

ARTICLE 1

GENERAL PROVISIONS

1.01.00 Title

This document shall be referred to as the "Land Development Code of the City of Wauchula" or the Land Development Regulations of the City of Wauchula" and may be referred to herein as the "Code", the "Regulations," the "LDCs", or the "LDRs."

1.02.00 Authority

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

With the exceptions listed in Section 1.10.00, 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.

1.04.00 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or general laws, or any part thereof, which conflict with any provision or provisions of this Code are hereby repealed.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 zoning districts, as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (C) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (D) Boundaries indicated as following shorelines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level;
- (E) Boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines; and
- (F) Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) above shall be so construed.
- (G) Where a district boundary line, as appearing on the Official Zoning 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.
- (H) 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

This Code is hereby enacted and shall be the Land Development Code for the City, and shall be in full force and effect from and after its passage, the effective date being **January 14, 2014**.

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 Commission.

Proposed amendments to this Code are **not** reviewed by the Florida Department of Economic Opportunity (DEO), according to State statute.

1.10.00 Rules of Transition

The following rules shall apply to all properties in the City on the effective date of this Code:

(A) Violations Continue

Any violation of the Code previously in effect (1999 Land Development Code with all amendments through the effective date of this Land Development Code) will continue to be a violation under this Code and shall be subject to the penalties and enforcement provisions provided in Section 1.06.00 (Penalties for Violation), unless the use, development, construction, other activity, or violation issue complies with the provisions of this Code.

(B) Developments with Approvals or Permits

(1) Building Permit Issued Prior to Effective Date

Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application as determined by the Building Official or Development Director has been filed at least one day prior to the effective date of this Code, may be

constructed and completed in conformance with the permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with this Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official or Development Director may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with this Code.

(2) Final Site Plan Review and Approval Prior to Effective Date

An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Code may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Code. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan Review and Approval for developments approved prior to the effective date of this Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

(3) Preliminary Subdivision Plat Approved Prior to Effective Date

An applicant who has received preliminary plat approval for a proposed subdivision prior to the effective date of this Code may file an application for final plat approval, even if the subdivision does not fully comply with the provisions of this Code. If an application for final plat approval is not filed within one year of the date of the preliminary plat's approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Section 7.06.00 (Subdivision Regulations).

(4) Special Exception Use Approved Prior to Effective Date

An applicant for a use for which a Special Exception has been approved prior to the effective date of this Code may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Code. If the Special Exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. No time extensions shall be permitted.

(C) Applications Filed Prior to the Effective Date

- (1) Complete applications for new developments including, but not limited to, Site Plan Review and Approval, Special Exception Use, and preliminary plats, filed prior to the effective date of this Code may be approved under the provisions of the zoning code previously in effect (1999 Land Development Code with all amendments through the effective date of this Land Development Code). Applicants may also elect to develop in compliance with the provisions of this Code, and in that case shall comply with all provisions of this Code. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
- (2) Applications for amendments to the Zoning Map filed prior to the effective date of this Code shall be governed by the provisions of the zoning code previously in effect (1999 Land Development Code with all amendments through the effective date of this Land Development Code) unless the applicant elects to comply with this Zoning Code.

(D) Planning Applications Filed After the Effective Date

All applications for new developments including, but not limited to, Site Plan Review and Approval, Special Exception Use, preliminary plats, as well as amendments to the Zoning Map, filed on or after the effective date of this Code, including modifications and amendments, shall conform to the provisions of this Code.