of the notice required above shall be presented, by affidavit, at the Development Review Committee meeting. The applicant shall be entitled to one (1) continuance of the scheduled public meeting at their request. Other continuances of the scheduled public meeting may be granted at the discretion of the Development Review Committee.

b. Once accepted for technical review, the City shall have twenty-eight (28) days for all Class II, and III developments, and forty (40) days for all Class IV developments to formulate technical review comments on the development application. The developer shall be notified in writing immediately thereafter of the technical review comments.

c. The developer shall have a maximum of 180 days to respond to the technical review comments and submit the requested additional or revised information. Response to the technical review comments and re-submittal of revised plans for Class II, III, and IV developments shall be submitted a minimum of fourteen (14) days prior to the scheduled public meeting of the Development Review Committee. Upon request by the developer, an extension of time may be granted by the Community Development Director, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information and that additional time is required. In the event a response is not received or an extension obtained, the application shall be considered withdrawn.

d. Upon receipt of the additional or revised information, the Community Development Director, or his designee, shall have fourteen (14) days for review of the re-submittals. At the end of the time frame, the Community Development Director, or his

designee, shall either finalize their determination or request additional information concerning the response to the technical review comments.

e. Upon finalization of determinations for Class II, III, and IV developments, notification of the development approval or disapproval action shall be provided by publication of the project name, developer, scope, location, and date of approval or disapproval in a newspaper of general circulation in the County. Said notice shall be published within fourteen (14) days of the final determination and shall include notice of the provisions for appeal of the development approval or disapproval established in this Code. If a determination has not been made within the required time by the Community Development Director, or his designee, the plans shall be automatically submitted to the next available meeting of the Development Review Committee for action. Notice of the development plan determination shall also be mailed to owners of property directly affected by the determination. For the purposes of this Code, persons or property owners directly affected by the determination shall be presumed to be those who own property immediately abutting the property lines of the land for which the determination was made, or who owns property immediately across a street or other easement from such land. For the purposes of this Code, names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County. Proof of publication, mailing, and posting of the notice required above shall be placed in the project file.

f. The Building Official, or his designee, shall be responsible for approving or disapproving all Class I developments. The Development Review Committee shall be responsible for approving or disapproving all Class II, III, and IV developments. Neither the Development Review Committee nor the Community Development Director, or his designee, shall approve or recommend approval of any preliminary site plan or preliminary plan until said plans satisfactorily comply with this Code and the Comprehensive Plan.

g. Prior to approval or disapproval of Class II, III, and IV development, the Development Review Committee shall determine whether said plans:

1. Meet the requirements of the land use and zoning classification applicable to the subject property.
2. Are consistent with this Code.
3. Provide design features, which address the protection of the public health, safety, and welfare.
4. Are consistent with the goals, objectives, and policies set forth in the Comprehensive Plan.
5. Provide for necessary public improvements or facilities.
6. Meet concurrency requirements established by this Code.

Such determination or recommendation shall be made in writing and shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with the standards set forth in this Code and the Comprehensive Plan.

F. Form and Effect of Approval

Approval of a preliminary plan or preliminary site plan shall be in a written form. The written approval and the conditions recited in said approval shall constitute a final local development order, which authorizes:

1. The activity described below.
2. The developer to apply for stormwater management plan and report review.
3. The developer to apply for preliminary record plat review by the City.

In disapproving a preliminary plan or preliminary site plan, the responsible person, committee, or board shall provide reasons for such action, making reference to specific Sections of this Ordinance.

G. Authority Granted by Approval

1. Approval of preliminary plans or preliminary site plans shall constitute authority solely for clearing and grubbing in conformity with plans approved under the provision of this Ordinance, provided that any clearing and grubbing requiring other governmental approvals or permits shall not be commenced until such approvals or permits have been obtained.
2. It shall be unlawful for any person to grade, fill, excavate, or install improvements with preliminary plan or preliminary site plan approval only, except in conjunction with individual Building Permits for single-family dwellings or duplexes when no other plans are required.
3. It shall be unlawful to convey lots by reference to a preliminary plan, site plan, sales map, or other illustrations unless the requirements for record plat have been waived.
4. Approval of a preliminary plan or site plan shall not be construed as authority for obtaining Building Permits or for the recording of a plat with the Clerk of the Circuit Court except as listed above.

