

Guide to Developing a New Commercial Business in Port Orange **(Raw Land Site Development)**

The purpose of this document is to provide business owners with helpful hints on how to develop a piece of commercial property into a small business location. This document was jointly developed by the Port Orange/South Daytona Chamber of Commerce and the City of Port Orange in order to answer questions concerning new commercial development. Thank you to the members of the Chamber's Economic Committee, as well as the City of Port Orange's Community Development Staff for their support and knowledge.

Development Situation: I am a business owner who has found a vacant piece of property in Port Orange for my business. How should I approach this opportunity?

Developing a new commercial business in Port Orange from the ground up is a lengthy process guided by National Building Codes and Standards, local codes, and state laws. City Staff administers these codes with the specific goal of creating an aesthetically pleasing community that is safe, functional, and has a pleasant atmosphere.

The process is lengthy and has many steps and reviews before completion. For those of you not familiar with the process, you may struggle with the details and find the process cumbersome. Don't worry! Think of the process as three mini-processes:

- 1) Planning & Zoning
- 2) Site Development Review and Approval
- 3) Construction

The first part, Planning & Zoning, is a fact identification process in which the owner learns about the allowed uses for the property in question. The second mini-process, Site Development Review and Approval, involves working with the City to develop a site plan that satisfies all of the safety, quality, and aesthetic rules. The third mini-process is building a structure that will meet all the safety and aesthetic code requirements and standards for starting your new business.

Finally, business owners are encouraged to also consider the requirements & timing of other permitting jurisdictions such as St. Johns River Water Management District (SJRWMD), Volusia County, or Florida Dept. of Transportation (FDOT) for example. This document primarily focuses on City of Port Orange requirements as provided by federal, state, and local code. A diagram of the complete development process for minor site development is included in this publication for your use to follow the steps of the review of your project.

NEW COMMERCIAL CONSTRUCTION: BEFORE YOU START

Before you fill out an application to develop your property, there are some things you need to know. Gather all the details about your lot and the site where your new structure will be built. You will need this information for your project applications as well as throughout the entire process:

1. **Planning & Zoning: Things to Know**

Know Your Lot

- ❑ What is the zoning and future land use of the property?
- ❑ Does the zoning district allow your proposed business?
- ❑ What is the lot's parcel number and legal description?
- ❑ What are the dimensions of the lot? What are the setbacks?
- ❑ Does the lot size meet current development standards? For example, consider the space needed for the building, stormwater retention, and parking.
- ❑ What is the base flood elevation?
- ❑ Are there any existing easements?
- ❑ Where are the public utilities located in reference to the property: Streets, Sewer, Water, etc.?
- ❑ Was the lot created through a Subdivision Review? Is it vested under prior zoning regulations?

Do Your Homework

- ❑ Gather all zoning and land use review history. Note: Look at development on the surrounding properties as well.
- ❑ Has there been previous development on the site?
- ❑ Are there environmental issues such as gopher tortoises, eagle's nests, or possible chemical contamination?
- ❑ Get surveys, including topographic elevations and tree locations.
- ❑ Think of items such as parking, stormwater management, architectural style, and landscaping requirements.
- ❑ What are the proposed traffic impacts?
- ❑ What are the estimated City and County impact fees?
- ❑ City Staff is available for consultation during your due diligence phase.

Assemble Your Team

- ❑ Create a project team. Your team should include a Licensed Professional Civil Engineer, a Landscape Architect, an Architect, and others such as a Structural Engineer, a Land Use Attorney, a Transportation/Traffic Consultant, and an Environmental Consultant, if needed, for your project.
- ❑ As the owner stay involved in all aspects of the development process. Attend all meetings with your development team so that you are fully aware of the project's status.

Scheduling a Pre-Application Conference

- ❑ You or the Project Manager of your team (usually the Civil Engineer) MUST schedule an appointment with the City Staff to discuss potential issues regarding the project site before you make any applications for development. City Staff will guide you through the Development Review Process.
- ❑ MAKE SURE that you bring a survey and any information you collected from the “Do your homework” section to the Pre-Application Conference.

