

ARTICLE 1

GENERAL PROVISIONS

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ARTICLE 1

GENERAL PROVISIONS

SECTION 1.01. TITLE, ETC.

1.01.01. Title

This code shall be entitled “Land Development Code” and may be referred to herein as the “LDC” or “Code.”

1.01.02. Authority

This Land Development Code is enacted pursuant to the requirements and authority of Chapter 163, Florida Statutes, (Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter, and the general municipal home rule powers in Chapter 166, Florida Statutes.

1.01.03. Intent

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in the city.
- B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the city in accordance with the comprehensive plan.
- C. To adopt a development review process that is:
 - 1. Efficient in terms of time and expense.
 - 2. Effective in terms of addressing the natural resource and public facility implications of proposed development.
 - 3. Equitable in terms of consistency with established regulations and procedures, respect for the rights of property owners and consideration of the interests of the citizens of the city.
- D. To implement the city comprehensive plan as required by the Local Government Comprehensive Planning and Land Development Regulation Act.

- E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrence).

1.01.04. Applicability

Except as specifically provided below, the provisions of this LDC shall apply to all development in the city and no development shall be undertaken without prior authorization pursuant to this LDC. The Florida Building Code, pertaining to building, plumbing, mechanical and gas, are hereby incorporated by reference.

1.01.05. Abrogation

This LDC is not intended to repeal, abrogate, or interfere with any existing easements, covenants or deed restrictions duly recorded in the public records of the city.

1.01.06. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this LDC 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 LDC shall continue in full force and effect.

1.01.07. Effective Date

These regulations shall become effective on January 1, 2011.

SECTION 1.02. EXCEPTIONS

1.02.01. Previously Issued Development Permits

The provisions of this LDC and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:

1. The development activity authorized by the permit has been commenced prior to the effective date of this LDC or any amendment thereto, or will be commenced after the effective date of this LDC, but within 6 months of issuance of the building permit; and,
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this LDC or amendment thereto.

1.02.02. Previously Approved Development Orders

Projects with development orders that have not expired at the time this LDC or an amendment thereto is adopted and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved must meet only the requirements of the regulations in effect when the development plan was approved. If the further development on that site shall occur only in conformance with the requirements of this LDC or amendments thereto.

1.02.03. Consistency with Plan

Nothing in this section shall be construed to authorize development that is inconsistent with the City of Waldo Comprehensive Plan.

SECTION 1.03. INCORPORATION BY REFERENCE

1.03.01. Technical Specifications

- A. *Generally.* All sets of technical standards and design specifications referenced in this LDC are hereby incorporated by reference.
- B. *Building Code.* The Florida Building Code, as amended by Alachua County, and in effect as of February 2, 2002, is hereby established as the building code for the City of Waldo.
- C. *Wind Zone.* For the purposes of complying with the structural requirements relating to wind loads, all buildings and structures east of Interstate 75 shall be designed for a minimum wind load of 100 miles per hour, and all buildings and structures west of Interstate 75 shall be designed for a minimum wind load of 110 miles per hour. With regard to compliance with criteria relating to protection from windborne debris, Alachua County is deemed to be located landward of the 120 mile per hour wind contour line and, therefore, buildings within Alachua County are not required to have openings protected from windborne debris, except for critical facilities which voluntarily provide protection of openings from windborne debris.

1.03.02. City of Waldo Future Land Use Map

The City of Waldo Future Land Use Plan Map and any amendments thereto, including overlay and mobile home districts, are hereby incorporated into this LDC by reference.

SECTION 1.04. RULES OF INTERPRETATION

1.04.01. Generally

In the interpretation and application of this LDC, 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.

1.04.02. Responsibility of Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this LDC, the City Manager, or designee, shall be responsible for interpretation and shall look to the city comprehensive plan for guidance. Responsibility for interpretation by the City Manager shall be limited to standards, regulations, and requirements of this LDC, but shall not be construed to include interpretation of any technical codes adopted by reference in this LDC, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections of articles of this LDC.

1.04.03. 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, that day shall be excluded.

1.04.04. 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 of duty unless the terms of the provision or section specify otherwise.

1.04.05. Boundaries

Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

- A. Boundaries shown as following or approximately following any street shall be construed as following the center line of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.

- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- D. Boundaries shown as following or approximately following natural features shall be construed as following such features.

1.04.06. Miscellaneous Rules

- A. *Gender.* Words importing the masculine gender shall be construed to include the feminine and neuter.
- B. *Number.* Words in the singular shall include the plural and words in the plural shall include the singular.
- C. *Shall, May.* The word “shall” is mandatory; the word “may” is permissive.
- D. *Written or In Writing.* The term “written” or “in writing” shall be construed to include any representation on paper of words, letters, or figures, whether by printing or otherwise.
- E. *Year.* The word “year” shall mean a calendar year, unless otherwise indicated.
- F. *Day.* The word “day” shall mean a calendar day, unless a working day is indicated.
- G. *Relationship of Specific to General Provisions.* More specific provisions of this LDC shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.