H. Time Limit on Approval

Except where project development schedules are established for Development of Regional Impacts and Florida Quality Developments, the following time limits on approvals shall apply:

1. For Class II and III developments, building permits for the entire project must be issued within four years of the original preliminary site plan approval.

2. For Class IV developments, fifty (50) percent of the project must be platted or where no plat is required, fifty (50) percent of the infrastructure must be constructed or fifty (50) percent of the Building Permits for the project must be issued within six (6) years of the original preliminary plan or preliminary site plan approval. Further, 100 percent of the project must be platted or where no plat is required, 100 percent of the infrastructure must be constructed or, 100 percent of the Building Permits for the project must be issued within ten (10) years of the original preliminary plan or preliminary site plan approval. In the event that the developer does not comply with this provision, the preliminary plans or preliminary site plans, stormwater management plan and report, and construction plans related to the uncompleted portion of the preliminary plans or preliminary site plan shall be deemed void and approval shall be deemed withdrawn, unless an extension has been obtained from the Development Review Committee prior to expiration of any of the above time limits. Any extension shall be applied for at least sixty (60) days prior to expiration of any of the above time limits.
3. In the event a preliminary plan or preliminary site plan is voided, all subsequent submittals shall comply with regulations in effect at the time of said submittals.

V. Construction Plan Review (Class II, III, and IV Developments) and Approval Procedures

Prior to installing improvements, the developer shall submit construction plans signed and sealed by a Florida Registered Engineer, for review and approval in accordance with the following procedures and requirements:

- A. The construction plans for any portion of a proposed development shall substantially conform to the preliminary plans or preliminary site plans and stormwater management plan and report, as approved. The construction plans shall fully conform to the provisions of this Code, the Comprehensive Plan, and all other City land development regulations not explicitly altered by the stipulations. Only revisions listed on the face of the approved construction plan shall constitute modifications to the preliminary plan or preliminary site plan.

## B. Submission and Review

### 1. Content Review

The developer shall submit five (5) copies of the construction plans and supporting data to the Community Development Director, or his designee, for processing. Within five (5) working days of receipt of construction plans, the Community Development Director, or his designee, shall determine whether the plans are complete and contain all required information. If said content completeness determination is not made within the required time, the plans shall be deemed complete. The developer shall be notified immediately thereafter of the content completion status of the plans. Once the plans are determined or deemed complete, the Community Development Director, or his designee, shall accept the plans for technical review.

### 2. Technical Review

- a. Once accepted for technical review, the Community Development Director, or his designee, shall have twenty-eight (28) days for all Class II developments, and thirty-five (35) days for all Class III and IV developments to formulate technical review comments on the development application. The developer shall be notified in writing immediately thereafter of the technical review comments.
  - b. The developer shall have a maximum of 180 days to respond to the technical review comments and submit the requested additional or revised information. Upon request by the developer, an extension of time may be granted by the Community Development Director, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information and that additional time is required. In the event a response is not received or an extension obtained, the application shall be considered withdrawn.
  - c. Upon receipt of the additional or revised information, the Community Development Director, or his designee, shall have twenty-one (21) days for all Class II developments, and twenty-eight (28) days for all Class III and IV developments to review the additional or revised information. At the end of the time frame, the Community Development Director, or his designee, shall either finalize their determination or request additional information concerning the response to the technical review comments.
3. Once accepted for further review, the Community Development Director, or his designee, for all Class II, III, and IV development, shall determine whether said plans:
- a. Meet the requirements of the land use and zoning classification applicable to the subject property.