2. Site Plan Review and Approval Process: Things to Do

After reviewing the site and evaluating the information obtained from staff at the pre-application conference, determine if the site will work for your business. If yes, then you are ready to start the Development Review & Approval Process. You MUST have an engineered site plan in order to begin this process. After submitting a completed application for site plan review to staff, the next step is the Development Review Committee meeting (DRC).

The Development Review Committee is there to review and evaluate your project to make sure all national, state, and local codes are followed on your site. After an official application is submitted to the City, your project will be scheduled for DRC review. The meeting is scheduled according to the adopted schedule outlined on the City’s Critical Dates Calendar. This calendar is available on the City’s web site. Before the DRC meeting, comments will be generated by Staff on the proposed site plan that your project team will have to address to bring your site into compliance. There is the potential that new comments will be generated during the DRC meeting. The most common reason for new comments is that while addressing the original comments, the corrections impacted other aspects of the project, thus requiring adjustment in those areas in order to meet code requirements or good development/engineering practices. Your development team project manager should be familiar with this process.

Getting Ready for the Development Review Committee (DRC) Meeting

- ❑ Have you and your team discussed Staff’s comments from the pre-application meeting? If you and your development team discussed the comments, then MAKE SURE that the site plan submitted is corrected to reflect Staff’s comments before filling out the site plan application.
- ❑ Once you and your engineer feel that your site plan will satisfy City requirements, please fill out and submit a development plan approval application.
- ❑ MAKE SURE your application includes all required exhibits and attachments on the checklist provided with the application document in order to avoid rejection or time delays in the review of your project.
- ❑ Check to see that you and your team are properly organized and ready for presentation at the DRC meeting. This is a review, so be prepared to answer questions.

After the DRC meeting, you and your development team will receive a letter outlining all of the outstanding comments and issues discussed at the meeting. You have sixty days from the DRC meeting to make corrections and resubmit a revised site plan.

PLEASE NOTE THAT THE COMPLETENESS & QUALITY OF YOUR RETURN SUBMISSION TO CITY STAFF WILL DETERMINE HOW QUICKLY THIS PROCESS MOVES FORWARD AND HOW MUCH TIME IS CONSUMED IN REVIEW. IT IS IMPORTANT THAT YOUR TEAM RESPOND TO EACH COMMENT AND MAKE CORRECTIONS TO THE PROPOSED PLANS THAT COMPLY WITH FEDERAL, STATE & LOCAL CODES. PLANS DO NOT MOVE AHEAD TO THE NEXT STEP AND WILL NOT RECEIVE A DEVELOPMENT ORDER UNTIL THEY ARE COMPLETE.

Make sure you have everything in order for Final Development Review and Approval

- Did you revise the site plan to reflect all the comments/issues outlined by the DRC members in the post-DRC meeting letter?
- Once the site plan reflects the changes and meets all requirements, you may be issued a Development Order.

NOTE: Major Site Plans require additional review by the Planning Commission and City Council before a Development Order can be issued. This can add at a minimum an additional 60 days review time to your project. Once you have the Development Order, you are ready to begin construction. Additionally, any Fair Share, Public Improvements Agreements, and Subdivision Improvements Agreements must be reviewed by City Council.

For further information, see Section I of this document.

3. Pre-Construction to Construction- What You Must Do?

Now that you have a Development Order, a pre-construction meeting may be scheduled. The Pre-Construction meeting is the bridge between the issuance of a Development Order and the issuance of a Development Permit. The meeting is an opportunity for City Staff, the Development Team, inspectors, sub-contractors, and utility companies to coordinate field information about your site and discuss shared issues such as timing of the project, schedules, equipment staging etc....

