

**ORDINANCE NO. 06-2014**

**AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, AMENDING IN ITS ENTIRETY THE CITY OF SEMINOLE CODE OF ORDINANCES, PART II, SUBPART B. LAND DEVELOPMENT CODE CHAPTER 46 GENERAL PROVISIONS: SECTION 46-1. TITLE; SECTION 46-2. AUTHORITY; SECTION 46-3. APPLICABILITY; SECTION 46-4. INCORPORATION BY REFERENCE; SECTION 46-5. RULES OF INTERPRETATION; SECTION 46-6. ENFORCEMENT; CREATING SECTION 46-7. DEFINITIONS AND SECTION 46-8. APPEAL OF CITY DECISIONS; FINDING THE AMENDMENTS CONSISTENT WITH THE COMPREHENSIVE PLAN; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR RENAMING OR RENUMBERING; PROVIDING FOR NON-SUBSTANTIVE MODIFICATIONS THAT MAY ARISE AT PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, there has been no major update of the Land Development Code since 1991; and

**WHEREAS**, the City of Seminole Developmental Review Board (DRB), acting as the Land Development Regulation Commission, after due notice held a public hearing on May 19, 2014, to consider the proposed amendments; and

**WHEREAS**, subsequent to the public hearing on May 19, 2014, the DRB found the proposed amendments to be consistent with the Comprehensive Plan and transmitted said proposed amendments to the City Council for consideration and action; and

**WHEREAS**, on September 24, 2014, the City of Seminole City Council adopted on first reading the proposed amendments; and

**WHEREAS**, after due notice pursuant to Florida Statutes, Chapter 166.041, published on October 3, 2014, the City of Seminole City Council acting as the Local Governing Body held an advertised public hearing and adopted on second and final reading the amendments; and

**WHEREAS**, the City of Seminole City Council affirmatively declares that said adopted amendments are consistent with its Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED**, by the City of Seminole, Florida, as follows:

**Section 1.** This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, et. seq., Florida Statutes.

- Section 2.** The City of Seminole Land Development Code, Chapter 46 is hereby amended in its entirety as attached in Exhibit A, where strikethrough text is to be deleted and underlined text is new text to be added.
- Section 3.** It is the intention of the City Council of the City of Seminole that each new or modified article and section within Chapter 46 hereof be numbered in proper order and sequence, and that any out of order or misnumbered article or section contained in this ordinance shall not affect the validity of any other provisions of this ordinance, the City of Seminole Comprehensive Plan, or the City of Seminole Land Development Code, but shall instead be automatically renumbered and ordered accordingly.
- Section 4.** It is the intention of the City Council of the City of Seminole that each provision hereof be considered severable, and that the invalidity of any provision of this ordinance shall not affect the validity of any other provisions of this ordinance, the City of Seminole Comprehensive Plan, or the City of Seminole Land Development Code.
- Section 5.** This ordinance shall become effective immediately upon its adoption at second reading.

APPROVED ON FIRST READING: September 24, 2014

PUBLISHED: October 3, 2014

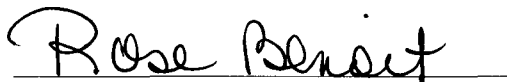
PASSED AND ADOPTED ON

SECOND AND FINAL READING: October 14, 2014

  
LESLIE WATERS, MAYOR

I, Rose Benoit, City Clerk of the City of Seminole, Florida, County of Pinellas, State of Florida, a municipal corporation do hereby certify the foregoing and hereto attached is a true and correct copy of Ordinance No. 06-2014 which is on file in the City Clerk's Office:

IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of the City of Seminole, Pinellas County, Florida, this 14<sup>th</sup> day of October, 2014.

  
Rose Benoit, City Clerk

## CHAPTER 46 GENERAL PROVISIONS

### Sec. 46-1. Title.

This subpart B shall be known as the "City of Seminole Unified Land Development Code" and may be referred to herein as the "land development code" or "Code."  
(Code 1991, § 1.00.00)

