LOCAL PLANNING AGENCY MEETING
CITY HALL
38020 Meridian Avenue, Dade City, FL 33525

Tuesday, March 12, 2019
5:30 PM

LOCAL PLANNING AGENCY
Camille S. Hernandez, Mayor
Eunice M. Penix, Mayor Pro-Tem
Scott Black, Commissioner
Nicole Deese Newlon, Commissioner
James D. Shive, Commissioner
Chris Williams, District School Board

CITY OFFICIALS
Leslie Porter, Acting City Manager
Angelia Guy, City Clerk
Leslie Porter, Finance Officer
Nancy Stuparich, City Attorney

REGULAR MEETING
AGENDA

A. CALL TO ORDER
   A.1. Invocation, Pledge of Allegiance
   A.2. Roll Call
   A.3. Changes or Modification to the Agenda
   A.4. Disclosure of any known conflicts of interest regarding and an agenda item.

B. CONSENT - APPROVAL OF MINUTES
   B.1. Draft Local Planning Agency - 12 Feb 2019

C. PUBLIC COMMENTS

D. PUBLIC HEARINGS
   D.1. Tank Hill Comp Plan FLUM amendment (Legislative)
       AT THE REQUEST OF THE ENTIRE CITY COMMISSION
       ORDINANCE 2018-16

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING
THE CITY OF DADE CITY COMPREHENSIVE PLAN, AS PREVIOUSLY
AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND
USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF
DADE CITY COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL
PROPERTY CONTAINING APPROXIMATELY 4.56 ACRES, OWNED
BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY
IDENTIFICATION NUMBERS 28-24-21-0000-05000-0000 AND 28-24-21-
0000-05000-0020, AND GENERALLY LOCATED NEAR THE
INTERSECTION OF JEFFERSON AVENUE AND SKYLINE DRIVE,
DADE CITY, FLORIDA, FROM PASCO COUNTY RES-6 TO DADE CITY
P-SP (PUBLIC SEMI-PUBLIC) PROVIDING FOR LEGISLATIVE
FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER; AND PROVIDING FOR THE IMPLEMENTATION OF THE SMALL SCALE AMENDMENT REVIEW PROCESS AND AN EFFECTIVE DATE.

Memo - Tank Hill Comp Plan Amendment
Ordinance 2018-16 Tank Hill Comprehensive Plan Amendment
Tank Hill Comprehensive Plan Amendment Application
Planning Board Minutes - 09 Jan 2019
DRAFT Minutes- Development Review Committee - 27 Feb 2019
Tank Hill Notice of Public Hearing Letter
Tank Hill Ad

D.2. Tank Hill Rezoning (Quasi-Judicial)

AT THE REQUEST OF THE ENTIRE CITY COMMISSION
ORDINANCE NO: 2018-17

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING THE DADE CITY OFFICIAL ZONING MAP TO CHANGE THE ZONING DISTRICT CLASSIFICATION ON CERTAIN REAL PROPERTY OWNED BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY IDENTIFICATION NUMBERS 28-24-21-0000-05000-0000 AND 28-24-21-0000-05000-0020, AND GENERALLY LOCATED NEAR THE INTERSECTION OF JEFFERSON AVENUE AND SKYLINE DRIVE, DADE CITY, FLORIDA, APPROXIMATELY 4.56 ACRES IN SIZE, FROM PASCO COUNTY AR (AGRICULTURE RESIDENTIAL) TO DADE CITY RIO, (RESIDENTIAL OFFICE INSTITUTIONAL) IN ACCORDANCE WITH THE PROVISIONS OF THE DADE CITY LAND DEVELOPMENT REGULATIONS AND SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Memo - Tank Hill Rezoning
Ordinance 2018-17 Tank Hill Rezoning
Tank Hill Rezoning Application
Planning Board Minutes - 09 Jan 2019
DRAFT Minutes- Development Review Committee - 27 Feb 2019
Tank Hill Notice of Public Hearing Letter
Tank Hill Ad

D.3. Medical Marijuana - Ordinance 2019-03

AT THE REQUEST OF THE ENTIRE CITY COMMISSION

ORDINANCE NO. 2019 - 03

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING VARIOUS SECTIONS OF THE DADE CITY LAND DEVELOPMENT REGULATIONS TO PROHIBIT PHARMACIES,
DRUG STORES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM LOCATING IN COMMUNITY REDEVELOPMENT AREAS IN THE CITY OF DADE CITY; IMPOSING ADDITIONAL REGULATIONS ON MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS PERMITTED BY FLORIDA LAW; AMENDING SECTION 4-1.2 “TABLE OF ALLOWABLE USES” TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES IN ALL ZONING DISTRICTS THAT ALLOW PHARMACIES AND DRUG STORES; AMENDING SECTION 4-1.2 “TABLE OF ALLOWABLE USES” TO EXCLUDE PHARMACY FROM THE CENTRAL BUSINESS DISTRICT; CLARIFYING REGULATIONS RELATED TO DRUG STORES AND PHARMACIES; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE.

Memo - Medical Marijuana Ordinance 2019-03 Medical Marijuana
Medical Marijuana Buffer Map
CG and RIO Overlay Map
Ad Affidavit

E. PUBLIC COMMENTS (For items not already discussed)

F. ADJOURNMENT

CHAMBER RULES: The Dade City Local Planning Agency welcomes comments from the public regarding non-agenda items during the Public Comment portions of the meeting and agenda items as scheduled. We ask that any person addressing the Board shall complete a speaker form and give it to the city clerk before approaching the podium. Each person addressing the Board shall step up in front of the Board, give their name and address in an audible tone of voice for the record, and, unless further time is requested and granted by the Board, shall limit their address to three minutes. All remarks shall be addressed to the Local Planning Agency as a body and not to any individual member of the Board. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the presiding officer. No question shall be asked of an individual Board member except through the presiding officer. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Local Planning Agency shall be forthwith, by the presiding officer, barred from further audience before the Board, unless permission to continue is granted by a majority vote of the Local Planning Agency. Public comment shall be governed by Florida law if the matter is quasi-judicial (variances, rezonings, etc.). Please silence your cellphones during all meetings.

APPEALS: Any person desiring to appeal any decision made by the Local Planning Agency with respect to any matter considered at any meeting or hearing will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon with the appeal is based.

DISABILITY: If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled at no cost to you to the provision of certain assistance within two (2) working days of your receipt of this notice. Please contact the Dade City Clerk’s office, P.O. Box 1355, Dade City, FL 33526-1355; (352) 523-5052 for further assistance and information.
MEMBERS PRESENT:  
Mayor Camille S. Hernandez  
Mayor Pro-Tem Eunice Penix  
Commissioner Scott Black  
Commissioner Nicole Deesd Newlon  
Commissioner James D. Shive  
Chris Williams

MEMBERS ABSENT/REGRETS: 

STAFF PRESENT:  
Angelia Guy, City Clerk; Leslie Porter, Acting City Manager and Finance Officer; Nancy Stuparich, City Attorney; James Walters, Chief of Police; Michael Sherman, AICP/Community Development Director; Joseph DeBono, Public Works Director; Sgt. Shireman

1. CALL TO ORDER @5:48 p.m.

1.1 Invocation, Pledge of Allegiance
These were given during the CRA Meeting.

1.2 Roll Call
All members were present.

2. MODIFICATION TO THE AGENDA, DISCLOSURE OF ANY KNOWN CONFLICT OF INTEREST

3. CONSENT - APPROVAL OF MINUTES

3.1 Local Planning Agency - October 9, 2018
Moved by Commissioner Black, seconded by Mayor Pro-Tem Penix. All approved, motion carried.

4. PUBLIC COMMENTS

4.1 No comments were made.

5. PUBLIC HEARINGS
5.1 Comprehensive Plan - Tank Hill

AT THE REQUEST OF THE ENTIRE CITY COMMISSION

ORDINANCE 2018-16

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING THE CITY OF DADE CITY COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF DADE CITY COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 4.56 ACRES, OWNED BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY IDENTIFICATION NUMBERS 28-24-21-0000-05000-0000 AND 28-24-21-0000-05000-0020, AND GENERALLY LOCATED NEAR THE INTERSECTION OF JEFFERSON AVENUE AND SKYLINE DRIVE, DADE CITY, FLORIDA, FROM PASCO COUNTY RES-6 TO DADE CITY R-SP (PUBLIC SEMI-PUBLIC) PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER; AND PROVIDING FOR THE IMPLEMENTATION OF THE SMALL SCALE AMENDMENT REVIEW PROCESS AND AN EFFECTIVE DATE.

Attorney Stuparich read the ordinance by Title.
Mr. Sherman presented his report and asked for a continuance.
Public hearing opened. No comments made.

Moved by Commissioner Black, seconded by Commissioner Shive to continue to March 12, 2019. All approved, motion carried

CARRIED.

5.2 Rezoning - Tank Hill

AT THE REQUEST OF THE ENTIRE CITY COMMISSION

ORDINANCE NO: 2018-17

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING THE DADE CITY OFFICIAL ZONING MAP TO CHANGE THE ZONING DISTRICT CLASSIFICATION ON CERTAIN REAL PROPERTY OWNED BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY IDENTIFICATION NUMBERS 28-24-21-0000-05000-0000 AND 28-24-21-0000-05000-0020, AND GENERALLY LOCATED NEAR THE INTERSECTION OF JEFFERSON AVENUE AND SKYLINE DRIVE, DADE CITY, FLORIDA, APPROXIMATELY 4.56 ACRES IN SIZE, FROM PASCO COUNTY AR (AGRICULTURE RESIDENTIAL) TO DADE CITY RIO, (RESIDENTIAL OFFICE INSTITUTIONAL) IN ACCORDANCE WITH THE PROVISIONS OF THE DADE CITY LAND DEVELOPMENT REGULATIONS AND SECTION
166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Stuparich read the ordinance by Title.
Mr. Sherman presented his report and asked for a continuance.
Public hearing opened. No comments made.

Moved by Commissioner Shive, seconded by Commissioner Black. All approved, motion carried.

Public Hearing opened no comment made.

5.3 LDR Revisions

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.

Discussion took place about combining the Planning and Local Planning Agency (LPA) meetings as well as items tables in 2.1-1. Questions were raised about Mr. Sherman serving on the board.
Additional research will be brought to the commission about qualified members and who should serve.
Commissioner Newlon feels the City Commission should still be reviewing items, possibly as the Development Review Committee, and only as needed.
Commission directed staff to provide additional information about how to review applications.
Newlon made reference to table 2.2.-1 for public hearing changes to FLUM should be quasi-judicial. Attorney Stuparich asked to continue conversation about concerns, and will research how other cities handle the process.
Moved by Commissioner Newlon to consider staff and LPA comments and revise accordingly and continue for second hearing. It was seconded by Commissioner Shive. All approved, motion carried.

CARRIED.

6. PUBLIC COMMENTS (For items not already discussed)

7. ADJOURNMENT @ 6:12 p.m.
Camille S. Hernandez
Mayor

Angelia Guy
City Clerk
City of Dade City

AGENDA MEMO

TO:   Honorable Camille S. Hernandez, Chair and Members of the Local Planning Agency
      Honorable Camille S. Hernandez, Mayor and City Commission

FROM: Michael Sherman, AICP, Director, Community Development

SUBJ: Public hearing Ordinance 2018–16 Small Scale Map amendment for Parcels 28-24-21 0000-05000-0020 and 28-24-21-0000-05000-0000

DATE: 12 March 2019

SUMMARY OF PROJECT

<table>
<thead>
<tr>
<th>Owner: City of Dade City</th>
<th>Applicant’s Request: Amend the Future Land Use Map for parcels 28-24-21 0000-05000-0020 and 28-24-21-0000-05000-0000 from the Pasco County RES-6 FLUM category to the P-SP FLUM category</th>
<th>Staff Recommendation: Approve Ordinance 2018-16 on First Reading.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Planner: Michael Sherman, AICP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Location: Near the intersection of Skyline Drive and Jefferson Avenue.</td>
<td></td>
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<tr>
<td>Parcel ID No’s. 28-24-21 0000-05000-0020 and 28-24-21-0000-05000-0000</td>
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<td></td>
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<tr>
<td>Project size: 4.56 acres²</td>
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</tr>
</tbody>
</table>

MAP 1, LOCATION MAP

![Location Map](image-url)
I. BACKGROUND AND PROJECT DESCRIPTION

Tonight for consideration by the Local Planning Agency and the City Commission is a request from the City of Dade City for an amendment to the Comprehensive Plan, Future Land Use Map for two (2) parcels of land totaling 4.56 acres². This Future Land Use amendment is the second of the three land use actions that need to occur prior to the construction and development of a new overhead potable water storage tank by the City. The third and final land use action will amend the Official Zoning Map and will be considered by the City Commission immediately following land use public hearings.

The current FLUM category for both parcels is Pasco County Res-6 (Residential 6). The smaller parcel (28-24-21-0000-05000-0020) is currently being used as a potable water tank and booster station. The second and larger parcel is currently vacant. After development of the larger parcel (28-24-21-0000-05000-0000) it will be used for operation of an Elevated Storage Tank. The potable water facility will improve pressure in the Tank Hill area and generally throughout the City. Both the overhead storage tank and booster pump are permitted uses in the County AR zoning district.