- Your engineer should contact the Engineering Division of the Community Development Department and schedule a meeting. Please call at least one week prior to when you would like to meet.
- **MAKE SURE** to bring copies of the final plans and permits and be prepared to answer the following questions: Have you contracted the project? Have you satisfied all of the conditions of the development order? Have any changes been made to the plans after the development order was issued?

After the pre-construction meeting, your next step is to obtain a **Site Construction Permit** for your project (plans stamped “**Approved for Construction**”). This authorizes the construction of the project. It is important that all of your development team as well as the Community Development staff work from this set of stamped plans.

- ❑ If the plans are not stamped “Approved for Construction,” turn in the required documents to the City’s Engineering Division for the issuance of the Development Permit.

At the Pre-Construction meeting, Staff will aid you in beginning to process the **Clearing Permit**. This permit includes:

- ❑ Installation of the silt fence around the perimeter of construction
- ❑ Installation of protective barriers around any trees that are to be saved
- ❑ Clearing and Grading of the land

For more information, see Section II of this document.

4. **Building Permit to Final Inspection and Issuance of a Certificate of Occupancy**

Submitting a Building Permit Application

- ❑ Building Permits may be submitted to the City while your Site Plan is still under review. Please note any changes to your site plan may require changes to your building permit as well.
- ❑ Your project may require several separate building permits including permits for the Building Structure, Signage, Dumpster Enclosure, Parking Lot Lighting, etc.
- ❑ Make sure the application is complete, including all subcontractors.
- ❑ Include all required documents including scope of work, structural drawings, and survey indicating location of the work to be done.
- ❑ Do your plans meet all Florida Building Code requirements, such as plumbing, electrical, etc.?

Approval of a Building Permit

- ❑ Your building permit will be given a permit number and may be tracked by your team on the City’s website from initial application to final inspection.
- ❑ Building permits generally have to receive approval from several different divisions before they are released to the contractor. Approval timeframes vary depending on the completeness of the plans and the scope of work.
- ❑ The building permit will not be issued before the Site Plan has been approved and stamped “Approved for Construction.” Otherwise, when the building plans are complete and comply with all codes, your permit will be issued.
- ❑ There will be fees associated with the permit including review fees, archiving fees, and impact fees. Some fees must be paid at the time of permit issuance; some may be deferred until the final inspection.

Impact Fees

- ❑ Impact fees for the site are collected with the building permit.
- ❑ Impact fees include: sewer, water, fire, recreation and transportation.
- ❑ Volusia County collects their road and school impact fees separately.
- ❑ An Impact Fee calculator is available on the City and County's websites for you to estimate the amount of your impact fees. *Please note that this tool is an estimate based on the data you provide. Actual impact fees calculated by the Building Department may differ, based on the actual information provided with your building permit application and the approved site plan.
- ❑ Impact Fee Credits may be available for any existing conditions such as existing fixtures, meters, etc.
- ❑ **ALL IMPACT FEES WILL NEED TO BE PAID PRIOR TO ISSUANCE OF YOUR CERTIFICATE OF OCCUPANCY.**

Inspection Process

- ❑ Several inspections by the City's Building Inspectors will be required for your building. A list of inspection codes is given with the building permit to indicate what types of inspections you will need.
- ❑ Did your team arrange for all inspection visits on your building? Were all the inspections approved?
- ❑ If not, did you correct the violations? Did you have the work re-inspected?
- ❑ Did you contact the City Engineering Division for a Final Site Inspection?

Certificate of Occupancy

- ❑ A copy of the recorded NOC (Notice of Commencement) must be submitted to the City Building division.
- ❑ A termite certificate must be submitted to the City Building division.
- ❑ A current backflow test report must be submitted to the City Building division.
- ❑ All City and County impact fees must be paid.
- ❑ All permits associated with this permit must be paid and final inspections completed
- ❑ A business tax application must be filed with the City. Do you have your business registered with the State?

Prior to receiving a Certificate of Occupancy, a Business Tax Application for the business must be filed with the City's Business Tax Representative in the Community Development Department.

For more information, see Section IV of this document.