- b. Are consistent with this Ordinance and the Dade City Code.
  - c. Provide design features which address the protection of the public health, safety, and welfare.
  - d. Are consistent with the goals, objectives, and policies set forth in the Comprehensive Plan.
  - e. Provide for necessary public improvements or facilities.
  - f. Substantially conform to the preliminary plans or preliminary site plans as approved.
4. Such determination or recommendation shall be made in writing. Said determination or recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with the standards set forth in this Code and the Comprehensive Plan.

#### C. Form and Effect of Approval

Approval of the construction plan shall be in a written form. The written approval and the conditions recited in said approval shall constitute a final local development order which authorizes:

- 1. The activity described.
- 2. The developer to apply for final plat review by the Community Development Director or his designee.

Construction plans may be approved only after the preliminary plans or preliminary site plans and the stormwater management plan and report have been formally approved. In disapproving any construction plans, the responsible person, committee, or board shall provide reasons for such action, making reference to specific sections of this Code.

#### D. Content of Construction Plans

Construction plans shall, at a minimum, conform to the following requirements:

- 1. The construction plans shall be drawn to a scale of one (1) inch to fifty (50) feet or larger (or other scale, if approved by the Community Development Director, or his designee, in writing, prior to submittal), and shall be submitted with the engineering specifications for the following improvements:
  - a. Water: Existing and proposed water supply and/or distribution system.

- b. Sanitary sewerage system: Horizontal and vertical alignments shall be shown graphically (in the plan profile) of existing and proposed sanitary sewage collection and/or treatment system.
- c. Drainage facilities, showing horizontal and vertical alignments shall be shown graphically (in the plan profile) of both natural and man-made systems (i.e., storm sewer systems and retention/detention ponds). The cover sheet of the construction plan shall provide a statement indicating whether the drainage plan provided was based on the existing field conditions of the abutting property or was based on the proposed development design of the abutting property.
- d. Streets: Proposed design speed, vertical and horizontal alignment, pavement cross-section, structural components, design calculations, and street names.
- e. Flood zone delineation, base flood elevation (when available), and the Federal Emergency Management Agency current Florida Insurance Rate Map panel reference.
- f. Pedestrian and bicycle facilities.
- g. Parks and open space.
- h. Existing contours at maximum two (2) foot intervals and proposed lot grades.
- i. Proposed landscaping and any required buffers.
- j. Easements.
- k. Traffic control device plan showing all required signs and pavement markings and informational signs (i.e., street signs).
- l. The plans shall certify that the roadway system is in substantial conformance with the Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, State of Florida, in effect at the time the plans were prepared.
- m. Fire protection system.
- n. All sheets shall be signed, sealed, and dated by a Florida Registered Engineer.
- o. Master plan showing lot lines, minimum lot sizes, lot numbers and phasing designating each phase by number or letter, with a heavy line border, at a scale appropriate with the size of the tract.

- p. Any other items required by the Development Review Committee that are necessary for review prior to approval of the construction plans for the subject development.
- 2. When deemed necessary, the Community Development Director, or his designee, may require the submission of engineering calculations in support of any of the proposed construction plans and specifications submitted under this Code. When construction of improvements is complete, a set of record construction drawings signed and sealed by a Florida Registered Engineer shall be submitted to the Community Development Director or his designee. Record construction drawings shall show all those changes from the approved construction drawings.

#### E. Authority Granted By Construction Plan Approval

Approval of construction plans by the responsible person, committee, or board shall constitute a development permit, which constitutes authority for:

- 1. The installation of approved improvements in substantial accordance with approved plans and conditions of approval, provided that any activities requiring other governmental approvals or permits shall not be commenced until such approvals or permit have been obtained.