MAP 2, EXISTING PASCO COUNTY FUTURE LAND USE MAP CATEGORY RES-6
TABLE 1, Surrounding FLUM Categories / Zoning Designations

<table>
<thead>
<tr>
<th>Direction</th>
<th>FLUM category</th>
<th>Zoning designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RES-6</td>
<td>MPUD and AR (Pasco Co.)</td>
</tr>
<tr>
<td>South</td>
<td>RES-6</td>
<td>R3 (Pasco Co.)</td>
</tr>
<tr>
<td>East</td>
<td>LDR, Low Density Res.</td>
<td>RS-2</td>
</tr>
<tr>
<td>West</td>
<td>RES-6</td>
<td>AR, Agriculture Rural (Pasco Co.)</td>
</tr>
</tbody>
</table>

II. Consistency with the Dade City Comprehensive Plan and Chapter 163, Part II, F.S.

Environmental Suitability. Consideration of suitability for a change in land use or an intensification of use is a fundamental analysis that should be performed by the applicant in order to justify a change in land use. The methodologies used for suitability analysis may vary depending on the characteristics of the site; however, the purpose of the suitability analysis is to determine the appropriateness of the site for the proposed land use change. Suitability is based on the environmental features of the site and should be taken into consideration as the first step in determining the appropriateness of the FLUM change.

1. Wetlands: There are no wetlands onsite.

MAP, 4 WETLANDS

2. Soils: Soil descriptions used in this report and by the Applicant are based on information provided in the Soil Survey for Pasco County, inventoried by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). On-site soils include the Kendrick fine sand, 0 to 5 percent slopes.
Soil types appear to be suitable for urban development. However, the Kendrick fine sand, 0 to 5 percent slopes has some slight limitations to development; these limitations should not limit the site for intended use.

3. **Flood Plain:** The site proposed for amendment is in the Flood Zone X – An area that is determined to be outside the 100 year flood plain.
4. **Historical and Archeological:**

No historical or archeological resources are recorded onsite.

III. **URBAN SPRAWL ANALYSIS**

The term “urban sprawl” as it is applied by the DEO in its review of local plan amendment is used to describe certain kinds of growth and development patterns. It refers to scattered, untimely, poorly planned urban development that occurs in urban fringe and rural areas and frequently invades lands important for agriculture, or environmental and natural resources protection. Primary indicators of urban sprawl include:

1. **The amendment promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density or single use development or uses in excess of demonstrated need.**

   **Staff Comment:** The proposed land use amendment promotes and will allow for development of an overhead potable water storage tank and booster pump. These infrastructure capital projects will improve utility services in the City. Urban sprawl indicator is not present.

2. **Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.**

   **Staff Comment:** NA; infrastructure development will occur on-site.

3. **Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments**

   **Staff Comment:** NA; Urban sprawl indicator is not present.

4. **As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.**

   **Staff Comment:** No environmentally sensitive resources are located onsite.

5. **Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils**

   **Staff comment:** NA; Urban sprawl indicator is not present.
6. Fails to maximize use of existing public facilities and services.

**Staff Comment:** Site will be used for infrastructure development and will improve existing public facilities and services.

7. Fails to maximize use of future public facilities and services.

**Staff comment:** NA; Urban sprawl indicator is not present.

8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response and general government.

**Staff comment:** NA; Urban sprawl indicator is not present.

9. Fails to provide a clear separation between rural and urban uses.

**Staff comment:** NA; Urban sprawl indicator is not present.

10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

**Staff comment:** Proposed amendment and the ultimate development of the site will promote infill. Urban sprawl indicator is not present.

11. The amendment results in the loss of significant amounts of functional open space.

**Staff comment:** NA; Urban sprawl indicator is not present.

12. Results in poor accessibility among linked or related land uses.

**Staff comment:** NA; Urban Sprawl indicator is not present.

13. Results in the loss of significant amounts of functional open space.

**Staff comment:** NA; Urban sprawl indicator is not present.

**Overall Staff Comment regarding the presence of Urban Sprawl:** The amendment does not exhibit indicators of urban sprawl.

**IV. LEVEL OF SERVICE AND PUBLIC FACILITIES IMPACT ANALYSIS**

The site is to be used for infrastructure so no public facilities impacts are anticipated by this change in land use.
V. FINDINGS-OF-FACT

1. The proposed amendment to the Dade City Comprehensive Plan, Future Land Use Map is consistent with the Dade City Comprehensive Plan.
2. The proposed amendment to the Dade City Comprehensive Plan, Future Land Use Map is consistent with the Dade City Land Development Regulations.

VI. DEVELOPMENT REVIEW COMMITTEE (DRC) RECOMMENDATION

At the DRC meeting on February 27, 2019 the DRC recommended approval to the LPA and CCOM for the Amendment to the Official Zoning Map.

VII. PLANNING BOARD RECOMMENDATION

At the January 13, 2019 Planning Board meeting, the Planning Board recommended approval for the amendment to the P-SP FLUM category.

VIII. STAFF RECOMMENDATION

Staff recommends approval of proposed Comprehensive Plan, Future Land Use Map amendment.

IX. RECOMMENDED MOTION

**LPA Recommended Motion.** Motion to make a finding that the proposed amendment to the Dade City Comprehensive Plan, FLUM is consistent with both the Dade City Comprehensive Plan and the Dade City Land Development Regulations and to advance the proposed amendment to the City Commission for consideration by Ordinance.

**City Commission Recommended Motion.** Motion to approve Ordinance 2018-16, Comprehensive Plan, Future Land Use Map amendment on first reading.
AT THE REQUEST OF THE ENTIRE CITY COMMISSION
ORDINANCE 2018-16

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING THE CITY OF DADE CITY COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF DADE CITY COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 4.56 ACRES, OWNED BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY IDENTIFICATION NUMBERS 28-24-21-0000-05000-0000 AND 28-24-21-0000-05000-0020, AND GENERALLY LOCATED NEAR THE INTERSECTION OF JEFFERSON AVENUE AND SKYLINE DRIVE, DADE CITY, FLORIDA, FROM PASCO COUNTY RES-6 TO DADE CITY P-SP (PUBLIC SEMI-PUBLIC) PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER; AND PROVIDING FOR THE IMPLEMENTATION OF THE SMALL SCALE AMENDMENT REVIEW PROCESS AND AN EFFECTIVE DATE.

WHEREAS, the real property ("Property"), which is the subject of this Ordinance is located in Pasco County, Florida, containing approximately 4.56 acres, is generally located near the intersection of Jefferson Avenue and Skyline Drive and Property Identification Numbers 28-24-21-0000-05000-0000 and 28-24-21-0000-05000-0020, and

WHEREAS, the owner of the Property, the City of Dade City applied to the City of Dade City, pursuant to the controlling provisions of Florida law and the Dade City Land Development Regulations to have the Future Land Use Map of the Future Land Use Element of the Dade City Comprehensive Plan, as previously amended, relative to the Property changed from the assignment of Pasco County RES-6 to Dade City P-SP (PUBLIC SEMI-PUBLIC) and

WHEREAS, the Dade City Planning Board held a public hearing on January 9, 2019 and the Dade City Commission, sitting as the City’s Local Planning Agency, held a public hearing on February 12, 2019 to consider amending the Future Land Use Map of the Future Land Use Element of the Dade City Comprehensive Plan and recommended approval of the proposed Future Land Use Map amendment to the Comprehensive Plan for the Property as requested by the property owner; and
WHEREAS, the Dade City Development Review Committee held a public hearing on
February 27, 2019 to consider amending the Future Land Use Map of the Future Land Use
Element of the Dade City Comprehensive Plan and recommended approval of the proposed
Future Land Use Map amendment to the Comprehensive Plan for the Property as requested by
the property owner; and

WHEREAS, Section 163.3184(3), Florida Statutes, relates to the amendment of adopted
local government comprehensive plans and sets forth certain requirements relating to an
expedited process of State review of proposed amendments to local government comprehensive
plans and relates to processes and actions relating thereto; and

WHEREAS, City staff have conducted a thorough review and analysis of the demands
upon public facilities and general planning and land development issues should the requested
application be approved and has otherwise reviewed and evaluated the application to determine
whether it comports with sound and generally accepted land use planning practices and principles
as well as whether the application is consistent with the goals, objectives and policies set forth in
the Dade City Comprehensive Plan and determined that the proposed amendment of the Dade
City Comprehensive Plan relative to the Property as set forth in this Ordinance is internally
consistent with the Dade City Comprehensive Plan and the controlling provisions of Florida law;
and

WHEREAS, Dade City has complied with all requirements and procedures of Florida
law in processing this amendment to the Dade City Comprehensive Plan including, but not
limited to, Section 163.3184, Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF
DADE CITY, FLORIDA:

Section 1. Legislative findings and intent.

(a) The Dade City Commission hereby adopts and incorporates into this Ordinance the City staff
reports, the recommendations of the Land Planning Agency, the Planning Board and the City
Commission agenda memorandum relating to the application for the proposed amendment to the
Dade City Comprehensive Plan pertaining to the Property.
(b) Dade City has complied with all requirements and procedures of Florida law in processing
and advertising this Ordinance.
(c) This Ordinance is internally consistent with the goals, objectives and policies of the Dade
City Comprehensive Plan.
(d) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.
(e) The Dade City Commission has determined that amendment of the Future Land Use Map as
provided herein is appropriate, would promote the proper and orderly development of Dade City,
and is in the best interest of the public and the health, safety and welfare of Dade City.
Section 2. Amendment to Future Land Use Map.

(a) The Future Land Use Element of the Dade City Comprehensive Plan and the Dade City Future Land Use Map are hereby amended by assigning the Dade City P-SP (PUBLIC-SEMI-PUBLIC) Future Land Use Map category designation to the Property, which is the subject of this Ordinance as set forth herein.

(b) The Property, which is the subject of this Comprehensive Plan amendment is ore particularly described in Exhibit A.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Ratification of Prior Actions.

The prior actions of the Dade City Commission and its agencies in enacting and causing amendments to the Dade City Comprehensive Plan, as well as the implementation thereof, are hereby ratified and affirmed.

Section 5. Incorporation of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 6. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the ordinance or effect of any other action or part of this Ordinance.

Section 7. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Codification/Instructions to Code Codifier.

It is the intention of the Dade City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the Dade City Comprehensive Plan and/or the Dade City Land Development Regulations or Code of Ordinances in order to amend the Future Land Use Map of the City.
Section 9. Effective Date.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the City of Dade City adopts the proposed Small Scale Map amendment. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Economic Opportunity.

PASSED AND ADOPTED THIS ___ DAY OF ______________, 2019.

FIRST READING: __________________

SECOND READING: ________________

________________________
CAMILLE S. HERNANDEZ, MAYOR

ATTEST:

________________________
ANGELIA GUY, CITY CLERK

Approved as to form:

________________________
City Attorney

1st Reading – March 12, 2019
Exhibit “A”

LEGAL DESCRIPTION AND MAPS

PARCEL 1:

Northeast 1/4 of Northwest 1/4 of Southeast 1/4 of Section 28, Township 24 South, Range 21 East, Pasco County, Florida, LESS the South 332.02 feet thereof; LESS Commence at the Northeast corner of Lot 11, SKYLINE SUBDIVISION, as per plat thereof recorded in Plat Book 7, Page 108, Public Records of Pasco County, Florida, for a Point of Beginning; thence run West 148.0 feet, thence North 0 degrees 08 minutes 15 seconds East, 143.23 feet; thence East 148.0 feet; thence South 0 degrees 07 minutes 42 seconds West, 143.23 feet to the Point of Beginning; LESS Commence at the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of said Section 28, thence South 25 feet for the Point of Beginning; thence West 50 feet; South 127.3 feet; thence East 50 feet; North 127.3 feet to the Point of Beginning (a/k/a Lot 12, Block E, Skyland Subdivision, as recorded in Plat Book 4, Page 24, now vacated)

ID: 28-24-21-0000-05000-0020

PARCEL 2:

Lot 12 of Block E of SKYLAND SUBDIVISION, as said lot is numbered, described and shown on the plat of the subdivision recorded in Plat Book 4, Page 24, Public Records of Pasco County, Florida, vacated in Pasco County Commission Book 5 on Page 238 being more particularly described as beginning at the NE corner of the NW ¼ of the SE ¼ thence S 25 feet to the point of beginning; thence West 50 feet then South 127.3 feet thence E 50 feet thence North 127.3 feet to the point of beginning.

ID: 28-24-21-0000-05000-0020
A. PROJECT INFORMATION

1. Project Name:
   Tankhill

2. Address of Subject Property:
   Near the intersection of Skyline Drive & Jefferson Ave

3. Parcel ID Number(s):
   28-24-21-0000-05000-0000 (Parcel A) & 28-24-21-0000-05000-0020 (Parcel B)

4. Existing use of the property:
   Parcel A - Vacant parcel & Parcel B - Used for a booster station

5. Existing Future Land Use Map category:
   Res - 6 (Residential 6)

6. Proposed Future Land Use Map category:
   P-SP (Public-semi Public)

7. Acreage:
   4.56 +/-

B. APPLICANT

1. Applicant Status
   [ ] Owner
   [ ] Agent

2. Name of Applicant(s) or Contract Person(s)
   Michael Sherman

   Company (if applicable):
   City of Dade City

   Mailing Address: 38020 Meridian Ave

   City: Dade City

   Phone number: (352) 523-5048 Email address: msherman@dadecityfl.com
3. If applicant is agent for property owner*

Agent: Michael Sherman

Mailing Address: 38020 Meridian Ave

City: Dade City

- Must provide executed Property Owner's Affidavit authorizing the agent to act on behalf of the property owner.