SECTION I: DEVELOPMENT REVIEW PROCESS

The Development Review Process has four sub-steps: application submittal, DRC Review, Resubmittals (addressing comments), and issuance of the Development Order.

A. Application Submittal

Following the Pre-application conference, you should now be ready to have the design consultants prepare and submit your development plan application for approval. With the knowledge and guidance obtained from the City Staff during the pre-application conference, you and your project team should make the appropriate changes to the site plan. After making these changes, you should collect and submit a complete site plan application package for review and approval to the Community Development Department. Submittals **MUST** be made in accordance with the deadlines set forth in the adopted critical dates calendars (see City web site for calendars).

B. DRC Review

Once a completed application is received, the project is scheduled for the next regularly scheduled Development Review Committee (DRC) meeting. The DRC is a committee consisting of representatives from various City Departments who meet, review, and comment on submittals for new development proposals. The DRC meeting provides the development team and the DRC members the opportunity to review and discuss outstanding comments/issues for each project.

C. Resubmittals

After the DRC meeting, a letter outlining all of the comments/issues discussed at the meeting will be forwarded to you and your development team members within 2 days of the DRC meeting date. The letter will include all information required for resubmittal of plans for review such as outstanding comments, number of plans required for resubmittal, and the deadline date for resubmittal. A resubmittal that addresses all outstanding comments is required from the development team within 60 days of the initial meeting date. Staff reviews the resubmittal and responds to the applicant within 15 business days.

For **Minor Site Plans**, if comments still remain after the 1st resubmittal, additional resubmittals are required until such time as all outstanding comments/issues have been resolved. Resubmittals are required within 30 days of receiving comments from staff. Once all comments are resolved, a Development Order is issued.

For **Major Site Plans**, if the project has 10 or less comments remaining after the 1st resubmittal, the project is scheduled for review by the Planning Commission. If more than 10 comments remain, the applicant must resubmit plans within 30

days of receiving comments from staff until 10 or fewer comments remain. Once the project has 10 or less comments remaining the project is scheduled for review by the Planning Commission. Additional submittals may also be required prior to scheduling your project for final review and approval by the City Council. These submittals must be made at least sixteen (16) business days prior to a scheduled City Council meeting date. Normally, the City Council considers Community Development items on the third and fourth Tuesday of each month. (These dates can be verified on the City's web site.)

D. Development Order

After all outstanding comments on the site plan have been resolved (and in the case of a major site plan when approval is received from both the Planning Commission and City Council), a Development Order will be issued by the Department of Community Development.

******NOTE: The Applicant may apply for building permits at any time during the site development review process. However Building Permits will not be issued until after a site construction permit has been obtained.***

SECTION II: PRE-CONSTRUCTION MEETING

After the Development Order has been issued, you MUST schedule a Pre-construction meeting with the City's Engineering Division. The Pre-construction meeting serves as an opportunity for City Staff, your team, contractors and utility company representatives to meet and discuss any site issues prior to construction. It also gives the City the opportunity to obtain final documentation and work schedules for the project.

A. Scheduling a Pre-construction Meeting

To schedule a Pre-construction meeting, the Engineer of Record MUST contact the Engineering Division of the Community Development Department at least one week prior to the desired meeting date.

Prior to the meeting, you are required to have completed the following:

- Secured the necessary permits from all other regulating agencies
- Contracted the project; and
- Addressed all conditions of the Development Order that are required to be satisfied prior to pre-construction.

You and/or your development team MUST notify your contractors and all franchise utility companies (Florida Power & Light, Bell South, Bright House Networks, Teco Peoples Gas) of the date, time, and location of the pre-construction meeting.

1. Who is to attend the Pre-construction Meeting?

The Engineer of Record, the General Contractor, and major subcontractors (utilities, paving, landscaping) MUST attend the pre-construction meeting. It is recommended that all franchise

utility companies have a representative attend the meeting, however it is not required.

