

**ARTICLE 1**  
**GENERAL PROVISIONS**

**1.01.00 Title**

This document shall be referred to as the "Land Development Code of the City of Wauchula" and may be referred to herein as the "Code."

**1.02.00 Authority**

Comment [LR1]:

This Land Development Code is enacted pursuant to the requirements and authority of §163.3202, Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter, and the general powers enumerated in §166, Florida Statutes (City Government).

**1.03.00 Applicability**

**1.03.01 General Applicability**

With the exceptions listed below, all development in Wauchula shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

**1.03.02 Exceptions**

- (A) *Previously Issued Development Orders.* A development project with an approved site development plan or subdivision plat may proceed under regulations in effect at the time of approval provided that:
- (1) the development order has not expired at the time of adoption of this Code or amendment thereto; and
  - (2) development activity has begun or will begin according to the time limits under which the development was originally approved.

If the development order expires or is otherwise invalidated, any further development activity on the development site will conform to the requirements of this Code or amendment thereto.

- (B) *Previously Issued Development Permits.* The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit provided that:

- (1) the development permit was issued prior to adoption of this Code and development activity has begun or will begin within six months of the date of issuance of the development permit; and
- (2) development activity continues without interruption until the development is complete. If the development permit expires, any further development will conform to the requirements of this Code or any amendments thereto.

#### **1.04.00 Repeal of Conflicting Local Laws**

Any and all City ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of this ordinance are hereby repealed.

#### **1.05.00 Interpretation**

The provisions of this Code will be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare and to implement the Comprehensive Plan of the City of Wauchula.

**1.05.01. Generally.** In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the City and deemed neither to limit nor repeal any other powers granted under State statutes.

**1.05.02. Responsibility for Interpretation.** In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Development Director, or his designee, shall be responsible for interpretation and shall look to the City of Wauchula Comprehensive Plan for guidance.

**1.05.03. Computation of Time.** The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, then the next business day shall be the last day.

**1.05.04. Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

**1.05.05. Gender.** Words importing the masculine gender shall be construed to include the feminine and neuter.

**1.05.06. Number.** Words in the singular shall include the plural, and words in the plural shall include the singular.

**1.05.07. Shall, May.** The word "shall" is mandatory; the word "may" is permissive.

**1.05.08. Written or In Writing.** The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

**1.05.09. Year.** The word "year" shall mean a calendar year, unless otherwise indicated.

**1.05.10. Day.** The word "day" shall mean a business day, unless a calendar day is indicated.

**1.05.11. Boundaries.** Where uncertainty exists with respect to the boundaries of the land use districts, as shown on the Official Land Use Map, the following rules shall apply:

(A) Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, or railroads, shorelines of streams, reservoirs or other bodies of water, or civil boundaries; and they shall be construed to follow such lines.

(B) Where a district boundary line, as appearing on the Official Land Use Map, divides a lot which is in single ownership at the time of this enactment, the use classification of a larger portion may be extended to the remainder by the Development Director, or his designee, without recourse to the amendment procedure.

(C) In case the exact location of a boundary cannot be determined by the foregoing methods, the City Commission shall, upon application, determine the location of the boundary.

**1.05.12. Relationship to Specific/General Provisions.** More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

### ***1.06.00 Penalties for Violation***

It shall be unlawful for any person to violate the provisions of this Code or to use land or structures in violation of any provision of this Code. Persons found guilty of violating this Code shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$500.00 for each day that a violation exists, or by imprisonment for a period not exceeding 60 days, or both.

### ***1.07.00 Severability***

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

### ***1.08.00 Effective Date***

These regulations shall be effective on \_\_\_\_\_.

### ***1.09.00 Amendment of this Code***

This Code shall be amended by ordinance and in accordance with the regulations for a public hearing for an ordinance as adopted by the City. The proposed changes shall go before the Planning and Zoning Board, who shall make a recommendation for or against and shall forward that recommendation, with the ordinance, to the City Council.

Proposed amendments to this Code are **not** reviewed by the Florida Department of Community Affairs (DCA), according to State statute.

*[RESERVED]*