C. Justification Report.

Justification Report must include at a minimum the following:

1. Statement of proposed Future Land Use Map amendment.
2. See Attachment 1 – Additional Planning Issues to be addressed.
3. Public facilities impact analysis. Analysis must consider change in impact on public facilities. Public facilities impact must consider potable water, sanitary sewer, solid waste, stormwater management, transportation, Impacts to recreation and school facilities are required for residential or mixed use amendments only.
4. Analysis of amendment with the Dade City Comprehensive Plan. Analysis must consider specific Goals, Objectives and Policies and describe in detail how the proposed amendment complies with and supports the Comprehensive Plan.
5. Legal Description of the area proposed for a Future Land Use Map amendment.
6. Proof of ownership.
7. Proof of payment of taxes.
8. Map series to support proposed amendment. Required map series at a minimum must include:

   a. Existing Future Land Use Map category of property proposed for amendment.
   b. Proposed Future Land Use Map category.
   c. Natural Resources Maps, including: Solis, Flood Zones, Aquifer Recharge, Wetlands, Biological Hotspots
   d. Historic and Archeological Resources
   e. Transportation Maps to support Transportation Impact Analysis
   f. Aerial Maps of site and surrounding area

19. Fee. Please see fee schedule for fee determination. No application shall be accepted for processing until the required application fee is paid in full by the applicant. Any necessary technical review or additional reviews of the application beyond the initial engineering review fee will be billed to the applicant at the rate of the reviewing entity. The invoice shall be paid in full prior to any legislative and/or quasi-judicial action of any kind on the petition, appeal, or development application.

NEIGHBORHOOD MEETINGS

1. Copy of the required published notice – must be published in a newspaper of general circulation as defined in Article 6 of the Dade city Land Development Code.
2. Copy of written notice (letter) sent to all property owners within 400 feet.

3. Written summary of meeting. Written summary must include (1) those in attendance; (2) a summary of the issues related to the development proposal discussed; (3) comments by those in attendance about the development proposal; and (4) any other information deemed appropriate.

Name of Individual completing this application: ________________________________________________________________________________________________

(please print)

Michael Sherman

I, Michael Sherman ___________________________________________________________________, certify that I have checked the submittal application for content completeness.

Signature

Reviewed By: ____________________________________________________________________________

Date Accepted: _________________________________________________________________________

Date Rejected: _________________________________________________________________________
Due to a software conversion, changes in ownership and sales may be delayed.

<table>
<thead>
<tr>
<th>Data Current as Of:</th>
<th>Weekly Archive - Saturday, December 29, 2018</th>
</tr>
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<tbody>
<tr>
<td>Parcel ID</td>
<td>28-24-21-0000-05000-0000 (Card: 001 of 001)</td>
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<tr>
<td>Classification</td>
<td>00 - Vacant Residential</td>
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<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Property Value</th>
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<tr>
<td>CITY OF DADE CITY</td>
<td></td>
</tr>
<tr>
<td>38008 MERIDIAN AVE</td>
<td></td>
</tr>
<tr>
<td>DADE CITY FL 33525-3836</td>
<td></td>
</tr>
<tr>
<td>Physical Address</td>
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<thead>
<tr>
<th>Legal Description</th>
<th>Just Value</th>
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<tr>
<td>(First 4 Lines)</td>
<td>$64,664</td>
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<tr>
<td>NE 1/4 OF NW1/4 OF SE1/4 OF SEC LESS SOUTH 332.02 FT LESS COM AT NE COR OF LOT 11 SKY LINE SUB PER PB 7 PG 108 FOR</td>
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<tr>
<th>Jurisdiction</th>
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<tr>
<td>Pasco County, Board of County Commissioners</td>
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<tr>
<th>Land Detail (Card: 001 of 001)</th>
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<tr>
<td>Line</td>
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<tr>
<td>2</td>
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<td>3</td>
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<table>
<thead>
<tr>
<th>Additional Land Information</th>
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<tbody>
<tr>
<td>Acres</td>
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<table>
<thead>
<tr>
<th>Building Information - Use 00 - Unimproved (Card: 001 of 001)</th>
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<tbody>
<tr>
<td>Unimproved Parcel 00 - Unimproved</td>
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<table>
<thead>
<tr>
<th>Extra Features (Card: 001 of 001)</th>
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</thead>
<tbody>
<tr>
<td>Line</td>
</tr>
<tr>
<td>------</td>
</tr>
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<td></td>
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<table>
<thead>
<tr>
<th>Sales History - See All 6 sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Owner: JOHNSTON JAMES E JR &amp;</td>
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</table>

<table>
<thead>
<tr>
<th>Month/Year</th>
<th>Book/Page</th>
<th>Type</th>
<th>DOR Code</th>
<th>Condition</th>
<th>Amount</th>
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<tr>
<td>05/2018</td>
<td>9730 / 1453</td>
<td>Warranty Deed</td>
<td>18</td>
<td>Vacant</td>
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<td>12/2000</td>
<td>4507 / 1420</td>
<td>Trustee's Deed</td>
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<td>Vacant</td>
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</table>
Legal Description
28-24-21-0000-05000-0000
Assessed in Section 28, Township 24 South, Range 21 East
of Pasco County, Florida

NE 1/4 OF NW1/4 OF SE1/4 OF SEC LESS SOUTH 332.02 FT
LESS COM AT NE COR OF LOT 11 SKY LINE SUB PER PB 7 PG
108 FOR POB TH WEST 148.00 FT TH N00DG08'15"E 143.23 FT
TH EAST 148.00 FT TH S00DG07'42"W 143.23 FT TO POB LESS
COM AT NE1/4 OF NW1/4 OF SE1/4 OF SEC TH SOUTH 25.00 FT
FOR POB TH WEST 50.00 FT TH SOUTH 127.3 FT TH EAST 50.00
FT TH NORTH 127.3 FT TO POB OR 9730 PG 1453.
Due to a software conversion, changes in ownership and sales may be delayed.

**Data Current as Of:** Weekly Archive - Saturday, December 29, 2018  
**Parcel ID:** 28-24-21-0000-05000-0020 (Card: 001 of 001)  
**Classification:** 82 - Forests, Parks, recreational areas

<table>
<thead>
<tr>
<th>Mailing Address</th>
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<tr>
<td>CITY OF DADE CITY</td>
<td>Ag Land $0</td>
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<tr>
<td>PO BOX 1355</td>
<td>Land $8,263</td>
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<tr>
<td>DADE CITY FL 33526-1355</td>
<td>Building $0</td>
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<td><strong>Physical Address</strong></td>
<td>Extra Features $1,125</td>
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<td>Physical Address N/A</td>
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**Legal Description (First 4 Lines):**  
LOT 12 BLK E SKYLAND PB 4 PG24  
VAC IN COM MIN BOOK 5 PG 238  
BEING MORE PART DESCRIBED AS  
BEG AT NE COR OF NW 1/4 OF SE  

**Jurisdiction:** Pasco County, Board of County Commissioners

**Just Value:** $9,388  
Assessed (Non-School Amendment 1) $9,388

**Taxable Value:** $0

<table>
<thead>
<tr>
<th>Land Detail (Card: 001 of 001)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Line</strong></td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

**Additional Land Information**  
**Acres:** 0.14  
**Tax Area:** 10FD  
**FEMA Code:** X  
**Residential Code:** SKYLLP1

**Building Information - Use:** 00 - Unimproved (Card: 001 of 001)  
Unimproved Parcel 00 - Unimproved

**Extra Features (Card: 001 of 001)**  
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<tr>
<th><strong>Line</strong></th>
<th><strong>Description</strong></th>
<th><strong>Year</strong></th>
<th><strong>Units</strong></th>
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**Sales History**  
**Previous Owner:** N/A  
**Month/Year** | **Book/Page** | **Type** | **DOR Code** | **Condition** | **Amount** |
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<tr>
<th></th>
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<td>01/1926</td>
<td>0075 / 0194</td>
<td></td>
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<td>Vacant</td>
<td>$0</td>
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</table>
Legal Description
28-24-21-0000-05000-0020
Assessed in Section 28, Township 24 South, Range 21 East
of Pasco County, Florida

LOT 12 BLK E SKYLAND PB 4 PG24 VAC IN COM MIN BOOK 5
PG 238 BEING MORE PART DESCRIBED AS BEG AT NE COR
OF NW 1/4 OF SE 1/4 TH S 25 FT TO POB TH W 50FT TH S 127.3
FT TH E 50 FT TH N 127.3 FT TO POB DB 75 PG 194
### 2018 Paid Real Estate

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

Pay your taxes online at www.pascotaxes.com

<table>
<thead>
<tr>
<th>Parcel / Account Number</th>
<th>Escrow</th>
<th>Tax District</th>
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<tbody>
<tr>
<td>28-24-21-0000-05000-0020</td>
<td></td>
<td>10FD</td>
</tr>
</tbody>
</table>

**Mike Fasano**

Pasco County Tax Collector

"Thank You for allowing us to serve you."

Pay your taxes online at www.pascotaxes.com

---

**Ad Valorem Taxes**

<table>
<thead>
<tr>
<th>Taxing Authority</th>
<th>Telephone</th>
<th>Millage</th>
<th>Assessed Value</th>
<th>Exemption</th>
<th>Taxable Value</th>
<th>Taxes Levied</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNTY COMMISSION - OPERATING</td>
<td>727-847-8980</td>
<td>7.6076</td>
<td>9,395</td>
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<tr>
<td>SCHOOL OPERATING STATE LAW</td>
<td>727-774-2268</td>
<td>4.7790</td>
<td>9,395</td>
<td>9,395</td>
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<td>0.00</td>
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<td>SCHOOL - CAPITAL OUTLAY</td>
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<td>1.5000</td>
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<td>COUNTY MUNICIPAL SERVICE FIRE DIST</td>
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<td>SW FLA WATER MANAGEMENT DISTRICT</td>
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<td>9,395</td>
<td>0</td>
<td>0.00</td>
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<tr>
<td>PASCO COUNTY MOSQUITO CONTROL</td>
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<td>9,395</td>
<td>0</td>
<td>0.00</td>
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</table>

**Total Millage** 16.1891

**Total Ad Valorem Taxes** $0.00

**Levying Authority**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00</td>
</tr>
</tbody>
</table>

**Non-Ad Valorem Taxes**

**If Paid By** Nov 30, 2018

**Please Pay**

$0.00

---

**Pasco County Tax Collector Office Locations**

- DADE CITY - GULF HARBORS - LAND O’ LAKES - NEW PORT RICHEY - WESLEY CHAPEL

- Please detach and return bottom stub with payment.

---

**UNKNOWN**

LOT 12 BLK E SKYLAND PB 4 PG 24
VAC IN COM MIN BOOK 5 PG 238
BEING MO
See Additional Legal on Tax Roll
MEMBERS PRESENT:  
Chairman Joe Kennard  
Board Member Jimmy Miller  
Board Member Bermice Mathis  
Board Member James Cosentino  
Board Member Juliann Hale  
Board Member Davis Henley  
Board Member Knute Nathe

MEMBERS ABSENT/REGRETS:

STAFF PRESENT:  
Michael Sherman, AICP, Director  
Erika Cordoba, Development Review Tech

1. CALL TO ORDER @ 5:35 PM

1.1 Vote for Alternate Chair to run the meeting

Both the Chairman and Vice Chair were absent.

Motion to recommend Member Miller to run the meeting in the absence of the Chairman and the Vice Chair. Moved by Member Nathe, seconded by Member Hale. All approved, motion carried.  
CARRIED.

1.2 Pledge of Allegiance.

The Pledge was recited.

1.3 Roll Call

Roll was called. Chairman Joe Kennard and Vice Chair Bermice Mathis were absent.

2. PRESENTATIONS - None

3. PUBLIC COMMENTS - None

4. APPROVAL OF MINUTES

4.1 Approval of December 13, 2018 Planning Board Minutes

Motion to approve the Minutes as submitted. Moved by Member Henley, seconded by Member Cosentino. All approved, motion carried.
5. **OLD BUSINESS - None**

6. **NEW BUSINESS**

6.1 **Tankhill Future Land Use Map Amendment**

Mr. Sherman informed the board of the amendments that are being requested by the City.

Motion to approve the proposed amendment to the Future Land Use Map. Moved by Member Nathe, seconded by Member Cosentino. All approved, motion carried.

Motion to recommend approval to the LPA and the City Commission. Moved by Member Nathe, seconded by Member Henley. All approved, motion carried.

CARRIED.

6.2 **Tankhill - Zoning Map Amendment**

Public Hearing opened at 5:48 PM.

Member Miller read the Quasi Judicial script. Mr. Sherman confirmed that all advertisement requirements were met. All speakers were sworn in. Mr. Sherman gave a brief overview of the project as staff. Mr. Sherman gave his presentation as the applicant. Mr. Miller asked if the City anticipated to use the property for any other use other than the tank? Mr. Sherman informed Mr. Miller that they would fence the property and create any access ways needed to access the property.

Vance Sheer of 14508 Skyland Drive addressed his concerns with the access way to the tank. He informed the board that because of the current tank failing frequently the road floods a lot. He would like to see Skyline Drive repaired.

Hearing closed at 6:05 PM.