2. **Issuance of a Site Construction Permit (Plans stamped “Approved for Construction”)**

After the Pre-construction meeting, if all required conditions have been met, the City will issue a Site Construction Permit. A Site Construction Permit authorizes the actual construction of the improvements detailed on your plans approved by the DRC. The permit is valid for one year. The site work **MUST** commence within 45 days of the Site Construction Permit approval date. The permit does not allow for any work requiring conventional building permits, such as the building, signs, walls, fences, or irrigation systems.

A Site Construction Permit **will not** be issued without receipt of all required documentation, permits, the engineering inspection fee, and, if applicable, completion of the clearing permit process. The permit is issued contingent upon compliance with the Development Order and the City’s Land Development Code. The Department may require the attachment of additional construction contingencies resulting from discussions at the Pre-construction Meeting.

SECTION III: BUILDING PERMIT

Building plans may be submitted at any time during the development review process. However, the City will not issue a building permit until a Site Construction Permit is acquired.

Building permits provide the means for City Building staff to protect the public by reducing the potential hazards of unsafe construction by reviewing plans and inspecting construction to ensure minimum standards are met and appropriate materials are used. Before any construction or remodeling work begins, you **MUST** apply for a permit.

A. **The building permit application & review process**

The review process for Building Permit Applications is as follows:

1. **Visit or Call the Building Division:** A representative from the building division will explain the requirements (codes/ordinances) regarding your project. You may ask for a building permit at this time. This initial contact will provide the resources and information you will need to make your project a success and to avoid potential problems, which could cost you time and money.

2. **Permit Application:** The permit application requires information about the construction project. You'll be asked to document "who" will perform the work, "what" work will be done, "where" the work will be done, and "how" the work will be done. Engineered drawings, plans, and other documentation of the proposed work must be submitted for review with the application.
3. **Review Process:** The Building Official will determine if your project is in compliance with the current Florida Building Code. There may be several revisions to your plans from the initial submittal. If compliance with the code is determined, the application is approved and the permit issued. If the application is not in compliance, your plans will be returned for revision. Approval will not be given until all aspects of the plan are in compliance with the applicable codes.
4. **Issuance of Approved Permit:** The building permit is the document granting legal permission to start construction. You MUST proceed as approved in the review process. The permit fee will be collected at this time. An additional fee for services, such as water connection and other impacts, may be required at this time, or may be deferred to a later date. You are required to post the building permit placard and keep a copy of the building plans on site. Any proposed changes must be brought immediately to the attention of the Building Division. Changes will require a review and approval in the same manner as the original application.

SECTION IV: FINAL INSPECTION PROCESS

A. Final Building Inspection

After construction is complete, the site is ready for final inspection. Each major phase of construction MUST be inspected by the Building Official or his designee to make certain the work conforms to the approved plans. The construction project manager MUST request each inspection. 24 to 48 hours minimum advanced notice is required. If an inspector finds that work does not conform to the approved plans, he will provide written notice that the situation is to be remedied. A re-inspection will be necessary before work may be resumed.

B. Final Site Inspection

When all issues are resolved and construction is complete, the final site inspection may be requested. The Final Site Inspection affords city staff the opportunity to ascertain that development activity has been completed in compliance with the Development Order, Site Construction Permit, and City, State and Federal Codes. Improvements that are inspected include roadways, drainage, utility systems (water, sewer and reclaimed water),

landscaping, irrigation, architecture, tree preservation, wetland protection and other applicable site improvements.

C. How to Set Up a Final Site Inspection

To set up a Final Site Inspection, the project engineer **MUST** contact the City Engineering Division at least one week prior to the desired date. A request for final inspection of the building itself may be scheduled with the Building Division prior to the Final Site Inspection. *Please keep in mind that the City will not issue a Certificate of Occupancy until both the final building inspection and the final site inspection have been completed and approved by the City.*

SECTION V: BUSINESS TAX RECEIPT AND CERTIFICATE OF OCCUPANCY

A. Business Tax Receipt

Each business needs to acquire a business tax receipt (formerly “occupational license”) in order to operate within the City of Port Orange. This is a tax that is collected on a yearly basis. The business owner **MUST** apply for a business tax before the Building Division issues the Certificate of Occupancy. The City’s Business Tax Representative may be contacted at (386) 506-5613.

