

CHAPTER 3. APPLICATIONS OF REGULATIONS

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CHAPTER 3. APPLICATION OF REGULATIONS

ARTICLE 1. GENERAL

Sec. 3.1.1. GENERAL

The provisions of these Regulations shall apply to all development activity within the corporate limits of the City of Auburndale, Florida. No development activity, as defined in the Regulations, shall be undertaken without prior authorization pursuant to these Regulations.

Sec. 3.1.2. EFFECT.

No building, structure, or land shall hereafter be used or occupied, no land shall be altered or developed, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located moved or structurally altered except in conformity with the regulations specified for the zoning district in which it is located, and in conformity with all other applicable provisions of these Regulations.

Sec. 3.1.3. APPROVAL TIME LIMITS.

Granting of approval of a special exception or variance by the Board of Adjustment and/or approval of a site plan or impact statement by the Administrative Official/City Staff shall be valid for a period of 12 months from the date of approval. Failure of the petitioner/property owner to secure a building permit, development order or certificate of concurrency within this 12 month period of validity shall cause the approval(s) to become null and void. Any person receiving a null and void status of prior approvals due to having taken no actions to begin a development within the 12 months approval period shall be required to reapply for new approval prior to issuance of a permit, development order or certificate of concurrency.

Sec. 3.1.4. EXCEPTIONS.

3.1.4.1. The provisions of these Regulations and any subsequent amendments shall not affect the validity of any lawfully issued and effective development order, construction permit or site plan approval if:

3.1.4.1.1. The development activity authorized by the development order has commenced or been authorized prior to the effective date of these Regulations or application for building permit has been made and said permit is granted and does not expire. Extensions to said permit or site plan shall not be granted if there is conflict with any of the provisions of these Regulations; and

3.1.4.1.2. The development activity continues without interruption until the development is complete. If the construction permit expires, any further development activity shall occur only in conformance with the requirements of these Regulations. Interruption shall be defined as a cease in construction activity for a period greater than one year or a cease of construction activity which does follow an approved phasing plan.

3.1.4.2. Any development activity that is exempted from the provisions of these Regulations pursuant to Sec. 3.1.4. must meet only the requirements of the regulations in effect at the time the development order was approved. If the development order expires for any reason, any further development activity shall occur only in conformance with the requirements of these Regulations.

ARTICLE 2. RULES OF INTERPRETATION.

Sec. 3.2.1. GENERAL.

The interpretation and application of these Regulations shall be considered as the Minimum requirements necessary to protect the public health, safety, and welfare; shall be liberally construed in favor of the City; and shall not be deemed to limit any other powers granted by State statute.

Sec. 3.2.2, ABROGATION.

These Regulations are not intended to abrogate any existing legally enforceable easement, covenant, or restriction duly recorded in the Public Records of Polk County.

Sec. 3.2.3. CONFLICTS.

Where the provisions of these Regulations conflict with the requirements of any other regulation or provision of the law, whichever imposes the more stringent provision shall prevail.

Sec. 3.2.4. RELATIONSHIP OF SPECIFIC TO GENERAL.

The more specific provisions of these Regulations shall be followed in lieu of more general provisions that are more lenient and conflict with the more specific provisions.

Sec. 3.2.5. LANGUAGE INTERPRETATION.

3.2.5.1. Unless specifically indicated otherwise, all time requirements shall be computed by excluding the first day and including the last day; except that if the last day is a Sunday or legal holiday, that day shall be excluded.

3.2.5.2. Words imparting the masculine gender include the feminine and neuter.

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

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

ARTICLE 3. SEVERABILITY.

if any chapter, article, section, subsection, paragraph, sentence, clause, phrase or any combination thereof these Regulations is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these Regulations shall continue in full force and effect, and the comparable provision or portion of the immediately preceding development regulations shall be in full force and effect, notwithstanding anything to the contrary contained in these Regulations.

ARTICLE 4. REPEAL OF PRIOR PROVISIONS.

Upon the effective date of these Regulations, all existing Ordinances and Codes of the City that regulate the use of land, buildings, development, construction, fire safety, and related public safety issues are hereby repealed, except as otherwise provided for herein. In the event any portion of these Regulations is declared invalid, the comparable provision or portion of the immediately preceding development regulations shall be in full force and effect, notwithstanding anything to the contrary contained in these Regulations.

ARTICLE 5. EFFECTIVE DATE.

These Regulations shall take effect immediately upon adoption following the second reading of Ordinance by title only.

ARTICLE 6. COPY ON FILE: DISTRIBUTION.

A copy of these Regulations, as may be amended from time to time, shall be kept in the office of the City Clerk. Copies in full or by chapters shall be made available for public sale.