Motion to recommend approval of proposed Official Zoning Map amendment to the LPA and the City Commission. Moved by Member Hale, seconded by Member Cosentino. All approved, motion carried.

CARRIED.

7. **MEMBER COMMENTS**

7.1 **Erika Cordoba**

Asked for prayers from the Board for Vice Chair Mathis' son who is currently in ICU.

7.2 **Mike Sherman**

Mr. Sherman updated the Board on the progress of medical marijuana in Dade City. Discussion took place.

8. **PUBLIC COMMENTS (For items not already discussed)**
9.  **ADJOURNMENT @ 6:20 PM**
MEMBERS PRESENT: Leslie Porter, Chair  
                          Michael Sherman, Vice-Chair  
                          Michael Barthle, Board Member  
                          Doug True, Board Member  
                          Joseph Debono, Board Member  

MEMBERS ABSENT/REGRETS: James Walters, Board Member  

STAFF PRESENT: Erika Cordoba, Development Review Tech  

1. CALL TO ORDER @ 1:31 PM  
2. ROLL CALL  
2.1 Members Absent  
Member James Walters was not present.  

3. APPROVAL OF MINUTES  
3.1 Approval of November 21, 2018 DRC Minutes  
Motion to approve the minutes as submitted. Moved by Member Barthle, seconded by Member True. All approved, motion carried.  
CARRIED.  

4. UNFINISHED BUSINESS - None  

5. NEW BUSINESS  
5.1 Land Trust Services Corp, TTE Annexation  
Motion to recommend approval to the Planning Board and the City Commission of the proposed annexation. Moved by Member Barthle, seconded by Member True. All approved, motion carried.  
CARRIED.  

5.2 Land Trust Services Corp, TTE Comp Plan Amendment  
Motion to recommend approval of the proposed Comprehensive Plan, Future Land Use Map from the Pasco County ROR to the Dade City CG FLUM category for parcel 02-25-21-0000-00900-0040 to the Planning Board, Local Planning Agency
and the Dade City Commission. Moved by Member True, seconded by Member Barthle. All approved, motion carried.

CARRIED.

5.3 Land Trust Services Corp, TTE Rezoning

Public Hearing opened at 1:44 PM
All speakers were sworn in.
Mr. Sherman gave his presentation of the project and discussion took place.
There were no public comments.
Public Hearing closed at 1:50 PM.

Motion to recommend approval of the proposed Comprehensive Plan, Future Land Use Map amendment to the Local Planning Agency and the City Commission.
Moved by Member Barthle, seconded by Member DeBono. All approved, motion carried.

CARRIED.

5.4 Tank Hill Comp Plan Amendment

Motion to recommend approval of the proposed Comprehensive Plan, Future Land Use Map amendment to the Local Planning Agency and the City Commission.
Moved by Member True, seconded by Member DeBono. All approved, motion carried.

CARRIED.

5.5 Tank Hill Rezoning

Motion to recommend approval of the Ordinance 2018-17 for the proposed Official Zoning Map amendment to the Local Planning Agency and the City Commission.
Moved by Member Barthle, seconded by Member DeBono. All approved, motion carried.

CARRIED.

6. OTHER BUSINESS - None

7. ADJOURNMENT @ 2:00 PM
NOTICE OF PUBLIC HEARING

22 February 2019

Dear Property Owner:

This letter is to inform you that the City of Dade City will be holding public hearings to consider an amendment to the Dade City Future Land Use Map and the Official Zoning Map for two parcels of land that are owned by the City of Dade City. The parcels proposed for these two land use actions include 28-24-21-0000-05000-0020 AND 28-24-21-0000-05000-0000, and contain approximately 4.56 acres of land. The properties are generally located near the intersection of Jefferson Avenue and Skyline Drive, Dade City, Florida.

You are receiving this notice because you own property within 400’ of the property proposed for these land use actions. These land use actions will not include your property but the City wishes to advise you of this action because of the proximity of your property to the requested Future Land Use Map amendment and Official Zoning Map amendment.

A location map is included on the back of this letter for parcels 28-24-21-0000-05000-0020 AND 28-24-21-0000-05000-0000 which are the properties subject to these land use actions.

A public hearing will be held by the Dade City Local Planning Agency and City Commission on Tuesday, March 12, 2019 at 5:30 p.m. to consider these two land use actions. The public hearing will be held at City Hall. The address of City Hall is 38020 Meridian Avenue, Dade City, Florida 33525.

You are welcome and encouraged to attend these meetings and voice your opinion or submit any comments in writing. Should you have any questions or require further information, please call the Planning Department at 352.523.5048

Sincerely,

Michael Sherman, AICP, Director
Community Development Department

c: FILE
PARCELS FOR LAND USE ACTIONS BY THE CITY
CITY OF DADE CITY
NOTICE OF AN AMENDMENT TO THE
DADE CITY OFFICIAL ZONING MAP

LEGAL NOTICE IS HEREBY GIVEN that the Dade City Local Planning Agency will hold a public hearing on Tuesday, February 12, 2019 in the City Commission Chambers at City Hall, 38020 Meridian Avenue, Dade City, Florida, beginning at 5:30 p.m., or as soon thereafter to make a recommendation to the Dade City Commission and the Dade City Commission will hold a public hearing on Tuesday, February 12, 2019 in the City Commission Chambers at the City Hall, 38020 Meridian Avenue, Dade City, Florida, beginning at 5:30 p.m., or as soon thereafter and will consider the adoption of an ordinance amending the Dade City Official Zoning Map as follows.

AT THE REQUEST OF THE ENTIRE CITY COMMISSION

ORDINANCE NO: 2018-17

AN ORDNANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING THE DADE CITY OFFICIAL ZONING MAP TO CHANGE THE ZONING DISTRICT CLASSIFICATION ON CERTAIN REAL PROPERTY OWNED BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY IDENTIFICATION NUMBERS 26-24-21-0000-050000-0000 and 29-24-21-0000-050000-0020, AND GENERALLY LOCEATED NEAR THE INTERSECTION OF JEFFERSON AVENUE AND SKYLNE DRIVE, DADE CITY, FLORIDA, APPROXIMATELY 4.56 ACRES IN SIZE, FROM PASCO COUNTY A (AGRICULTURE RESIDENTIAL) TO DADE CITY RD., RESIDENTIAL OFFICE INSTITUTIONAL IN ACCORDANCE WITH THE PROVISIONS OF THE DADE CITY LAID DEVELOPMENT REGULATIONS AND SECTIONS 165.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Location: Near the intersection of Skyline Drive and Jefferson Avenue.

PARCEL 1:

Northeast 1/4 of Northwest 1/4 of Southeast 1/4 of Section 28, Township 24 South, Range 21 East, Pasco County, Florida; LESS the South 322.00 feet therefrom, LESS Commerce at the Northeast corner of Lot 11, SKYLINE SUBDIVISION, as per plat thereof recorded in Plat Book 7, Page 108, Public Records of Pasco County, Florida, for a Point of Beginning; thence North 148.0 feet, thence West 15 minutes 15 seconds 143.23 feet; thence East 148.0 feet; thence South 6 degrees 07 minutes 42 seconds West, 143.23 feet to the Point of Beginning; LESS Commerce at the Northeast corner of the Northwest 1/4 of Section 28, thence South 25 feet to the Point of Beginning; thence West 50 feet; South 127.3 feet; thence East 50 feet; North 127.3 feet to the Point of Beginning (via Lot 12, Block E, Skyland Subdivision, as recorded in Plat Book 4, Page 24, now vacated).

ID: 28-24-21-0000-050000-0000

PARCEL 2:

Lot 12 of Block E of SKYLAND SUBDIVISION, as said lot is numbered, described and shown on the plat of the subdivision recorded in Plat Book 4, Page 24, Public Records of Pasco County, Florida in Pasco County Commission Book B on Page 238 being more particularly described as beginning at the NE corner of the NW 1/4 of the SE 1/4 thence S 25 feet to the point of beginning; thence West 50 feet then South 127.3 feet thence E 50 feet thence North 127.3 feet to the point of beginning.

ID: 28-24-21-0000-050000-0020

A copy of the full text of the ordinance is available at City Hall, 38020 Meridian Avenue, Dade City, Florida and may be inspected by the public from 8 a.m. to 5 p.m. All interested and affected parties and the public may appear at the public hearing and may be heard with respect to the proposed ordinance, or may submit written comments to the City Commission at PO. Box 1355, Dade City, Florida 33325-1355 by mail, or in person at the above referenced address. A copy of any requests received can be inspected at City Hall. Related materials may be viewed at the Dade City Community Development Office, 38020 Meridian Avenue, Room 203, Dade City FL 33325, Monday through Friday, during regular business hours, 8 a.m. to 5 p.m. Please contact Michael Sherman, AICP, Community Development Director, at (352) 525-5500 to discuss any questions or concerns about the proposed rezoning. If you are a person with a disability who requires a reasonable accommodation in order to participate in this meeting, please contact the City Clerk at (352) 525-5500 at least 48 hours prior to the public hearing.

PLEASE NOTE: The public hearings are public meetings. Should any interested party, affected party or the public seek to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and for such purpose, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based pursuant to Section 288.0105, Florida Statutes. The time and/or location of public hearings are subject to change. Changes are announced at the initial scheduled hearing. Notice of any changes will not be published or mailed.
City of Dade City

AGENDA MEMO

TO: Honorable Camille S. Hernandez, Chair and Members of the Local Planning Agency
Honorable Camille S. Hernandez, Mayor and City Commission

FROM: Michael Sherman, AICP, Director, Community Development

SUBJ: Public hearing Ordinance 2018-17 Amendment to the Official Zoning Map

DATE: 12 March 2019

<table>
<thead>
<tr>
<th>SUMMARY OF PROJECT</th>
<th>Applicant’s Request:</th>
<th>Staff Recommendation:</th>
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</thead>
<tbody>
<tr>
<td>Owner: City of Dade City</td>
<td>Amend the Official Zoning Map for parcels 28-24-21 0000-05000-0020 and 28-24-21-0000-05000-0000 from the Pasco County AR, Agriculture Rural zone district to the RIO, Residential Institutional Office zone district.</td>
<td>Recommend approval of Ordinance 2018-17 on First Reading.</td>
</tr>
</tbody>
</table>

Project Planner: Michael Sherman, AICP

Property Location: Near the intersection of Skyline Drive and Jefferson Avenue.

Parcel ID No’s. 28-24-21 0000-05000-0020 and 28-24-21-0000-05000-0000

Project size: 4.56 acres

MAP 1, LOCATION MAP
I. BACKGROUND AND PROJECT DESCRIPTION

Tonight for consideration by the Local Planning Agency (LPA) and the City Commission is a request from the City of Dade City for an amendment to the Official Zoning Map for two (2) parcels of land totaling 4.56 acres. This proposed rezoning is the final of three land use actions that need to occur prior to the construction and development of a new overhead potable water storage tank by the City.

The current zone district for both parcels is Pasco County AR, Agriculture Rural. The smaller parcel (28-24-21-0000-05000-0020) is currently being used as a potable water tank and booster station. The second and larger parcel is currently vacant. After development of the larger parcel (28-24-21-0000-05000-0000), it will be used for operation of an Elevated Storage Tank. The potable water facility will improve pressure in the Tank Hill area and generally throughout the City. Both the overhead storage tank and booster pump are permitted uses in the County AR zoning district.

II. EXISTING CONDITIONS AND SURROUNDING LAND USES

The analysis by the City includes a review of the existing conditions and surrounding land uses. The existing conditions looked at the Natural Resources, Zoning and Land Use, and available infrastructure.

Table 1, Surrounding Uses FLU and Zoning

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<thead>
<tr>
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<th>Future Land Use</th>
<th>Zoning</th>
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<td>RES-6</td>
<td>AR</td>
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MAP 2, SURROUNDING FLUM CATEGORIES
III. 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 has been 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.

**Staff Comment:** Chapter 163.3194, F.S. requires that “After a comprehensive plan or element or portion thereof has been adopted in conformity with this act, all development undertaken in regard to development orders by governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.”

**Future Land Use Element**

**Objective FLU 1.2:** Preserve the integrity and quality of life in residential areas and neighborhoods by continuing the City's small town, family-oriented, residential character.

**Objective FLU 1.11:** Ensure that development and redevelopment does not result in a reduction of the level of service standards established and adopted by this Comprehensive Plan.

**Policy FLU 1.11.2:** Public facilities shall be available concurrent with the impacts of the development, or as otherwise provided for 163.3180, F.S.

**Policy FLU 1.11.3:** Development activities shall be timed and staged in conjunction with the provision of supporting community facilities.

**Infrastructure Element**

**GOAL INF 1:** The City shall ensure that needed potable water, sanitary sewer, and solid waste services be provided by a safe and efficient system which maintains adequate facilities and provides for orderly growth and expansion.

(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.

**Staff Comment:** The proposed amendment is not in conflict with the Dade City LDR’s or any code of ordinances of Dade City.

(3) **Logical Development Pattern:** The proposed amendment will result in a logical and orderly development pattern.
Staff Comment: The proposed amendment will result in a logical development pattern of land uses in the general area.

(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.

Staff Comment: The permitted uses proposed by the amendment are not incompatible with existing land uses or 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.

Staff Comment: The proposed amendment will not 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.

Staff Comment: The uses permitted by the proposed amendment will not deviate from the development pattern 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.

