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CHAPTER I
GENERAL PROVISIONS

1.00.00 TITLE

This Code shall be entitled the "City of Bonifay Unified Land Development Code" and may be referred to as the "Land Development Code" or as the "Code."

1.01.00 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), and the general powers in Chapter 125, Florida Statutes.

1.02.00 APPLICABILITY

1.02.01 General Applicability

Except as specifically provided below, the provisions of this Code shall apply to all development within the corporate limits of the City of Bonifay, and no development shall be undertaken without prior authorization pursuant to this Code.

1.02.02 Exceptions

A. Previously Issued Development Permits

1. The development activity is authorized by a building permit issued prior to September 24, 1991; 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 Code.

B. Previously Approved Development Orders

Projects with valid final development orders that have not expired prior to adoption of this Code, 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 development plan expires or is otherwise invalidated, any further development on that side shall occur only in conformance with the requirements of this Code.

C. Vested Rights

Development that is subject to a Vested Rights Special Use Permit or a Vested Rights Residential Permit is vested with respect to the Comprehensive Plan and the requirements of this Code, including adequate public facilities requirements, in accordance with and subject to the limitations of Section 10.08.00.

1.03.00 INTENT

1.03.01 General Intent

The provisions of this Code shall be construed and implemented to achieve the following intentions and purposes of the City:

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; and

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 of Bonifay.

D. To implement the City of Bonifay 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.

1.04.00 FINDINGS

1.04.01 Generally

A. Chapter 163, Florida Statutes, requires the City of Bonifay to enact land development regulations that implement and are consistent with the City of Bonifay Comprehensive Plan.

B. Controlling the location, design and construction of development within the incorporated area of the City of Bonifay is necessary to maintain and improve the quality of life in the City and to protect the health, safety and welfare of its citizens.

C. The Land Development Code's use of performance standards and bonus incentives that encourage flexibility and innovation in the land development process implements and is consistent with the City of Bonifay Comprehensive Plan policies establishing Planned Unit Developments.

D. The requirements and standards of this Code for transportation facilities are necessary for the public benefit of safe travel because the number of accidents resulting in property damage and injury increases as congestion increases on roads and that the fire, rescue and law enforcement response times and disaster evacuation times increase as congestion increases on roads.

E. The standards and requirements of this Code for facilities for potable water, sanitary sewer, solid waste and stormwater management are necessary for the health, safety and welfare of the citizens of the City of Bonifay and the protection of the environment and natural resources of the City of Bonifay.

F. The standards and requirements of this Code for parks are necessary for the health, safety, welfare and enjoyment of the citizens of the City of Bonifay.

G. Section 163.3177, Florida Statutes, provides that public facilities and services needed to support development must be available concurrent with the impacts of such development.

H. Section 163.3202, Florida Statutes, provides that not later than one (1) year after its due date established by the State land planning agency's rule for submission of local Comprehensive Plans, a local government shall not issue a development order or permit which results in a reduction in the level of service for the affected public facilities below the level of service established by the Comprehensive Plan.

1.05.00 INCORPORATION BY REFERENCE

1.05.01 Maps

The Future Land Use Map, contained in the Future Land Use Element of the Comprehensive Plan and the original copies of which are filed in the Office of the City Clerk, are hereby designated, established and incorporated as a part of this Code, and are as much a part of this Code as if the information contained therein were set out in full in this Code.

1.06.00 RULES OF INTERPRETATION

1.06.01 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.

1.06.02 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 City shall be responsible for interpretation and shall look to the City of Bonifay Comprehensive Plan for guidance. Responsibility for interpretation by the City shall be limited to standards, regulations and requirements of this Code but shall not be construed as overriding the responsibilities given to any commission, board or official named in other sections or chapters of this Code. An applicant may appeal the interpretation of the City in accordance with Section 10.11.00.

1.06.03 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.

1.06.04 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty as contracted for by the City of Bonifay, it is to be construed to authorize delegation to perform the required act or duty unless the terms of the provision or section specify otherwise.

1.06.05 Gender

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

1.06.06 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

1.06.07 Shall, May

The word "shall" is mandatory; "may" is permissive.

1.06.08 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.

1.06.09 Year

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

1.06.10 Day

The word "day" shall mean a working day, unless a calendar day is indicated.

1.06.11 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 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.

1.06.12 Relationship of Specific to 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.

1.07.00 REPEAL OF PRIOR PROVISIONS

Any ordinances and provisions in conflict with these regulations are hereby repealed as of the effective date of this Code.

1.08.00 ABROGATION

This Code 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 of Bonifay. Moreover, nothing

in this Code shall be construed to give the City of Bonifay responsibility for enforcing private covenants or deed restrictions.

1.09.00 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.

1.10.00 EFFECTIVE DATE

These regulations shall be effective upon adoption of this Code.