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## **Article 1. Purpose and Intent**

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### **1.01.00. Purpose and Intent**

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The purpose of the Land Development Code (LDC) regulations is to preserve the existing quality of life that is afforded to the City of Lake Helen residents and visitors; preserve the small-town charm; honor and build upon the city's historical heritage; preserve the existing residential and rural character; and promote economic vitality while protecting the public health, safety, and welfare of all the citizens of Lake Helen. These regulations will aid in providing for increased public safety in traffic, transportation, vehicular parking, parks, commercial buildings, public buildings, residential housing, water services, storm drainage, emergency preparedness and other public requirements and interests. The intent is to help lessen traffic and building congestion in new developments, disorder, and dangers that occur in unplanned and unregulated development; prevent overcrowding and overdevelopment on the land and an undue concentration of population; provide for a more equitable and just land-use pattern; and, provide more reasonable and serviceable means and methods of safeguarding the economic structure and improving the overall aesthetics and the residential quality of life in the City of Lake Helen.

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### **1.02.00. General Provisions**

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The purpose of this article is to provide rules and regulations that supplement, modify, or further explain provisions found elsewhere in this Land Development Code and unless specifically noted to the contrary, apply to all standards, policies and regulations.

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### **1.03.00. Short Title**

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These regulations shall be known and referred to as: "The City of Lake Helen Land Development Code" and may be referred to herein as "the LDC".

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### **1.04.00 Authority**

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These Land Development Code regulations are enacted pursuant to the requirements and authority of F.S. § 163.3202, the Local Government Comprehensive Planning and Land Development Regulation Act, the City Charter, and the general powers in F.S. Chapters 166.

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### **1.05.00 Effective Date**

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The effective date of these Land Development Code regulations, "The City of Lake Helen Land Development Code", as adopted by Ordinance Number 2017 -05 shall be effective on January \_\_\_\_, 2018.

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### **1.06.00 Intent. LDC regulations apply to all development**

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Except as specifically provided in this article, the provisions of these Land Development Code regulations shall apply to all development in the city, and no development or redevelopment shall be undertaken without prior authorization pursuant to these regulations.

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### **1.07.00 Applicability**

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#### **1.07.01 General applicability**

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1. No person shall use, occupy, establish, authorize or permit the use, occupancy or subdivision of any land or buildings under their control except in accordance with all applicable provisions of these regulations. For the purpose of this article, the "use" or "occupancy" of a

building, structure or land relates to anything that is or can be done to, on, or in that building, structure or land.

2. No new or existing building or structure or parts thereof shall be built, erected, constructed, moved, structurally altered, enlarged or reconstructed, except in conformance with these regulations as permitted in the zoning district in which they are located. In addition, no building, structure or land or parts thereof shall be used or intended to be used for any purpose or in any manner other than a permitted use in the zoning district where the building/land is located.

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### **1.07.02 Exceptions**

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1. **Previously issued and applied for building/development permits.** The provisions of these Land Development Code (LDC) regulations and any amendments thereto will not affect the validity of any lawful application or issued and effective building/development permit applied for in good faith or issued prior to the date of these adopted regulations (which shall be effective January \_\_\_\_, 2018) and if:
  - A. The development activity authorized by the permit has commenced prior to the effective date of these LDC regulations or any amendment thereto, or after the effective date of these regulations but within twelve (12) months of issuance of the building/development permit.
  - B. The development activity continues for a minimum of thirty (30) days without interruption of permitted work, except because of war or natural disaster, until the development is complete.
  - C. If permit expires or is otherwise invalidated, any further development pertaining to that permit shall occur only in conformance with the requirements of these LDC regulations or amendments thereto.
2. **Previously approved building/development permits.** Projects with active building or development permits when this Land Development Code or an amendment thereto is adopted, where development activity has commenced and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of those regulations. If the building/development permit expires or is otherwise invalidated, any further development shall occur only in conformance with the requirements of these regulations or amendment thereto.

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### **1.08.00 Relationship to Comprehensive Plan**

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**Generally.** All Land Development Code (LDC) regulations are to be consistent with the Comprehensive Plan and the requirements of F.S. § 163.3194(1)(b). Nothing in these Land Development Regulations shall be construed to authorize development inconsistent with the adopted City of Lake Helen Comprehensive Plan.

#### **General findings.**

1. *Statutory requirement.* F.S. §§ 163.3201 and 163.3202 requires each Florida local government to enact Land Development regulations that are consistent with the local adopted Comprehensive Plan.
2. *General public need.* Controlling the location, design and construction of development within the city is necessary to maintain and improve the quality of life, as better defined in this Article.