Staff Comment: The proposed amendment does not encourage urban sprawl.

(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).

Staff Comment: The proposed amendment will not result in the creation of an isolated zone district unrelated to adjacent and surrounding zone districts (spot zoning). The surrounding land uses are primarily residential in use at urban densities.

(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.

Staff Comment: Public facilities are in place.
(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.

Staff Comment: Development permitted by the rezoning will have no adverse effect on the environment.

IV. LEVEL OF SERVICE AND PUBLIC FACILITIES IMPACT ANALYSIS

The site is to be used for infrastructure so no public facilities impacts are anticipated by an amendment to the Official Zoning Map.

V. FINDINGS-OF-FACT

1. The proposed amendment to the Official Zoning Map is consistent with the Dade City Comprehensive Plan.
2. The proposed amendment to the Official Zoning Map is consistent with the Dade City Land Development Regulations.

VI. DEVELOPMENT REVIEW COMMITTEE (DRC) RECOMMENDATION

At the DRC meeting on February 27, 2019 the DRC recommended approval to the LPA and CCOM for the Amendment to the Official Zoning Map.

VII. PLANNING BOARD RECOMMENDATION

At the Planning Board meeting of January 13, 2019 the PB recommended approval of the Amendment to the Official Zoning Map for parcels 28-24-21 0000-05000-0020 and 28-24-21-0000-05000-0000.

VIII. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to the Official Zoning Map.

IX. RECOMMENDED MOTION

LPA Recommended Motion. Motion to make a finding that the proposed amendment to the Official Zoning Map is consistent with both the Dade City Comprehensive Plan and the Dade City Land Development Regulations and to advance the proposed amendment to the City Commission for consideration by ordinance.

City Commission Recommended Motion. Motion to approve Ordinance 2018-17, Official Zoning Map amendment on first reading.
AT THE REQUEST OF THE ENTIRE CITY COMMISSION
ORDINANCE NO: 2018-17

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING
THE DADE CITY OFFICIAL ZONING MAP TO CHANGE THE ZONING
DISTRICT CLASSIFICATION ON CERTAIN REAL PROPERTY OWNED
BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY
IDENTIFICATION NUMBERS 28-24-21-0000-05000-0000 AND 28-24-21-
0000-05000-0020, AND GENERALLY LOCATED NEAR THE
INTERSECTION OF JEFFERSON AVENUE AND SKYLINE DRIVE, DADE
CITY, FLORIDA, APPROXIMATELY 4.56 ACRES IN SIZE, FROM PASCO
COUNTY AR (AGRICULTURE RESIDENTIAL) TO DADE CITY RIO,
(RESIDENTIAL OFFICE INSTITUTIONAL) IN ACCORDANCE WITH
THE PROVISIONS OF THE DADE CITY LAND DEVELOPMENT
REGULATIONS AND SECTION 166.041, FLORIDA STATUTES;
PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY AND AN
EFFECTIVE DATE.

WHEREAS, the City of Dade City, Florida (“Owner”) is the owner of certain real property,
which land totals approximately 4.56 acres in size, and is assigned Tax Parcel Identification
Numbers 02-25-21-0010-05000-0000 and 28-24-21-0000-05000-0020 by the Property Appraiser of
Pasco County (hereinafter “Property”); and

WHEREAS, the Dade City Commission has the authority pursuant to Chapters 166 and 163
to rezone real property within the City limits upon receipt of a request and consent from an owner
of real property, together with the approval of the Dade City Commission of the rezoning request
by ordinance; and

WHEREAS, the Owner has applied to the City of Dade City pursuant to the controlling
provisions of Florida law and the Dade City Land Development Regulations to have the Property
rezoned from Pasco County AR (AGRICULTURE RESIDENTIAL) to Dade City RIO
(RESIDENTIAL OFFICE INSTITUTIONAL) and

WHEREAS, Dade City staff have conducted a thorough review and analysis of the
demands upon public facilities and general planning and land development issues if the requested
rezoning application is approved and has otherwise reviewed and evaluated the application to
determine whether it comports with sound and generally accepted land use planning practices and
principles as well as whether the application is consistent with the goals, objectives and policies set
forth in the Dade City Comprehensive Plan; and

WHEREAS, the Dade City Development Review Committee held a public hearing on
February 27, 2019 to consider the rezoning request and recommended that the Dade City Local
Planning Agency and City Commission approve the requested rezoning as set forth in this
Ordinance; and
WHEREAS, the Dade City Planning Board held a public hearing on January 9, 2019 and the Dade City Commission, sitting as the City’s Local Planning Agency, held a public hearing on February 12, 2019 to consider the rezoning request and recommended that the Dade City Commission approve the requested rezoning as set forth in this Ordinance; and

WHEREAS, the professional City planning staff, the Dade City Planning Board, the Local Planning Agency and the Dade City Commission have determined that the proposed rezoning of the Property as set forth in this Ordinance is consistent with the Dade City Comprehensive Plan, the Dade City Land Development Regulations, and controlling provisions of Florida law; and

WHEREAS, public notice of hearings on the rezoning request was provided as required by Florida law and the Dade City Land Development Regulations; and

WHEREAS, the Dade City Commission has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by Florida law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF DADE CITY, FLORIDA:

Section 1. Legislative Findings and Intent.

(a) The Dade City Commission hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the rezoning application as well as the above “Whereas” clauses.

(b) The Property, which is approximately 4.56 acres in size, is generally located near the intersection of Jefferson Avenue and Skyline Drive, Dade City, Florida.

(c) Dade City has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(d) The Dade City Commission has determined that the rezoning from Pasco County AR (AGRICULTURE RESIDENTIAL) to Dade City RIO (RESIDENTIAL INSTITUTIONAL OFFICE) is appropriate, would promote the proper and orderly development of Dade City, and is in the best interest of the public and the health, safety and welfare of Dade City.

Section 2. Rezoning of Real Property/Implementing Actions.

(a) Upon enactment of this Ordinance the following described property, as depicted in Exhibit A, and totaling approximately 4.56 acres in size, shall be rezoned from Pasco County AR (AGRICULTURE RESIDENTIAL) to Dade City RIO (RESIDENTIAL INSTITUTIONAL OFFICE).

(b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official
Section 3. Incorporation of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the Dade City Code of Ordinances or the Dade City Land Development Regulations; provided, however, that the actions taken herein shall be depicted on the zoning maps of the Dade City by the City Manager, or designee.

Section 7. Effective Date

This Ordinance shall take effect immediately after the effective date of Ordinance Number 2018-17, which Ordinance amends the Official Zoning Map of Dade City.

PASSED AND ADOPTED THIS ___ DAY OF ___________, 2019.

FIRST READING: ________________

SECOND READING: ________________

______________________________

CAMILLE S. HERNANDEZ, MAYOR

ATTEST:

______________________________

ANGELIA GUY, CITY CLERK

1st reading – March 12, 2019
Approved as to form:

__________________________________
City Attorney

Exhibit “A”
LEGAL DESCRIPTION AND MAPS

PARCEL 1:
Northeast 1/4 of Northwest 1/4 of Southeast 1/4 of Section 28, Township 24 South, Range 21 East, Pasco County, Florida, LESS the South 332.02 feet thereof; LESS Commence at the Northeast corner of Lot 11, SKYLINE SUBDIVISION, as per plat thereof recorded in Plat Book 7, Page 108, Public Records of Pasco County, Florida, for a Point of Beginning; thence run West 148.0 feet, thence North 0 degrees 08 minutes 15 seconds East, 143.23 feet; thence East 148.0 feet; thence South 0 degrees 07 minutes 42 seconds West, 143.23 feet to the Point of Beginning; LESS Commence at the Northeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 28, thence South 25 feet for the Point of Beginning; thence West 50 feet; South 127.3 feet; thence East 50 feet; North 127.3 feet to the Point of Beginning (a/k/a Lot 12, Block E, Skyland Subdivision, as recorded in Plat Book 4, Page 24, now vacated)

ID: 28-24-21-0000-05000-0000

PARCEL 2:
Lot 12 of Block E of SKYLAND SUBDIVISION, as said lot is numbered, described and shown on the plat of the subdivision recorded in Plat Book 4, Page 24, Public Records of Pasco County, Florida, vacated in Pasco County Commission Book 5 on Page 238 being more particularly described as beginning at the NE corner of the NW ¼ of the SE ¼ thence S 25 feet to the point of beginning; thence West 50 feet then South 127.3 feet thence E 50 feet thence North 127.3 feet to the point of beginning.

ID: 28-24-21-0000-05000-0020
SUBJECT PARCELS -
28-24-21-0000-05000-0000 and
28-24-21-0000-05000-0020
OFFICIAL ZONING MAP AMENDMENT APPLICATION

A. PROJECT INFORMATION

1. Project Name: Tankhill

2. Address of Subject Property: Near the intersection of Skyline Drive & Jefferson Avenue

3. Parcel ID Number(s): 28-24-21-0000-05000-0000 (Parcel A) & 28-24-21-0000-05000-0020 (Parcel B)

4. Existing use of the property: Parcel A - vacant Parcel & Parcel B - used for a booster station

5. Existing Zoning District: AR (Agricultural Residential)

6. Proposed Zoning District: RIO (Residential, Institutional, Office)

7. Acreage: 4.56 +/- combined
B. APPLICANT

1. Applicant Status ○ Owner ○ Agent

2. Name of Applicant(s) or Contract Person(s): Michael Sherman

Company (if applicable): City of Dade City

Mailing Address: 38020 Meridian Ave

City: Dade City

Phone number: 352-523-5048 Email address: msherman@dadecityfl.com

3. If applicant is agent of property owner*:
Agent: Michael Sherman

Mailing Address: 38020 Meridian Ave

City: Dade City

* Must provide executed Property Owner’s Affidavit authorizing the agent to act on behalf of the property owner.

C. JUSTIFICATION REPORT

Justification report must include at minimum the following:

1. Statement of proposed Official Zoning Map amendment
2. Public facilities impact analysis: Analysis must consider potable water, sanitary sewer, solid waste, Stormwater management, and transportation facilities. If proposed rezoning impacts must be determined with any proposed mitigation for recreation and public school facilities.

3. Provide a legal Description of the area proposed for Official Zoning Map Amendment.

4. Provide proof of ownership.

5. Provide proof of payment of taxes.

6. Analysis for compliance with Standards for Site Specific Amendments to the Official Zoning Map.
   a. *Consistent with the Comprehensive Plan:* The proposed amendment must identify and demonstrate how the amendment is consistent with and furthers the Goals, Objectives and Policies of the Dade City Comprehensive Plan.
   b. *Consistent with ordinances and the Land Development Regulations:* The proposed amendment must identify and demonstrate how the amendment is consistent with and is not in conflict with any portion of the City’s Land Development Regulations or any of the City’s Code of Ordinances.
   c. *Local Development Pattern:* The proposed amendment must demonstrate that a change in zoning will result in a logical and orderly development pattern.
   d. *Premature Development:* The Proposed amendment must demonstrate that a change in zoning will not create premature development in undeveloped or rural areas.

7. Map series to support proposed amendment. Required map series at a minimum must include:
   a. The official Zoning Map showing the site of the proposed amendment and the existing zoning for said property.
   b. The Official Zoning Map showing the site of the proposed amendments and the proposed zoning for said property.
   c. A map showing any natural resources, including: soils, Flood Zones, Aquifer Recharge, Wetlands, Biological Hotspots.
d. Historic and Archeological Resources.

e. Transportation Maps to support Transportation Impact Analysis.

f. Aerial Maps of site and surrounding areas.

8. Fee. Please see fee schedule for fee determination. No application fee shall be accepted for processing until the required application fee is paid in full by the applicant. Any necessary technical review or additional reviews of the application beyond the initial engineering review fee will be billed to the applicant at the rate of the reviewing entity. The invoice shall be paid in full prior to any legislative and/or quasi-judicial action of any kind on the petition, appeal, or development application.

NEIGHBORHOOD MEETING

1. Copy of the required published notice – must be published in a newspaper of general circulation as defined in Article 6 of the Dade City Land Development Code.

2. Copy of written notice (letter) sent to all property owners within 400 feet.

3. Written summary of meeting. Written summary must include (1) those in attendance; (2) a summary of the issues related to the development proposal discussed; (3) comments by those in attendance about the development proposal; and (4) any other information deemed appropriate.

I, Michael Sherman, certify that I have checked the Submittal application for completeness.

Name of Individual completing this application: Michael Sherman

(Please Print)

Reviewed By: For Michael Sherman

Date Accepted: 1/4/19

Date Rejected: ____________
Due to a software conversion, changes in ownership and sales may be delayed.

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Legal Description (First 4 Lines):
NE 1/4 OF NW1/4 OF SE1/4 OF SEC LESS SOUTH 332.02 FT LESS COM AT NE COR OF LOT 11 SKY LINE SUB PER PB 7 PG 108 FOR

Jurisdiction
Pasco County, Board of County Commissioners

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Building Information - Use 00 - Unimproved (Card: 001 of 001)
Unimproved Parcel 00 - Unimproved

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Sales History - See All 6 sales

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Legal Description
28-24-21-0000-05000-0000
Assessed in Section 28, Township 24 South, Range 21 East
of Pasco County, Florida

NE 1/4 OF NW1/4 OF SE1/4 OF SEC LESS SOUTH 332.02 FT
LESS COM AT NE COR OF LOT 11 SKY LINE SUB PER PB 7 PG
108 FOR POB TH WEST 148.00 FT TH N00DG08'15"E 143.23 FT
TH EAST 148.00 FT TH S00DG07'42"W 143.23 FT TO POB LESS
COM AT NE1/4 OF NW1/4 OF SE1/4 OF SEC TH SOUTH 25.00 FT
FOR POB TH WEST 50.00 FT TH SOUTH 127.3 FT TH EAST 50.00
FT TH NORTH 127.3 FT TO POB OR 9730 PG 1453
Due to a software conversion, changes in ownership and sales may be delayed.

