

**ARTICLE 1
GENERAL PROVISIONS**

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Article History								
Article	Description	Adoption of Entire Article	Adoption of Sections	Date of Adoption	Date Filed	Effective Date	Date of Repeal	Ordinance No.
1	General provisions of the LDC; giving the LDC precedence over conflicting existing county laws; providing for severability and effective date.	✓		04/09/02	04/22/02	04/22/02		2002-14

ARTICLE 1: GENERAL PROVISIONS

SECTION 1.01 TITLE - This Code shall be entitled the "Putnam County Land Development Code" and may be referred to herein as the "Code."

SECTION 1.02 AUTHORITY - This Land Development Code is enacted pursuant to the requirements and authority of Section 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act) and the general powers in Chapter 125, Florida Statutes.

SECTION 1.03 INTENT - It is the intent of this Code to provide for orderly growth, to decrease traffic congestion on public streets and highways, to provide adequate light and air, to promote civic amenities of historic, beauty and visual interest, to regulate density of population, and to facilitate the provision of adequate community facilities and services such as water, sewage, solid waste, roads, schools and parks, and to implement the Putnam County Comprehensive Plan. Chapter 163, Florida Statutes, requires each local government to enact a single land development code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for the County. This Code is consistent with the Putnam County Comprehensive Plan and implements the Plan.

SECTION 1.04 APPLICABILITY - Except as specifically provided below, the provisions of this Code shall apply to all land, buildings, and structures and to the use thereof within the unincorporated areas of the County. No person shall conduct any land development activity in the unincorporated areas of the County unless the activity is in compliance with the provisions of this Code and the applicable building code provisions that address mobile home standards, construction standards, life/safety standards and housing standards.

SECTION 1.05 GENERAL RULES OF CONSTRUCTION - For the purposes of administration and enforcement of this Code, unless otherwise stated in this Code, the following rules of construction shall apply:

- a. The headings for the sections, State law references and cross references in footnotes in this Code are not part of this Code.
- b. The masculine gender includes the feminine gender and the neuter gender.
- c. The word "may" is permissive, not mandatory.
- d. The word "must" is mandatory, not permissive.
- e. The word "shall" is mandatory, not permissive.
- f. Except where the context clearly indicates otherwise, words used in the singular include the plural. Words in the plural include the singular.
- g. Words in the present tense include the future tense.

- h. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
- i. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that all the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- j. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

SECTION 1.06 GENERAL RULES OF INTERPRETATION

- a. In interpreting and applying the provisions of this Code, this Code shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare.
- b. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- c. 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.
- d. Whenever a provision appears to require the head of a department or other County officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.
- e. Any time period for taking any action required by this Code shall be computed by excluding the first and including the last day; except that for purposes of providing notice, the day that the subject of the notice is expected to occur shall not be counted. If the last day is a Saturday, Sunday or legal holiday, the time period shall be extended to the first business day following that Saturday, Sunday or legal holiday. If the required time period is seven (7) days or less, Saturdays, Sundays and legal holidays shall not be counted in determining the expiration of the time period.
- f. 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 Director of the Planning, Zoning and Building Department shall be responsible for interpretation, unless otherwise provided in this Code. Responsibility for interpretation by the Director shall be limited to standards, regulations and requirements of this Code, but shall not be construed

to include interpretation of any technical codes or statutes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other Sections or Articles of this Code.

- g. It is not intended for this Code to interfere with or abrogate or annul any easements, covenants, restrictions, or other agreements between parties. Where any provision of this Code imposes restrictions different from those imposed by any other provision of this Code or any other ordinance, rule or regulation, or other provision of law, the provisions that are more restrictive or impose higher standards shall control.

SECTION 1.07 REPEAL OF PRIOR PROVISIONS - This Code is intended to supersede and replace the ordinances or ordinance sections listed below, as well as any other prior County codes in conflict with or repetitive of these provision. Thus, the provisions of all County ordinances that are in conflict with or repetitive of the provisions of this Code shall be repealed upon adoption of the Land Development Code in its entirety (i.e. Articles 1 through 12 and the Glossary), including the following:

Zoning Ordinance 88-1 and amendments adopted by Ord. 91-31, 95-60, 96-19 and 99-02.

Subdivision Regulations 83-9, 83-10, 86-2, 88-2 and 89-16. (Art. 7 and 12)

Sign Ordinance 89-26, as amended by 90-24 and 98-15 (Art 8)

Flood Control Ordinance 87-1 (Art. 6)

Drainage Ordinance 72-6, as amended by 83-1, 83-8 (Art 7)

Putnam County Planning Commission 76-2 (Art. 11)

Establishment of Code Enforcement Board 90-26, as amended by 91-06 (Art. 11)

Alcoholic Beverage Ordinance 88-21 (some sections in Art. 2)

Musical or Entertainment Festivals Ordinance 72-1 (some sections in Art. 2)

Greenspace Ordinance 86-2 (possibly Art. 5 and Art. 7)

Water well Construction Ordinance 87-2 (Art. 7)

Construction and Location of Sewage Disposal Plants Ordinance 80-1, as amended by 87-8 and 91-03 (Art. 6 and 7)

Septic Tank Ordinance 87-5 (Art. 6 and 7)

Septic Tank Permit Ordinances 72-15 and 90-28 (Art 6 and 12)

Mobile Home Ordinance 73-4, 86-5, 92-13, 94-03 and 97-25

SECTION 1.08 SEVERABILITY - This Code and the various parts, sections, subsections, and clauses thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence, clause, or phrase of this Code is adjudged unconstitutional or invalid as applied to a particular use, person, property, building, or other structure, it is hereby provided that the application of such portion of this Code to other uses, persons, property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any variance, special exception, zoning compliance permit, certificate of occupancy, site plan approval, or other action, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Code or the requirement of some provision hereof, and to protect the public, health, safety, morals and general welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

SECTION 1.09 EFFECTIVE DATE - The regulations contained in this Code shall be effective on the date the County receives acknowledgment of filing each Article from the Florida Department of State, as each Article is reviewed and adopted by the Board of County Commissioners.