### Sec. 46-2. Authority.

- (a) This land development code is enacted pursuant to the requirements and authority of F.S. § ~~163.3202~~, the ~~Local Government Comprehensive Planning and Land Development Regulation Act~~ Community Planning Act, the city Charter and the general powers in F.S. ch. 166.
- (b) This land development code establishes authority to the city council, developmental review board and city manager, including but not limited to, receiving and reviewing required applications, and making recommendations and decisions on such applications and the requirements and standards established by this code. References in this code to city manager authorized designee, means the city staff authorized by the city manager to perform such duties as described in this Code.
- (c) No applications for development permits, site plans, variances, development agreements, special events, or building permits shall be accepted, nor shall any approvals or permits be issued for a property, which has been issued a code enforcement notice of violation; or, which has a City recorded, unpaid, code enforcement lien; or, which has outstanding, unpaid, development review fees that have remained unpaid after the City has notified by certified mail the party responsible for the fees and said property owner that such fees remain unpaid. These restrictions shall not apply to applications submitted to correct a code enforcement violation; a Federal, State or other agency violation; a Florida Building Code violation; a Florida Fire Prevention Code violation; or, an imminent life safety, health or welfare condition as determined by the Building Official, Fire Marshal, or other applicable City official.
- (d) In accordance with the Florida Building Code, Section 110.2, the city manager or city manager authorized designee shall have the authority to direct the Building Official to withhold of a Certificate of Occupancy for any construction or development that is in violation of the applicable sections of the City's Land Development Code, or specific terms or conditions of a Development Order, a Development Agreement, a site plan, or a development permit, which govern(s) or otherwise conditions the construction or development beyond the requirements of the Florida Building Code as part of a building permit issued for the construction or permit.

### Sec. 46-3. Applicability and vested rights.

- (a) *General applicability.* Except as specifically provided in this section, the provisions of this land development code shall apply to all lots, parcel, and development in the city; and no development or redevelopment shall be undertaken without prior authorization pursuant to this land development code.
- (b) *Previously issued development permits.* The provisions of this land development code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:
  - (1) The development activity is authorized by a building permit issued prior to date of ~~adoption~~ amendment; and
  - (2) The development activity continues without interruption (except that which may be caused by war or natural disaster) until the development is complete. If the development or building permit expires, any further development on that site shall occur only in conformance with the requirements of this land development code.
- (c) *Previously approved development orders.* Projects with valid final development orders issued prior to date of adoption 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 site shall occur only in conformance with the requirements of this land development code.

(d) *Vested property right* shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan and shall be created only when such plan has been approved by the City. Such right shall be vested and subject to any expiration period defined in any approval or as such approval or expiration date may be amended by the City. Possession of a valid, unexpired building permit, certificate of occupancy, development order or development agreement approval shall presumptively vest the development approved under such permit or development order, and not be subject to any subsequent amendments to the Comprehensive Plan and/or Land Development Code, unless such approval has expired and as further defined pursuant to subsections (b) and (c) above .

**Sec. 46-4. Incorporation by reference.**

(a) *Zoning map.* The zoning map, consisting of the map sections identified hereafter and contained in the county zoning atlas, is hereby incorporated into this land development code by reference. ~~The zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city.~~ The official zoning map shall be maintained on display in the city hall., ~~building/life safety services section.~~

*Map Section  
Identification*

- S- 1/2 15-30-15
- N-1/2 16-30-15
- S-1/2 16-30-15
- S-1/2 17-30-15
- N-1/2 20-30-15
- S-1/2 20-30-15
- N-1/2 21-30-15
- S- 1/2 21-30-15
- N- 1/2 22-30-15
- S- 1/2 22-30-15
- S-1/2 23-30-15
- S-1/2 25-30-15
- N-1/2 26-30-15
- S-1/2 26-30-15
- N- 1/2 27-30-15
- S- 1/2 27-30-15
- N- 1/2 28-30-15
- S- 1/2 28-30-15
- S- 1/2 26-30-15
- N-1/2 33-30-15
- N- 1/2 34-30-15
- ~~N- 1/2 35 30 15~~
- S- 1/2 34-30-15
- N-1/2 35-30-15
- S-1/2 35-30-15
- N-1/2 36-30-15
- S-1/2 36-30-15
- N-1/2 01-31-15
- S-1/2 01-31-15
- N- 1/2 02-31-15
- S- 1/2 02-31-15
- N- 1/2 03-31-15

(b) *Flood insurance study.* The Flood Insurance Study for the City of Seminole, Florida, dated December 1, 1980, and subsequently revised effective September 16, 2002, and the revised Flood Insurance Rate Maps, panels #: 12103C0177G, 12103C0179G, 12103C0181G, 12103C0182G, 12103C0183G, 12103C0G184, and 12103C0G192, prepared by the Federal Emergency Management Agency, effective September 3, 2003, and as may be subsequently revised, are hereby incorporated into this land development code by reference.