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<th>Data Current as Of:</th>
<th>Weekly Archive - Saturday, December 29, 2018</th>
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<td>Parcel ID</td>
<td>28-24-21-0000-05000-0020 (Card: 001 of 001)</td>
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<td>Classification</td>
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<tr>
<td>PO BOX 1355</td>
<td>Land $8,263</td>
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<tr>
<td>DADE CITY FL 33526-1355</td>
<td>Building $0</td>
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<tr>
<td>Physical Address</td>
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<td></td>
<td>Just Value $9,388</td>
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<td></td>
<td>Assessed (Non-School Amendment 1) $9,388</td>
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<td>Taxable Value $0</td>
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Legal Description (First 4 Lines)
LOT 12 BLK E SKYLAND PB 4 PG24
VAC IN COM MIN BOOK 5 PG 238
BEING MORE PART DESCRIBED AS BEG AT NE COR OF NW 1/4 OF SE

Jurisdiction
Pasco County, Board of County Commissioners

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<tr>
<th>Land Detail (Card: 001 of 001)</th>
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<th>Additional Land Information</th>
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<tr>
<td>Acres</td>
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<td>Tax Area</td>
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<tr>
<td>FEMA Code</td>
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<td>Residential Code</td>
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Building Information - Use 00 - Unimproved (Card: 001 of 001)
Unimproved Parcel 00 - Unimproved

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<th>Extra Features (Card: 001 of 001)</th>
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Sales History

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Legal Description
28-24-21-0000-05000-0020
Assessed in Section 28, Township 24 South, Range 21 East
of Pasco County, Florida

LOT 12 BLK E SKYLAND PB 4 PG24 VAC IN COM MIN BOOK 5
PG 238 BEING MORE PART DESCRIBED AS BEG AT NE COR
OF NW 1/4 OF SE 1/4 TH S 25 FT TO POB TH W 50FT TH S 127.3
FT TH E 50 FT TH N 127.3 FT TO POB DB 75 PG 194
### Ad Valorem Taxes

<table>
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<th>Telephone</th>
<th>Millage</th>
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<th>Exemption</th>
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### Non-Ad Valorem Taxes

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### Total Millage
- 16.1891

### Total Ad Valorem Taxes
- $0.00

### Total Non-Ad Valorem Taxes
- $0.00

### Total Combined Taxes & Assessments
- $0.00

---

### Mike Fasano

**Pasco County Tax Collector**

**"Thank You for allowing us to serve you."**

---

**2018 Paid Real Estate**

**NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

Pay your taxes online at [www.pascotaxes.com](http://www.pascotaxes.com)

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**CITY OF DADE CITY**

PO BOX 1355

DADE CITY, FL 33526-1355

---

**Mike Fasano**

**Pasco County Tax Collector**

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**CITY OF DADE CITY**

PO BOX 1355

DADE CITY, FL 33526-1355

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MEMBERS PRESENT: Chairman Joe Kennard  
   Board Member Jimmy Miller  
   Board Member Bermice Mathis  
   Board Member James Cosentino  
   Board Member Juliann Hale  
   Board Member Davis Henley  
   Board Member Knute Nathe

MEMBERS ABSENT/REGRETS:

STAFF PRESENT: Michael Sherman, AICP, Director  
   Erika Cordoba, Development Review Tech

1. **CALL TO ORDER @ 5:35 PM**

1.1 **Vote for Alternate Chair to run the meeting**

Both the Chairman and Vice Chair were absent.

Motion to recommend Member Miller to run the meeting in the absence of the Chairman and the Vice Chair. Moved by Member Nathe, seconded by Member Hale. All approved, motion carried.

   CARRIED.

1.2 **Pledge of Allegiance.**

The Pledge was recited.

1.3 **Roll Call**

Roll was called. Chairman Joe Kennard and Vice Chair Bermice Mathis were absent.

2. **PRESENTATIONS - None**

3. **PUBLIC COMMENTS - None**

4. **APPROVAL OF MINUTES**

4.1 **Approval of December 13, 2018 Planning Board Minutes**

Motion to approve the Minutes as submitted. Moved by Member Henley, seconded by Member Cosentino. All approved, motion carried.
5. **OLD BUSINESS - None**

6. **NEW BUSINESS**

6.1 **Tankhill Future Land Use Map Amendment**

Mr. Sherman informed the board of the amendments that are being requested by the City.

Motion to approve the proposed amendment to the Future Land Use Map. Moved by Member Nathe, seconded by Member Cosentino. All approved, motion carried.

Motion to recommend approval to the LPA and the City Commission. Moved by Member Nathe, seconded by Member Henley. All approved, motion carried.

CARRIED.

6.2 **Tankhill - Zoning Map Amendment**

Public Hearing opened at 5:48 PM.

Member Miller read the Quasi Judicial script. Mr. Sherman confirmed that all advertisement requirements were met. All speakers were sworn in. Mr. Sherman gave a brief overview of the project as staff. Mr. Sherman gave his presentation as the applicant. Mr. Miller asked if the City anticipated to use the property for any other use other than the tank? Mr. Sherman informed Mr. Miller that they would fence the property and create any access ways needed to access the property.

Vance Sheer of 14508 Skyland Drive addressed his concerns with the access way to the tank. He informed the board that because of the current tank failing frequently the road floods a lot. He would like to see Skyline Drive repaired.

Hearing closed at 6:05 PM.

Motion to recommend approval of proposed Official Zoning Map amendment to the LPA and the City Commission. Moved by Member Hale, seconded by Member Cosentino. All approved, motion carried.

CARRIED.

7. **MEMBER COMMENTS**

7.1 **Erika Cordoba**

Asked for prayers from the Board for Vice Chair Mathis' son who is currently in ICU.

7.2 **Mike Sherman**

Mr. Sherman updated the Board on the progress of medical marijuana in Dade City. Discussion took place.

8. **PUBLIC COMMENTS (For items not already discussed)**
9. ADJOURNMENT @ 6:20 PM
MEMBERS PRESENT: Leslie Porter, Chair  
Michael Sherman, Vice-Chair  
Michael Barthle, Board Member  
Doug True, Board Member  
Joseph Debono, Board Member  

MEMBERS ABSENT/REGRETS: James Walters, Board Member  

STAFF PRESENT: Erika Cordoba, Development Review Tech  

1. CALL TO ORDER @ 1:31 PM  
2. ROLL CALL  
   2.1 Members Absent  
      Member James Walters was not present.  
3. APPROVAL OF MINUTES  
   3.1 Approval of November 21, 2018 DRC Minutes  
      Motion to approve the minutes as submitted. Moved by Member Barthle, seconded by Member True. All approved, motion carried.  
   CARRIED.  
4. UNFINISHED BUSINESS - None  
5. NEW BUSINESS  
   5.1 Land Trust Services Corp, TTE Annexation  
      Motion to recommend approval to the Planning Board and the City Commission of the proposed annexation. Moved by Member Barthle, seconded by Member True. All approved, motion carried.  
      CARRIED.  
   5.2 Land Trust Services Corp, TTE Comp Plan Amendment  
      Motion to recommend approval of the proposed Comprehensive Plan, Future Land Use Map from the Pasco County ROR to the Dade City CG FLUM category for parcel 02-25-21-0000-00900-0040 to the Planning Board, Local Planning Agency
and the Dade City Commission. Moved by Member True, seconded by Member Barthle. All approved, motion carried.

CARRIED.

5.3 Land Trust Services Corp, TTE Rezoning

Public Hearing opened at 1:44 PM
All speakers were sworn in.
Mr. Sherman gave his presentation of the project and discussion took place.
There were no public comments.
Public Hearing closed at 1:50 PM.

Motion to recommend approval of the proposed Comprehensive Plan, Future Land Use Map amendment to the Local Planning Agency and the City Commission. Moved by Member Barthle, seconded by Member DeBono. All approved, motion carried.

CARRIED.

5.4 Tank Hill Comp Plan Amendment

Motion to recommend approval of the proposed Comprehensive Plan, Future Land Use Map amendment to the Local Planning Agency and the City Commission. Moved by Member True, seconded by Member DeBono. All approved, motion carried.

CARRIED.

5.5 Tank Hill Rezoning

Motion to recommend approval of the Ordinance 2018-17 for the proposed Official Zoning Map amendment to the Local Planning Agency and the City Commission. Moved by Member Barthle, seconded by Member DeBono. All approved, motion carried.

CARRIED.

6. OTHER BUSINESS - None

7. ADJOURNMENT @ 2:00 PM
NOTICE OF PUBLIC HEARING

22 February 2019

Dear Property Owner:

This letter is to inform you that the City of Dade City will be holding public hearings to consider an amendment to the Dade City Future Land Use Map and the Official Zoning Map for two parcels of land that are owned by the City of Dade City. The parcels proposed for these two land use actions include 28-24-21-0000-05000-0020 AND 28-24-21-0000-05000-0000, and contain approximately 4.56 acres of land. The properties are generally located near the intersection of Jefferson Avenue and Skyline Drive, Dade City, Florida.

You are receiving this notice because you own property within 400’ of the property proposed for these land use actions. These land use actions will not include your property but the City wishes to advise you of this action because of the proximity of your property to the requested Future Land Use Map amendment and Official Zoning Map amendment.

A location map is included on the back of this letter for parcels 28-24-21-0000-05000-0020 AND 28-24-21-0000-05000-0000 which are the properties subject to these land use actions.

A public hearing will be held by the Dade City Local Planning Agency and City Commission on Tuesday, March 12, 2019 at 5:30 p.m. to consider these two land use actions. The public hearing will be held at City Hall. The address of City Hall is 38020 Meridian Avenue, Dade City, Florida 33525.

You are welcome and encouraged to attend these meetings and voice your opinion or submit any comments in writing. Should you have any questions or require further information, please call the Planning Department at 352.523.5048

Sincerely,

Michael Sherman, AICP, Director
Community Development Department

c: F I L E

Established 1889

P.O. BOX 1355 • 38020 MERIDIAN AVENUE • DADE CITY, FL 33526-1355 • (352) 523-5050  FAX (352) 521-1422

Page 67 of 87
CITY OF DADE CITY

NOTICE OF AN AMENDMENT TO THE DADE CITY OFFICIAL ZONING MAP

LEGAL NOTICE IS HEREBY GIVEN that the Dade City Local Planning Agency will hold a public hearing on Tuesday, February 12, 2019 in the City Commission Chambers at City Hall, 38020 Meridian Avenue, Dade City, Florida, beginning at 5:30 p.m., or as soon thereafter as may be expedient, to consider the amendment of the Dade City Zoning Code. The Dade City Commission will hold a public hearing on Tuesday, February 12, 2019 in the City Commission Chambers at City Hall, 38020 Meridian Avenue, Dade City, Florida, beginning at 5:30 p.m., or as soon thereafter as may be expedient, to consider the adoption of an amendment to the Dade City Official Zoning Map as follows:

AT THE REQUEST OF THE ENTIRE CITY COMMISSION

ORDINANCE NO: 2018-17

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING THE DADE CITY OFFICIAL ZONING MAP TO CHANGE THE ZONING DISTRICT CLASSIFICATION ON CERTAIN REAL PROPERTY OWNED BY THE CITY OF DADE CITY, FLORIDA, BEARING PROPERTY IDENTIFICATION NUMBERS 28-24-21-0000-053000-0000 AND 28-24-21-0000-05200-0026, AND, GENERALLY LOCATED NEAR THE INTERSECTION OF JEFFERSON AVENUE AND SKYLIN DRIVE, DADE CITY, FLORIDA, APPROXIMATELY 4.56 ACRES IN SIZE, FROM PASCO COUNTY AR (AGRICULTURE RESIDENTIAL) TO DADE CITY R1, (RESIDENTIAL OFFICE INSTITUTIONAL) IN ACCORDANCE WITH THE PROVISIONS OF THE DADE CITY LAID DEVELOPMENT REGULATIONS AND SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Location: Near the intersection of Skyline Drive and Jefferson Avenue.

PARCEL 1:
Northeast 1/4 of Northwest 1/4 of Southeast 1/4 of Section 28, Township 24 South, Range 21 East, Pasco County, Florida, LESS the South 322.00 feet therefrom, LESS Commence at the northeast corner of Lot 11, SKYLIN SUBDIVISION, as per plat thereof recorded in Plat Book 2, Page 108, Public Records of Pasco County, Florida, for a Point of Beginning; then north 90 degrees 00 minutes 15 seconds from same, 143.23 feet; then east 90 degrees 06 minutes 20 seconds, 143.23 feet to the Point of Beginning; LESS Commence at the north east corner of the Northwest 1/4 of the Southeast 1/4 of said Section 28, thence South 25 feet to the Point of Beginning; thence West 50 feet; South 127.3 feet; thence East 50 feet thence North 127.3 feet to the point of beginning.