B. Certificate of Occupancy

The Certificate of Occupancy is a formal document, which marks the completion of your building with the knowledge that it has met the safety standards of the City, County, and State. The Building Division will issue a certificate of occupancy only after:

1. The **BUILDING** has received approval on all final inspections.
2. The following must be **ON FILE** with the Building Division:
 - a. Recorded NOC
 - b. Termite Certification (if concrete was poured)
 - c. Current backflow test report
 - d. County impact fee receipt with a \$0.00 balance
3. The **SITE** has received final approval and public improvements have been accepted by the City.
4. All outstanding **FEES** related to the building and site have been paid to the City and County.
5. The business owner has applied for a **BUSINESS TAX** receipt.

CONGRATULATIONS ON YOUR BUSINESS!

Prepared by the City of Port Orange Community Development Department and the Port Orange/South Daytona Chamber of Commerce

SECTION VI: ONLINE SERVICES

All City Building and Development-related applications may be downloaded from the City's website. You may also check the status of your permits, inspections, and plans. You can even schedule or re-schedule upcoming inspections. Go to:

www.port-orange.org

Click on building permits from the sidebar. From there you can check the status of a permit, schedule or cancel an inspection, or check the status of your inspection.

A. Download a Building Permit Application

You can have the building permit application ready to submit when you walk in the door. All building permit applications are available online at our website.

To download applications, go to "I Want To..." and select "Get online permit forms" from the dropdown list. All building permit applications are in fill-in-able .PDF format. (Your computer must support Adobe Acrobat Reader in order to view .PDF files). Once you have filled it out, you may bring it in or mail it to:

Community Development Department
Building Division – 2nd Floor City Hall
1000 City Center Circle
Port Orange, FL 32129

B. Check Status of Building Permits

One of our newest features is the permit status feature. To access this feature click on "Building Permits" from the sidebar.

To check on the status of a building permit, click on "select permit" from the sidebar. You will need to have the application (permit) number. If you do not have your number, you can look it up using the address or parcel number.

Enter the application (permit) number and hit submit. It will then bring you to the information you have requested. Once you have entered the proper information you will then be able to view application fees, inspection status, plans tracking status, and schedule/cancel an inspection.

C. Schedule/Cancel Inspections over the Phone

To schedule or cancel an inspection, call (386) 506-5603 and enter the permit number.

1. Schedule Inspection
 - a. Select Inspection Type (Building, Plumbing, Mechanical, etc.)

- b. Enter Inspection Code
- c. Choose inspection date (Next available or request new date)
- d. Inspection scheduled
- 2. Hear Recent Inspection Results
 - e. Play recent Inspection results (up to 5)
- 3. Cancel Inspections
 - f. Select Inspection Type (Building, Plumbing, Mechanical, etc.)
 - g. Enter Inspection Code
 - h. Inspection Canceled

SECTION VII: INSPECTION CODES AND CONTACT NUMBERS

Building and Permitting

Community Development Dept.	506-5600 (phone) 506-5699 (fax)
Inspection Hotline	506-5603
Plans Review	506-5627

Contractor Licensing

Port Orange	506-5600
Volusia County	248-8158 Ext. 2578

Impact Fees

Port Orange	506-5627
Volusia County	736-5924

Other Helpful Numbers

City Business Tax	506-5613
Customer Service (Utilities)	506-5700
Public Utilities	506-5750
Public Works	506-5575
Fire Department	506-5900
Code Enforcement	506-5604
Veolia (Garbage)	322-0619
Volusia County	257-6000
Clerk of Court (DeLand)	736-5912
PO/SD Chamber of Commerce	761-1601

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