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### **1.09.00 Incorporation by Reference**

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The following documents are hereby incorporated by reference into this Code:

1. The Future Land Use Map
2. The Official Zoning Map
3. The Future Traffic Circulation Map
4. Downtown Historical District Map
5. Gateway Overlay Map
6. Gateway Overlay Historic Style Guide
7. Truck Route Map
8. The International Transportation Engineers (ITE) Manual
9. Design and engineering standards manuals under current usage by FDOT, SJRWMD, FDEP, USACOE and other agencies, as applicable.

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### **1.10.00 Adoption of Technical Codes, Plans and Specifications**

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#### **1.10.01 Building Code and Fire Prevention and Life Safety Code**

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The Florida Building Code, and the Unsafe Building Abatement Code as may be amended and as promulgated and established by F.S. Ch. 553 is hereby adopted as fully as if incorporated and set forth at length in this Article and made part of these Land Development Code (LDC) regulations by reference.

The Uniform Fire Prevention and Life Safety Code as adopted by the State of Florida Fire Marshal and as same may be amended are adopted and incorporated by reference as if fully set forth herein. The most current edition of the Florida Fire Prevention Code, adopted and as amended in the future, is adopted by the city as a part of its Fire Prevention Code.

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#### **1.10.02 Comprehensive Plan**

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For the purposes of consistency and concurrency and to be in line with the City Charter and to further the city's objectives and policies, land uses, densities and intensities as specified in the City of Lake Helen Comprehensive Plan, or as may be adopted or amended by the City Commission from time to time in accordance with F.S. ch. 163, pt. II, and codified in City Code, said Comprehensive Plan is hereby adopted as fully as if incorporated and set forth at length in this Article and made part of these regulations by reference.

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#### **1.10.03 International Property Maintenance Code**

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The International Property Maintenance Code, as amended is hereby adopted as fully as if incorporated and set forth at length in this Article and incorporated by reference.

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#### **1.10.04 Gateway Overlay Historic Style Guide**

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The Gateway Overlay Historical Style Guide dated March 9, 2017 is hereby adopted as fully as if incorporated and set forth at length in this Article and incorporated by reference.

The Gateway Overlay Historic Style Guide is a reference guide for developers in preparing architectural elevations and to the City in reviewing architectural elevations for approval. The

Gateway Overlay Historical Style Guide is only a guide and does not require strict compliance nor dictate the only acceptable architectural design. Architectural designs approved by the City, and not ordered by a Court, for construction in the Gateway Overlay area shall be added to the Gateway Overlay Historical Guide. The Gateway Overlay Historic Home Style Guide may be modified and expanded with new technology, best practices and recommendations.

A Certificate of Appropriateness issued pursuant to procedures in 5.05.08 through 5.05.14 is required prior to final approval of a building permit for a new structure or modification of an existing structure which changes the architectural design within the Gateway Overlay.

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### **1.11.00 Penalty**

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The provisions of the Land Development Code (LDC) may be enforced and violations punished by any of the following methods, alone or in combination, in the sole discretion of the city and as described in Article 15:

1. The special magistrate appointed by the city, shall have jurisdiction to enforce these provisions, and any person, firm, corporation, or agent determined to be in violation shall be subject to all penalties and remedies available to the special magistrate as provided by law.
2. Any violation of the LDC which the City Commission has identified as enforceable by citation and designated a fine amount for each violation. The City Commission shall establish the citation process by ordinance.
3. The city may institute any appropriate action or procedure to bring about compliance or remedy a violation.
4. The city may order discontinuance of the use of any land, water, or building; the removal of any building, addition, or other structure; the discontinuance of any work being done; or any other act when such use or act is in violation of the LDC.
5. Unless necessary for purposes of correcting a violation of the LDC or to avoid imminent peril to life or property, no officer, official, agent, employee, or board of the city will approve, grant, or issue any development order for any person where:
  - a. The property that is the subject of the requested development order is the site of an uncorrected violation of any provision of the LDC, or an unpaid code enforcement, correction, or abatement lien; or
  - b. The applicant for development order has any unpaid civil penalty or costs arising from a code enforcement action regarding the real property that is the subject of the request. Appeal of any denial or refusal to act pursuant to this section shall be as provided in the general appeal provisions of the LDC for appeal of an administrative decision.
6. Specific provisions of the LDC may provide for additional remedies. It is the legislative intent of this section to set forth a general description of the methods by which the city may enforce the provisions of this LDC, and not to limit any power or authority of the city. The city's selection of a particular enforcement method shall not be deemed to prohibit the City Commission from selecting one or more additional methods of enforcement, whether referenced above or otherwise available to the city in law or in equity, regarding the same set of operative facts.

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**1.12.00 Abrogation**

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This Land Development Code (LDC) is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Volusia County.

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**1.13.00 Severability**

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It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of these Land Development Code (LDC) regulations are severable, and if any phrase, clause, sentence, paragraph or section of this LDC shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these LDC regulations.