ID: 28-24-21-0000-053000-0000

PARCEL 2:
Lot 12 of Block E of SKYLIN SUBDIVISION, as said lot is numbered, described and shown on the plat of the subdivision recorded in Plat Book 4, Page 24, Public Records of Pasco County, Florida, as recorded in Section 28, Township 24 South, Range 21 East, Pasco County, Florida, Showing the addition to the plat of said Section 28; thence South 25 feet to the point of beginning; thence West 50 feet then South 127.3 feet thence East 50 feet then North 127.3 feet to the point of beginning.

ID: 28-24-21-0000-052000-0020

A copy of the full text of the ordinance is available at City Hall, 38020 Meridian Avenue, Dade City, Florida. It may be inspected by the public from 8 a.m. to 5 p.m. All interested and affected parties and the public may appear at the public hearing and may be heard with respect to the proposed ordinance. Application for a copy of the ordinance is open at the Community Development Office, 38020 Meridian Avenue, Room 203, Dade City FL 33325, Monday through Friday, during regular business hours, 8 a.m. to 5 p.m. Please contact Michael Sherman, AICP, Community Development Director, at (352) 525-5505 to discuss any questions or concerns about the proposed rezoning. If you are a person with a disability who requires a reasonable accommodation in order to participate in this meeting, please contact the City Clerk at (352) 525-5505 at least 48 hours prior to the public hearing.

PLEASE NOTE: The public hearings are public meetings. Should any interested party, affected party or the public seek to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and for such purpose, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based pursuant to Section 288.0165, Florida Statutes. The time and/or location of public hearings are subject to change. Changes are announced at the initial scheduled hearing. Notice of any changes will not be published or mailed.
City of Dade City

AGENDA MEMO

TO: Honorable Camille S. Hernandez, Chair and Members of the Local Planning Agency
Honorable Camille S. Hernandez, Mayor and Dade City Commission

FROM: Michael Sherman, AICP, Director, Community Development

SUBJ: Public hearing for Ordinance 2019-03, Medical Marijuana

DATE: 12 March 2019

I. Background

Tonight for consideration by the Local Planning Agency and the City Commission is Ordinance 2019-03. Ordinance 2019-03 is the ordinance the staff has proposed, based on direction from the City Commission, to regulate medical marijuana treatment centers within the municipal limits of Dade City.

For the past several years the City Commission and staff have been following the evolution of medical marijuana in the State of Florida. As far back as 2015, the City Commission discussed medical marijuana, its potential of passing as a constitutional amendment and if passed, how the City would regulate it from a land use and zoning perspective. Once the Constitution was amended in 2016 and state legislation passed, City staff began the research required to inform the Commission on the new legislation and how other local governments were addressing the new legislation, and held public workshops with the City Commission and the Planning Board so that staff could assist the City Commission in developing this important policy decision.

After the citizens of Florida voted on the medical marijuana constitutional amendment, the Florida Legislature enacted SB-8A during Special Session in July 2017. This SB-8A was drafted to implement Section 29, Article X in the State of Florida Constitution. SB-8A created a unified regulatory structure for the use of marijuana for medical purposes by persons with debilitating diseases in the State of Florida. A major impact on cities is that SB-8A pre-empted local governments from enacting any regulation regarding cultivation, processing and delivery of marijuana by medical marijuana treatment centers except as otherwise provided in SB-8A. Subsequent to the adoption of SB-8A, the legislature adopted an amendment to Chapter 381, of the Florida Statutes (381.986, F.S) to implement SB-8A. As provided in SB-8A and Section 381.986, F.S. local governments are preempted from much of the regulation for medical marijuana. Regarding local government pre-emption, the law provides:

A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of a public or private elementary school, middle school, or secondary school. A medical marijuana treatment center dispensary may not be located within 500 feet of a public or private elementary school, middle school, or secondary school unless the municipality approves the location through a formal
proceeding open to the public at which the municipality determines that the location promotes the public health, safety, and general welfare of the community.

A municipality may, by ordinance ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the municipality, but if medical marijuana treatment center dispensing facilities are permitted within the boundaries of the municipality, the municipality may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within the municipality. Notwithstanding the foregoing, Section 381.986 allows a municipality to determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. However, any ordinance for permitting or for determining the location of dispensing cannot be more restrictive than any ordinance permitting or determining the locations for pharmacies licensed under Chapter 465, Florida Statutes.

A municipality may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by the municipality to pharmacies. Section 381.986 does not prohibit any municipality requiring medical marijuana treatment center facilities to comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

Included with this memo, the Local Planning Agency and the City Commission will find two maps; the first map shows public or private elementary schools, middle schools, or secondary schools (high schools) located within the municipal limits of Dade City and a 500’ buffer where, if approved, a medical marijuana treatment center cultivating, processing facility and dispensaries will be prohibited. The second map shows the CRA District where pharmacies and medical marijuana treatment center dispensaries will also be prohibited if the ordinance is passed by the Commission.

II. Ordinance 2019-03

The Ordinance has been drafted to allow medical marijuana treatment center dispensaries and pharmacies to be located within the municipal limits of Dade City in zoning districts where the City currently permits pharmacies. The ordinance also prohibits medical marijuana treatment center dispensaries from locating within 500’ from public and private schools as required by the Statute. Ordinance 2019-03 is also drafted to exclude pharmacies and medical marijuana treatment centers dispensaries from the Community Redevelopment Area District (Map attached). To accomplish this, the proposed Ordinance amends Section 4.3.4(G)(3) which is the “Use Specific” standards for Drug Stores and Pharmacies. Section 4.3.4(G)(3) is amended as shown below.

Section 4.3.4(G)(3) of the LDR. Section 4.3.4(G)(3), Drug Stores and Pharmacies (standalone) shall be amended to read as follows:

Section 4.3.4(G)(3), Drug Stores, and Pharmacies (standalone) and Medical Marijuana Treatment Center Dispensing Facilities
Drive-through facilities associated with drug stores or pharmacies shall comply with the following standards:

(a) **Canopies**
   Have pitch roofs at an angle to closely approximate the roof found on the primary building.

(b) **Drive Through Locations**
   Be situated to the side and preferably to the rear of the primary building.

(c) **Prohibited**
   Drive-through facilities shall not be located within the CN or CBD districts.

(A) Pharmacies, Drug Stores and Medical Marijuana Treatment Center Dispensing facilities with drive through canopies shall have pitch roofs at an angle to closely approximate the roof found on the primary building and be situated to the side and preferably to the rear of the primary building. Pharmacies, Drug Stores and Medical Marijuana Treatment Center Dispensing facilities with drive through facilities shall not be located within a CN or CBD district.

(B) Medical Marijuana Treatment Center Dispensing Facilities subject to Section 381.986, Florida Statutes, pharmacies and drug stores shall not be located within the community redevelopment areas in the City of Dade City, as created by Resolution 526 and Resolution 2008-0987, as may be amended from time to time.

(C) Medical marijuana treatment center dispensing facilities shall comply with all provisions of Florida law. A medical marijuana treatment center dispensing facility shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the Dade City Commission approves the location through a formal proceeding open to the public at which the Dade City Commission determines that the requested location promotes the public health, safety, and general welfare of the residents of Dade City.

(D) Medical marijuana treatment center dispensing facilities, pharmacies and drug stores shall comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

III. **ANALYSIS OF ORDINANCE 2019-03**

Ordinance 2019-03 accomplishes the following:

1. Allows for pharmacies, drug stores and medical marijuana treatment center dispensaries to be located in the RIO, CN, and GC zoning districts.
2. Prohibits medical marijuana treatment center dispensaries from locating within 500' from a public or private elementary, middle and high schools.
3. Prohibits pharmacies and medical marijuana treatment center dispensaries from locating within the CRA District boundary.
4. Requires that medical marijuana treatment center dispensing facilities must comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.
5. Creates a legal-nonconforming use for the existing pharmacy located on 7th Street (RX Pharmacy Care and Quick Mart)

The Planning Board held the public hearing on the proposed ordinance and issues of concern were raised and discussed. Issues of concern raised by the Planning Board included:

1. The prohibition of pharmacies from locating in the CRA District. Adoption of the Ordinance 2019-03 as proposed would prohibit pharmacies from locating in the CRA district and create an existing non-conforming use for the pharmacy that is currently located downtown. The Planning Board did not want to create a non-conforming use of the existing pharmacy and they believe that pharmacies are a valuable business for our downtown and the downtown we are trying to redevelop.

2. Bills for revising/amending the existing medical marijuana laws have been submitted for review at the state level. The Planning Board expressed their desire to wait and see what happens this legislative session.

During the public comment portion of the public hearing, two individuals spoke regarding the proposed ordinance. Mr. Haresh Patel and Mr. Rakesh Patel, owners of RX Pharmacy Care and Quick Mart, located on 7th Street spoke in opposition of the proposed ordinance. Both Mr. Patel’s spoke about their pharmacy being longstanding members of the City and downtown community as their business has been at that location for approximately 15 years. Mr. Rakesh Patel spoke about their Dade City pharmacy location, how important it is to their company, the success they have at that location and its impact positively on the entire company. Both speakers expressed their concern regarding the proposed ordinance and the impacts that may occur on their pharmacy business. They expressed their concern regarding the “legal non-conforming” status the property will have once pharmacies are not permitted in the CRA District.

Article 8 of the Land Development Regulations addresses non-conformities. A non-conforming use is defined by the Dade City Land Development Regulations as “the legal use of a structure or premises before the effective date of these LDR’s or any amendment thereto, but that does not comply with the standards of Section 4.22(H), Utilities”.

Section 8.1, 8.2 and 8.3 from the LDR is included below regarding non-conforming land uses and how they will be regulated.

8.1.1 Purpose and Intent

(A) General

Within the provisions established by these LDRs, there exist uses of land, structures, lots of record, towers, and signs that were lawfully established before these LDRs were adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this article is to regulate and limit the continued existence of those uses, structures, lots of record, signs, and towers that do not conform to the provisions of these LDRs, or any amendments thereto.
(B) Permit Nonconformities to Continue Until Removed, But Not Encourage Survival

It is the intent of these LDRs to permit these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities to preserve the integrity of these LDRs.

8.1.2 Authority to Continue

Existing nonconformities and nonconformities under actual construction as of August 12, 2014, are allowed to continue in accordance with the standards of this article.

8.1.3 Determination of Nonconformity Status

(A) General
In all cases, the burden of establishing that nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.

(B) Casual, Temporary, or Illegal Use Does Not Establish Nonconformity
The casual, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of nonconformity, nor does it create rights to continue the nonconformity.

8.1.4 Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and towers in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, sign, or tower. For the purposes of this section, "minor repair or normal maintenance" shall mean:

(A) Maintenance of Safe Condition
Repairs necessary to maintain a nonconforming use, structure, or tower in a safe condition;

(B) Correction of Damage or Deterioration
Repairs necessary to correct any damage or deterioration to the structural soundness or appearance of a structure without altering the structure;

(C) Maintenance of Land for Safety
Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and

(D) Limited Sign Repairs and Maintenance
Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, whose costs do not exceed 50 percent of the replacement cost of the sign.

8.1.5 Change of Tenancy or Ownership
The status of nonconformity is not affected by changes of tenancy, ownership, or management.

8.1.6 Change in Characteristics of Use
If the characteristics of a use (i.e. signage, off-street parking and loading, landscaping, density, intensity, or other characteristic pertaining to the use), structure, or premises are rendered nonconforming by the Comprehensive Plan, these LDRs, or an amendment thereto, no change shall be made that increases the nonconformity with the standards of these LDRs. However, changes that do not increase or that decrease the amount of nonconformity are allowed under these LDRs.

8.1.7 Structural Additions
No structures or additions to structures shall be added to nonconforming uses, structures, or lots containing nonconformity except in a manner that is consistent with the goals, objectives, and policies of the Comprehensive Plan and the standards of these LDRs.

8.1.8 Discontinuance or Abandonment

(A) General
If a nonconforming use or structure is discontinued or abandoned for a continuous period of 6 months or more, or is changed to or replaced by a conforming use or structure, it shall lose its nonconformity status, except as provided in Section 8.2.5 Reconstruction After Casualty Damage, or Section 8.3.5 Restoration After Casualty Damage.

(B) Development After Discontinuance or Abandonment
Any subsequent development shall be consistent with the goals, objectives, and policies of the Comprehensive Plan and shall comply with the standards in these LDRs.

(C) Impeded Access
If an act of government prevents access to the nonconformity, the calculation of an abandonment or discontinuation period shall not include the amount of time when access was impeded.

SECTION 8.2 NONCONFORMING USES

8.2.1 General
Nonconforming uses are declared generally incompatible with the permitted uses in the zone district in which they are located and with the provisions of these LDRs. Nonconforming uses shall be subject to the following standards.

8.2.2 Change of Use

(A) General
A nonconforming use shall not be changed to another nonconforming use, except in accordance with Section 2.4.12, Certificate of LDR Compliance, and this section, and only when the Community Development Director determines the new nonconforming use is more similar to or comparable with the permitted uses in the district than the existing nonconforming use.
determining whether a proposed use is more similar to or comparable with the permitted uses in the zone district, the following factors shall be considered:

(1) *More Comparable in Size, Type, and Scope*  
Whether the proposed nonconforming use is more comparable in size, type, and scope to permitted uses in the zone district;

(2) *More Comparable in Density and Intensity of Use*  
Whether the proposed nonconforming use is more comparable in density or intensity, including hours of operation, traffic, noise, and similar visual impacts, to permitted uses in the zone district; and

(3) *Less Detrimental Effect*  
Whether the proposed nonconforming use will have a less detrimental effect on conforming uses in the surrounding area than the existing nonconforming use.