Prior to construction of any development where the construction plans were designed and engineered based on the proposed construction of an abutting development, the developer shall provide one of the following to the Community Development Director, or his designee:

- a. A statement that the site has been reviewed and the construction plan, as approved, needs no modifications to accommodate the existing field conditions.
- b. Revised construction plans to accommodate the existing field conditions.
- 2. The issuance of building permits for and construction of buildings or structures in the area for which Class II or III development construction plans have been approved. No Final Inspection or Certificate of Occupancy shall be issued until after completion of all approved improvements. In the case of Class IV development, no building permit shall be issued prior to record plat approval except:
  - a. Where the record plat requirements have been waived; or
  - b. For model center dwelling or noncommercial clubhouse structures; provided, however, the requirements of concurrency in accordance with the Concurrency Ordinance have been met. A Certificate of Occupancy for such uses may be issued provided all those approved improvements necessary to service the structures are complete, or ensured as otherwise provided in this Ordinance.



3. In the case of subdivisions, the developer shall apply for record plat approval prior to issuance of any building permit except as provided for in this Code.

**VI. Simultaneous Submission of Preliminary, Drainage, and Construction Plans, or Drainage and Construction Plans**

The developer may submit complete preliminary, stormwater management and construction plans, or complete preliminary, stormwater management and construction site plans, or complete stormwater management and construction plans, or complete stormwater management and construction site plans, signed and sealed by a Florida Registered Engineer, simultaneously.

**A. Content Review**

Within five (5) working days of receipt of the simultaneous submittal, the Community Development Director, or his designee, shall determine whether the plans are complete and contain all required information. If a content completeness determination is not made within the required time, the plans shall be deemed complete. The developer shall be notified immediately thereafter of the content completion status of the plans. Once the plans are determined or deemed complete, the Community Development Director, or his designee, shall accept the plans for technical review.

**B. Technical Review**

1. Prior to any final determination regarding any simultaneous submittal of any Class II and III developments, the Development Review Committee shall hold a separate public meeting on the proposed development no later than sixty (60) days after an application has been accepted for technical review and no later than seventy-five (75) days after an application for a Class IV development has been accepted for technical review. Public notice shall be given prior to said hearings.

The public notice shall consist of publication in a newspaper of general circulation in the County: of the project name; developer; scope; location; and notice of the date, time, and location of the Development Review Committee meeting at which the proposed development will be considered. Said notice shall be published at least fourteen (14) days prior to the Development Review Committee meeting at which the proposed development will be considered and shall include notice of the provisions of appeal of the development approval/disapproval established in this Code. All determinations for Class II, III, and IV developments shall then, upon proof of appropriate public notice, be referred to the Development Review Committee for final action at the date, time, and location established by the public notice.

In addition to the above-noticed requirements, a sign shall be posted on the land which is the subject of the hearing, at least fourteen (14) days prior to that date of the Development Review Committee meeting at which the proposed development plan will be considered. The sign shall be erected on the property in such a manner as to allow the public to view the same from one or more streets. In the case of property not readily accessible, the sign shall be erected on the nearest street right-of-way, with an attached notation indicating the general distance and direction to the property for which development approval is sought. In all cases, the number of signs to be used shall be left to the discretion of the Community Development Director, or his designee, provided that the numbers shall be reasonably calculated to adequately inform the public of the consideration of the proposed development plan.

Notice of the time, place, and purpose of the Development Review Committee meeting shall also be mailed to owners of property directly affected by the proposed development. For the purposes of this Code, persons or property owners directly affected by the proposed development shall be presumed to be those who own property immediately abutting the property lines of the land for which the development approval is sought, or who own property immediately across a street or other easement from such land. For the purposes of this Code, names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County.

Proof of publication, mailing, and posting of the notice required above shall be presented, by affidavit, at the Development Review Committee meeting.

The applicant shall be entitled to one (1) continuance of the scheduled public meeting at their request. Other continuances of the scheduled public meeting may be granted at the discretion of the Development Review Committee.

2. Once accepted for technical review, the Community Development Director, or his designee, shall have thirty-five (35) days for all Class II and III developments, and forty-five (45) days for all Class IV developments to formulate technical review comments on the development application. The developer shall be notified in writing immediately thereafter of the technical review comments.