#### **Sec. 46-5. Rules of interpretation.**

(a) *Generally.* In the interpretation and application of this land development 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. More specific provisions of this land development code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision. Where there is a conflict between the land development code and the city's comprehensive plan, the comprehensive plan shall govern. Where there are any conflicting provisions within this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling. Where there is a conflict between text and numbers or graphics, text shall be deemed to be controlling. Notwithstanding the provisions of this Code, all applicable state, federal and other regulatory agency regulations shall also apply to development within the City.

(b) *Interpretation.*

(1) *Responsibility.* If any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this land development code, ~~the code administrator or general services~~ community development director shall be responsible for interpretation and shall look to the comprehensive plan and/or the city attorney for guidance. Responsibility for interpretation by the ~~code administrator or general services~~ community development director shall be limited to standards, regulations and requirements of this land development code, and/or other relevant resources as may be appropriate to assist in the interpretation but shall not be construed to include interpretation of any technical codes adopted by reference in this land development code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this land development code. Such interpretations shall be provided in writing and kept on file with the community development department, and when appropriate, incorporated into this code.

(2) *Zoning district 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.

#### **Sec. 46-6. Enforcement.**

In addition to enforcement as provided in Chapter 1, section 1-15, the land development code is enforceable as provided in Chapter 2, Articles IV and V section 2-106 et seq., by the code enforcement ~~board~~ special magistrate. Any person may report a violation of this Code to the community development department, which has the authority to implement, but not be limited to the following:

(1) Authority of inspectors. Inspectors for the community development department, its successor or other designees of the city manager shall have the authority to investigate alleged violations of this land development code.

(2) Basis of investigations. Investigations may be based upon statements of complaints or upon inspections performed by city departmental personnel.

(3) Methods of investigations. In conducting investigations of alleged violations, departmental inspectors shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of an alleged zoning violation.

(4) Stop work order. Where violations are found to exist during the course of any construction or other activity requiring a permit, a stop work order may be issued by the community development department; and work shall thereafter cease until the violation is corrected.

(5) Contact with violators. Where it is determined that a violation of this land development code exists, the community development department or its successor shall attempt to contact the violator and direct compliance with this land development code. With or without such notice, the community development department or its successor may refer the matter to the code enforcement special magistrate or state attorney for proper legal action.

(6) Responsible parties. The owners of property subject to this land development code shall be responsible for compliance with this land development code with respect to their property. Enforcement action taken by the city may be brought against the owners and/or persons or entities in control of the property, including a contractor working on the property.

(7) Enforcement. Any person who violates any provision of this chapter shall be deemed guilty of an infraction of a city ordinance or code and upon conviction or adjudication thereof, may be punished per Chapter 1, Section 1-15 or Chapter 2, Section 2-201. Each day a violation continues to exist constitutes a separate offense. Nothing contained in this section shall prohibit the city or state from bringing an appropriate civil action to ensure compliance with this land development code.

(8) General provisions. Where this land development code provides for permitted uses or activities, a violation of the particular section which provides for the permitted use or activity shall occur if dissimilar uses or activities are existing on the subject property. Failure to obtain a permit, site plan or clearance from the city as required in this chapter, shall be considered a violation of the particular provision requiring the permit, site plan or clearance.

#### **Sec. 46-7. Definitions.**

- (a) All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out. The provisions of this Code shall be liberally construed so as to implement its intents and purposes and for implementation of the mandates of the comprehensive plan. Terms used in this Code, unless otherwise specifically defined, shall have the meanings prescribed by reference to generally accepted engineering, planning, or otherwise professional terminology if technical; and otherwise, according to common usage. Except as otherwise noted, all other words shall have the meaning normally attributed to them.
- (b) References in this Code to Florida Statutes (F.S.) and Administrative Codes (F.A.C.) or codes of other regulatory agencies means as said statutes or codes exist, and as may be amended. Further, references to multiple review agency requirements means the more restrictive rules shall apply and all development shall be held to the applicable minimum requirements of said agencies.

- (c) References to regulatory agencies include, but are not limited to, Pinellas County, the Southwest Florida Water Management District (SWFWMD), Florida Department of Environmental Protection (DEP), Florida Department of Transportation (FDOT), United States Army Corp of Engineers (ACOE) and Federal Emergency Management Agency (FEMA).

**Sec. 46-8. Appeal of City Decisions.**

- (a) In addition to appeal procedures provided for by this Code, the City shall also recognize private property rights and dispute resolution procedures pursuant to Sections 70.001 (Bert J. Harris, Jr. Private Property Rights Protection Act) and 70.51 (Land Use and Environmental Dispute Resolution Act), Florida Statutes.