(B) *Off-street Parking*  
Any new nonconforming use approved in accordance with this subsection and Section 2.4.12, Certificate of LDR Compliance, shall comply with the standards for off-street parking in Section 6.1, Off-Street Parking and Loading Standards, for the marginal increase of off-street parking required for the new conforming use versus the off-street parking required for the existing nonconforming use. Computation of parking required for the existing nonconforming use and the new nonconforming use shall be based on the land or building space subject to change.

(C) *Conditions of Approval*  
In permitting the change in nonconforming use, the Community Development Director may require appropriate conditions and safeguards to ensure consistency with the purposes of this subsection that the new nonconforming use is more compatible and comparable with permitted uses in the zone district than the existing nonconforming use.

8.2.3 *Expansion and Enlargement*

(A) *Area Occupied by Nonconforming Use*  
A nonconforming use shall not be expanded in the structure’s area occupied, except that it may be enlarged into any area of the same structure in which it is located that was manifestly arranged or designed for such use prior to the date it became a nonconformity.

(B) *Moved to Another Location*  
A nonconforming use shall not be moved to any other location or within the lot on which it is located unless the use conforms to the standards and requirements of these LDRs.

(C) *Structure Devoted to Nonconforming Use*  
A structure devoted to a nonconforming use shall not be expanded, moved, or structurally altered except to change the structure to a use permitted in the district in which the structure is located.
8.2.4 Accessory Uses

No use accessory to a principal nonconforming use shall continue after the principal use terminates, except in accordance with Section 8.2.2, Change of Use.

8.2.5 Reconstruction After Casualty Damage

(A) Damage up to 50 Percent of Value
When a structure or portion of a structure housing a nonconforming use is damaged up to 50 percent of its replacement value at the time of the casualty, it may be restored if:

(1) Restoration is begun within 12 months and completed within 24 months of the date of the casualty; and
(2) Any expansion complies with Section 8.2.3, Expansion and Enlargement.

In restoring the structure housing the nonconforming use, changes are permitted that reduce the degree or extent of the nonconforming use.

(B) Damage Greater than 50 Percent of Value
When a structure housing a nonconforming use is damaged to an extent of more than 50 percent of its replacement value at the time of the casualty, its status as a nonconformity terminates, and it shall not be restored except as a conforming use.

8.2.6 Uses Subject to Conditional Use Permit

In cases where there are lawfully existing (developed) permitted uses in a zone district that are changed to Conditional uses by amendment to these LDRs, any lawfully existing permitted uses (developed) at the time of amendment shall be considered conforming, and are not required to obtain approval of a Conditional Use Permit (Section 2.4.4). However, any expansion, enlargement, or intensification of the use shall require approval of a Conditional Use Permit in accordance with Section 2.4.4, Conditional Use Permit. (Failure to obtain conditional use approval prior to expansion, enlargement, or intensification shall constitute a violation of these LDRs, and shall render the use nonconforming.)

IV. Planning Board Recommendation

At their meeting in February, the Dade City Planning Board held a public hearing and recommended the following:

1. Deny Ordinance 2019-03; and
2. Extend the moratorium prohibiting medical marijuana treatment centers from locating within the municipal limits of Dade City until time certain chosen by the City Commission.

V. Staff recommendation

Staff recommends denial of Ordinance 2019-03.
VI. Alternative Motions

LPA Alternative Motions:

1. Motion to recommend approval of Ordinance 2019-03 to the City Commission.
2. Motion to recommend denial of Ordinance 2019-03 and extend the moratorium to a date chosen by the City Commission.

CCOM Alternative Motions:

1. Motion to approve Ordinance 2019-03 on first reading.
2. Motion to deny Ordinance 2019-03.
3. Motion to continue review of the proposed Ordinance 2019-03 to a date certain.
AT THE REQUEST OF THE ENTIRE CITY COMMISSION

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING VARIOUS SECTIONS OF THE DADE CITY LAND DEVELOPMENT REGULATIONS TO PROHIBIT PHARMACIES, DRUG STORES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM LOCATING IN COMMUNITY REDEVELOPMENT AREAS IN THE CITY OF DADE CITY; IMPOSING ADDITIONAL REGULATIONS ON MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS PERMITTED BY FLORIDA LAW; AMENDING SECTION 4-1.2 “TABLE OF ALLOWABLE USES” TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES IN ALL ZONING DISTRICTS THAT ALLOW PHARMACIES AND DRUG STORES; AMENDING SECTION 4-1.2 “TABLE OF ALLOWABLE USES” TO EXCLUDE PHARMACY FROM THE CENTRAL BUSINESS DISTRICT; CLARIFYING REGULATIONS RELATED TO DRUG STORES AND PHARMACIES; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 2016-14 on October 25, 2016 to impose a temporary moratorium on the operation of medical marijuana dispensing organizations and for the issuance of business tax licenses for medical marijuana dispensing organizations in the city limits of the City of Dade City; and

WHEREAS, the City Commission subsequently extended the moratorium several times to provide staff with adequate time to fully analyze the impact of medical marijuana dispensing organizations on the residents of City of Dade City and whether it was in the best interest of the residents to ban dispensing facilities or allow medical marijuana treatment center dispensaries to operate within the City of Dade City; and

WHEREAS, in July 2017, the Florida Legislature enacted Section 381.986, Florida Statutes, which revised existing law and included pre-emption of local governments from enacting any regulations regarding medical marijuana treatment centers except as allowed by Section 381.986; and

WHEREAS, Section 381.986, Florida Statute allows a municipality to determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with Florida law or rules promulgated by the Florida Department of Health for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. However, any ordinance for permitting or for determining the location of

March 12, 2019 - 1st Reading City Commission
dispensing cannot be more restrictive than any ordinance permitting or determining the locations for pharmacies licensed under Chapter 465, Florida Statutes; and

WHEREAS, Section 381.986 does not prohibit any municipality from requiring medical marijuana treatment center dispensing facilities to comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code; and

WHEREAS, after participating in several public workshops and meetings, the City Commission has determined that it is in the best interest of the residents of Dade City to allow medical marijuana treatment center dispensing facilities in all zoning districts that allow the location of pharmacies and drug stores, and to restrict the location of pharmacies, drug stores and medical marijuana treatment center dispensing facilities from operating in the redevelopment areas of the City of Dade City; and

WHEREAS, in order to regulate the location of medical marijuana dispensing facilities and pharmacies certain sections of the Dade City Land Development Regulations (LDR), which was adopted by Ordinance 2014-06 on August 12, 2014 and amended on February 23, 2016 and February 12, 2018, require revision consistent with current Florida law; and

WHEREAS, the Dade City Planning Board and the Local Planning Agency have reviewed the proposed changes to the LDR, find the proposed changes consistent with the Dade City Comprehensive Plan, and recommends that the Dade City Commission adopt the amendments contained herein; and

WHEREAS, the Central Business District zoning district is the only zoning district located exclusively in the City of Dade City redevelopment area, which permits pharmacies and drug stores while other commercial zoning districts located in the redevelopment areas of the City of Dade City are also located in other areas of the City of Dade City; and

WHEREAS, the City of Dade City has complied with all requirements and procedures of Florida law and its LDRs in processing and advertising this Ordinance.

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 adopted and incorporated by reference.

SECTION 2. Section 4.1.2, Table of Allowed Uses, of the LDR is hereby amended to create a new land use category identified as “Medical Marijuana Treatment Center Dispensing Facility” identified as an allowable, permitted or conditional use in the same zoning districts where drug stores and pharmacies are allowed, and subject to Use Specific Standards in Section 4.3.4(G)(3) of the LDR.
SECTION 3. Section 4.1.2, Table of Allowed Uses, of the LDR is hereby amended to delete “Pharmacy” as a permitted use in the Central Business Zoning District.

SECTION 4. Section 4.3.4(G)(3) of the LDR. Section 4.3.4(G)(3), Drug Stores and Pharmacies (standalone) shall be amended to read as follows:

Section 4.3.4(G)(3), Drug Stores and Pharmacies (standalone) and Medical Marijuana Treatment Center Dispensing Facilities

Drive-through facilities associated with drug stores or pharmacies shall comply with the following standards:

(a) Canopies
   Have pitch roofs at an angle to closely approximate the roof found on the primary building.

(b) Drive Through Locations
   Be situated to the side and preferably to the rear of the primary building.

(c) Prohibited
   Drive-through facilities shall not be located within the CN or CBD districts.

(A) Pharmacies, Drug Stores and Medical Marijuana Treatment Center Dispensing facilities with drive through canopies shall have pitch roofs at an angle to closely approximate the roof found on the primary building and be situated to the side and preferably to the rear of the primary building. Pharmacies, Drug Stores and Medical Marijuana Treatment Dispensing facilities with drive through facilities shall not be located within a CN or CBD district.

(B) Medical Marijuana Treatment Center Dispensing Facilities subject to Section 381.986, Florida Statutes, and pharmacies and drug stores shall not be located within the community redevelopment areas in the City of Dade City, as created by Resolution 526 and Resolution 2008-0987, as may be amended from time to time.

(C) Medical marijuana treatment center dispensing facilities shall comply with all provisions of Florida law. A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the Dade City Commission approves the location through a formal proceeding open to the public at which the Dade City Commission determines that the requested location promotes the public health, safety, and general welfare of the residents of Dade City.

(D) Medical marijuana treatment center dispensing facilities, pharmacies and drug stores shall comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

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.
SECTION 6. Codification. This ordinance shall be incorporated into the Dade City Land Development Code. 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 6. 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 7. 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 ___ day of __________, 2019, and second reading and adoption on the ___ day of __________, 2019.

ATTEST:  

_______________________________  
ANGELIA GUY, CITY CLERK  

_______________________________  
CAMILLE S. HERNANDEZ, MAYOR  

Approved as to form and legality:

_______________________________  
NANCY STUPARICH, CITY ATTORNEY  

CITY OF DADE CITY, FLORIDA
MEDICAL MARIJUANA 500' BUFFER WITH CG AND RIO OVERLAY
Before the undersigned authority personally appeared Jean Mitotes who on oath says that he/she is Legal Clerk of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: Medical Marijuana was published in Tampa Bay Times: 2/22/19, in said newspaper in the issues of Pasco.

Affiant further says the said Tampa Bay Times is a newspaper published in Pasco County, Florida and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as a second class mail matter at the post office in said Pasco County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature of Affiant

Sworn to and subscribed before me this 02/22/2019.

Signature of Notary Public

Personally known ______ or produced identification

Type of identification produced

LEGAL NOTICE

CITY OF DADE CITY
NOTICE OF AMENDMENT TO THE DADE CITY CODE OF ORDINANCES

LEGAL NOTICE IS HEREBY GIVEN that the Dade City Local Planning Agency will hold a public hearing on Tuesday, March 12, 2019 in the City Commission Chambers at City Hall, 38020 Meridian Avenue, Dade City, Florida, at 5:30 p.m., or as soon thereafter to make a recommendation to the Dade City Commission and the Dade City Commission will hold a public hearing on Tuesday, March 12, 2019 in the City Commission Chambers at City Hall, 38020 Meridian Avenue, Dade City, Florida, at 5:30 p.m., or as soon thereafter as the ordinance may be heard.

AT THE REQUEST OF THE CITY COMMISSION
ORDINANCE NO. 2019-03
AT THE REQUEST OF THE ENTIRE CITY COMMISSION

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, AMENDING VARIOUS SECTIONS OF THE DADE CITY LAND DEVELOPMENT REGULATIONS TO PROHIBIT PHARMACIES, DRUG STORES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM LOCATING IN COMMUNITY REDEVELOPMENT AREAS IN THE CITY OF DADE CITY; IMPOSING ADDITIONAL REGULATIONS ON MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AS PERMITTED BY FLORIDA LAW; AMENDING SECTION 4-1.2 “TABLE OF ALLOWABLE USES” TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES IN ALL ZONING DISTRICTS THAT ALLOW PHARMACIES AND DRUG STORES; AMENDING SECTION 4-1.2 “TABLE OF ALLOWABLE USES” TO EXCLUDE PHARMACY FROM THE CENTRAL BUSINESS DISTRICT; CLARIFYING REGULATIONS RELATED TO DRUG STORES AND PHARMACIES; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

A copy of the full text of the ordinance is available at City Hall, 38020 Meridian Avenue, Dade City, Florida and may be inspected by the public from 8 a.m. to 5 p.m. All interested and affected parties and the public may appear at the public hearings and may be heard with respect to the proposed ordinance, or may submit written comments to the City Commission at PO. Box 1355, Dade City, Florida 33526-1355 by mail, or in person at the above referenced address. A copy of any comments received can be inspected at City Hall. Related materials may be viewed at the Dade City Community Development Office, 38020 Meridian Avenue, Dade City FL 33525, Monday through Friday, during regular business hours, 8 a.m. to 5 p.m. Please contact Michael Sherman, AICP, Community Development Director, at (352) 523-5048 to discuss any questions or concerns about the proposed rezoning. If you are a person with a disability who requires a reasonable accommodation in order to participate in this meeting, please contact the City Clerk at (352) 523-5052 at least 48 hours prior to the public hearing.

2/22/2019