3. The developer shall have a maximum of 180 days to respond to the technical review comments and submit the requested additional or revised information. Response to the technical review comments and re-submittal of revised plans for Class II, III, and IV developments shall be submitted a minimum of ten (10) days prior to the scheduled public meeting of the Development Review Committee. Upon request by the developer, an extension of time may be granted by the Community Development Director, or his designee, upon a showing by the developer that a good faith effort is being made to provide the additional or revised information and that additional time is required. In the event a response is

not received or an extension obtained, the application shall be considered withdrawn.

4. Upon receipt of the additional or revised information, the Community Development Director, or his designee, shall have fourteen (14) days for all Class II, III, and IV developments to review the additional or revised information. At the end of the time frame, the Community Development Director, or his designee, shall either finalize their determination or request additional information concerning the response to the technical review comments.

5. Upon finalization of determinations for Class II, III, and IV developments, notification of the development approval or disapproval action shall be provided by publication of the project name, developer, scope, location, and date of approval in a newspaper of general circulation in the County. Said notice shall be published within fourteen (14) days of the final determination and shall include notice of the provisions for appeal of the development approval established in this Ordinance. If a determination has not been made within the required time by the Community Development Director, or his designee, the plan shall be automatically submitted to the next available meeting of the Development Review Committee for action.

Notice of the development plan determination shall also be mailed to owners of property directly affected by the determination. For the purposes of this Code, persons or property owners directly affected by the determination shall be presumed to be those who own property immediately abutting the property lines of the land for which the determination was made, or who owns property immediately across a street or other easement from such land. For the purposes of this Ordinance names and addresses of property owners shall be deemed those appearing on the latest ad valorem tax rolls of Pasco County.

Proof of publication, mailing, and posting of the notice required above shall be placed in the project file. No consideration in the review shall be given to the costs or difficulties in amending either the preliminary or stormwater management, or construction plans. Construction plans will be approved only after the preliminary plans and stormwater management plans have been formally approved.

6. The Development Review Committee shall be responsible for approving or disapproving all Class II, III, and IV developments. Neither the Development Review Committee nor the Community Development Director, nor his designee, shall approve or recommend approval of any simultaneous submittal unless said plans satisfactorily comply with this Code and the Comprehensive Plan.

C. Prior to approval or disapproval, the Community Development Director, or his designee, for all Class I development, and the Development Review Committee for all Class II, III, and IV development, shall determine whether said plans:

1. Meet the requirements of the land use and zoning classification applicable to the subject property.
2. Are consistent with this Ordinance and the Dade City Code.
3. Provide design features which address the protection of the public health, safety, or welfare.
4. Are consistent with the goals, objectives, and policies set forth in the Comprehensive Plan.
5. Provide for necessary public improvements or facilities.
6. Meet concurrency requirements established by the Dade City Concurrency Ordinance unless specifically requested otherwise by the applicant.

Such determination or recommendation shall be made in writing. Said determination or recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with the standards set forth in this Ordinance and the Comprehensive Plan.

**Section 2. Repealer**

All provisions of the Dade City Code of Ordinances, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 3. Modification.**

It is the intent of the City Commission that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Commission.

**Section 4. Severability.**

It is declared to be the intent of the City Commission of the City of Dade City, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

**Section 5. Inclusion in Code.**

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the Dade City Land Development Code, and that the sections of

this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

**Section 6. Effective Date.**

This Ordinance shall take effect upon adoption.

The above ordinance was read and approved upon first reading this 14<sup>th</sup> day of December, 2004.

ATTEST:

CITY OF DADE CITY, FLORIDA

\_\_\_\_\_  
James D. Class, City Clerk

\_\_\_\_\_  
P. Hutchison Brock, II, Mayor

The above ordinance was read and public hearings held on the 11th day of January, 2005 and the 25th day of January, 2005, and adopted on the 8th day of February, 2005.

ATTEST:

CITY OF DADE CITY, FLORIDA

\_\_\_\_\_  
James D. Class, City Clerk

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P. Hutchison Brock, II, Mayor

Approved as to Legal Form and Content

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Karla S. Owens, City Attorney