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ARTICLE 1.  
GENERAL PROVISIONS

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**ARTICLE 1. GENERAL PROVISIONS****SECTION 1.01. GENERALLY****1.01.01. Title**

This code shall be entitled “Land Development Code of the Town of Fort White, Florida” 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 Section 163.3202, *Florida Statutes*, (Land Development Regulations), the Town 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 Town.
- 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 Town 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 Town.
- D. To implement the Town’s Comprehensive Plan as required by the Chapter 163, Part II, *Florida Statutes*.
- 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 (concurrency).

**1.01.04. Applicability**

- A. The construction, moving, placement, erection, alteration or occupancy, of any building or structure, the use of any building or land, the disturbance of any water, the division of land and the development of land shall take place only in accordance with the requirements of this LDC.
- B. Ongoing agriculture and silviculture farming operations that are not part of a development application and that meet the provisions and criteria pursuant to Section 163.3162, *Florida Statutes* (Agricultural Lands and Practices Act), or Section 823.14(6), *Florida Statutes* (Right to Farm Act),

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shall be exempt from any provisions of this LDC that were not in existence as of July 1, 2003.

#### **1.01.05. Deed Restrictions**

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 Town.

#### **1.01.06. Conflicting Provisions**

Wherever any requirement of this LDC conflicts with the requirements of any other regulation or ordinance, the most restrictive requirement or that imposing the higher standards shall govern unless otherwise specifically provided.

#### **1.01.07. Presumption of Validity**

It is the intent of the Town Council that this LDC and all actions under it be granted the full benefit of the presumption of validity, to the maximum extent applicable to town actions in the State of Florida.

#### **1.01.08. Severability**

- A. *Invalidation.* Should a court of competent jurisdiction of either the State of Florida or the United States hold any section, sentence, clause, phrase or word of this LDC invalid or unconstitutional, such decision shall not affect, impair or invalidate the remaining parts of this LDC, which can be given effect without the invalid provision.
- B. *Prejudicial application.* Should any section, sentence, clause, phrase or word of this LDC be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

#### **1.01.09. Effective Date**

**These regulations shall become effective on June 10, 2013.**

### **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 permits 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. Further development on that site shall occur only in conformance with the requirements of this LDC or amendments thereto.

## **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 is hereby established as the building code for the Town of Fort White.
- C. *Wind Zone.* For the purposes of complying with the structural requirements relating to wind loads, all buildings and structures 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, Fort White is deemed to be located landward of the 120 mile per hour wind contour line and, therefore, buildings within Fort White 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. Town of Fort White Official Zoning Map**

- A. *Creation and adoption.* The "Official Zoning Map of Fort White, Florida," including all explanatory materials and information, is adopted by reference and made a part of this LDC.
- B. *Location and maintenance.* The Official Zoning Map shall be located in the Town Hall and maintained in a published version and format as determined by the Town.
- C. *Amendments.* The Official Zoning Map may be amended by adoption of ordinances that rezone property as provided in Article 10.
- D. *Zoning of vacated rights-of-way.* When any public right-of-way is vacated, such right-of-way shall, without further action by the Town, be deemed to be zoned as follows:
  - 1. If all of such land is surrounded by land classified in one zoning district, then it shall be deemed to be included in that district.
  - 2. If such land use surrounded by land classified in more than one zoning district, then the zoning of each part of the vacated land shall be the zoning of the adjoining land owned by the owner receiving that part, with the zoning boundary to follow the new property lines and/or zoning district line.

## **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 Town and deemed neither to limit nor repeal any other powers granted under State statutes.

**1.04.02. Consistency with Plan**

Nothing in this section shall be construed to authorize development that is inconsistent with the Town of Fort White Comprehensive Plan.

**1.04.03. 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 Town Clerk, or designee, shall be responsible for interpretation and shall look to the Town's Comprehensive Plan for guidance. Responsibility for interpretation by the Town Clerk 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.

**1.04.04. 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.

**1.04.05. Delegation of Authority**

Whenever a provision appears requiring certain officials to do some act or perform some duty, it is to be construed to authorize delegation to subordinates or consultants to perform the required act of duty unless the terms of the provision or section specify otherwise.

**1.04.06. Boundaries**

Interpretations regarding boundaries of zoning 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 centerline 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.

**1.04.07. Definitions**

Definitions of words and phrases for the use, administration, and interpretation of the LDC are provided within each section or article. If a word or phrase is not specifically defined then the Town intends to rely on the definitions provided in Chapter 163, Part II, *Florida Statutes*, or the common dictionary definition of the word or phrase.

**1.04.08. Rules of Construction**

- 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.