

ARTICLE 1. GENERAL PROVISIONS

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1.1 TITLE.

This Unified Development Code, which incorporates the Official Zoning Map for the City of Milton, is known, cited, and referred to as the “City of Milton Unified Development Code,” “Unified Development Code,” “UDC,” or “Code.”

1.2 AUTHORITY.

This Unified 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), and the general powers in F.S. Ch. 166.

1.3 PURPOSE.

The intent of this Code is to establish land use regulations to serve the Planning Area of the City of Milton, also cited and referred to as the “Planning Area” in this Code.

The purpose of this Code is to:

- A. Promote the public health, safety, and welfare.

- B. Promote the orderly development of the Planning Area in accordance with the City of Milton Comprehensive Plan.
- C. Divide the Planning Area into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Code.
- D. Preserve and enhance the value of structures, communities, and neighborhoods that constitute the distinct places within the Planning Area.
- E. Promote economic development throughout the Planning Area that balances the needs of the current and future economy with a high quality of life standard.
- F. Provide for preservation, protection, and conservation of natural resources.
- G. Promote the principles of sustainability and accessibility, as described and defined in the City of Milton Master Plan
- H. Maintain, develop, and plan for public facilities and utilities in an economical and environmentally sound manner.
- I. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- J. Focus growth to support the principles conducive to “place making” by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving quality of life.
- K. Plan, construct, and maintain an accessible, efficient, multi-modal, transportation system that meets the needs of the public and commerce, while minimizing risks to health, safety and the environment.
- L. Provide for efficiency and economy in the process of development.
- M. Provide for the gradual elimination of nonconformities.

1.4 INCORPORATED BY REFERENCE.

A. City public works manual (parts dealing with construction plans and specifications) and Florida Building Code.

The City of Milton Public Works Manual, as promulgated and amended from time to time by the city technical review committee, is hereby incorporated by reference. All construction plans and specifications for improvements covered by this manual shall be in accordance with the requirements contained therein. Additionally, the most recent edition of the Florida Building Code as adopted by Santa Rosa County is hereby incorporated by reference.

B. Future land use, Zoning and FEMA Flood Insurance Rate Maps.

The future land use map and zoning map for the city are hereby incorporated into the UDC by reference. Additionally, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps depicting flood-prone areas are hereby incorporated into these regulations by reference.

1.5 APPLICABILITY.

C. Territorial Application

This Code applies to all land, uses, and structures within the Planning Area of the City of Milton. A map of the Planning Area, as of the effective date of this Code, is included in Appendix A: Planning Area Map for Reference of this document for reference purposes only. The City of Milton keeps official record of the Planning Area boundaries.

D. General Application

In their interpretation and application, the provisions of this Code are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

E. Required Conformance

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, or enlarged in conformance with the requirements of this Code. Any structure or land must be used and occupied in conformance with the requirements of this Code.

F. Relation to Private Agreements

This Code does not nullify any private agreement or covenant. However, where this Code is more restrictive than a private agreement or covenant, this Code controls. Those charged with administration and enforcement of this Code do not enforce any private agreement.

G. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Code controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Code.

H. Rules Regarding Illustrations and Graphics

Any illustrations, graphics, and/or photos contained in this Code are to assist the reader in understanding and applying the Code. If there is any inconsistency between the text of the Code and any such illustration, graphic, or photo, the text controls unless specifically stated otherwise.

1.6 TRANSITION RULES.

A. Existing Illegal Structures and Uses

A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Code, is deemed lawful as of the effective date of this Code. However, if that structure or use does not conform to every requirement of this Code, then that structure or use remains illegal and is subject to the enforcement provisions of this Code.

B. Existing Uses

(1) If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Code or any subsequent amendment to this Code, and now that use is classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses.

(2) If a structure or land is used in a manner that was classified as a use requiring a special approval prior to the effective date of this Code or any subsequent amendment to this Code, and now that use is classified as a special use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Code for special uses.

(3) If a structure or land is used in a manner that was classified as a use requiring a special approval prior to the effective date of this Code or any subsequent amendment to this Code, and that use is now classified as a permitted use as of the effective date of this Code or any subsequent amendment to this Code, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Code requirements for such permitted use and is no longer subject to the approval conditions under which it was originally approved.

(4) If a structure or land is used in a manner that was classified as either a permitted use or a use requiring a special approval prior to the effective date of this Code or any subsequent amendment to this Code, but this Code no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 10.

C. Structures Rendered Nonconforming

If a structure existing on the effective date of this Code was a conforming structure before the effective date of this Code or any subsequent amendment to this Code, but such structure does not meet all standards set forth in this Code in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 10.

D. Lots Rendered Nonconforming

If a lot existing on the effective date of this Code was a conforming lot before the effective date of this Code or any subsequent amendment to this Code, but such lot does not meet all standards set forth in this Code in the zoning district in which it is located, that lot is deemed a nonconforming lot and is controlled by the provisions of Article 10.

E. Site Elements Rendered Nonconforming

If a site element, existing on the effective date of this Code was conforming before the effective date of this Code or any subsequent amendment to this Code, but such site element does not meet all standards set forth in this Code in the zoning district in which it is located, that site element is deemed a nonconforming site element and is controlled by the provisions of Article 10.

F. Previously Issued Building Permits

If a building permit for a structure was lawfully issued prior to the effective date of this Code, or any subsequent amendment to this Code, and if construction has begun within 90 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.

G. Previously Granted Variances

All variance approvals granted prior to the effective date of this Code, or any subsequent amendment to this Code, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions.

H. Pending Applications

An application that has been received and deemed complete, and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.

1.7 AMENDMENTS, SUPPLEMENTS, CHANGES, OR REVISIONS TO THIS UNIFIED DEVELOPMENT CODE.

A. Generally.

(1) Any person, planning agency, or local governing body may request an amendment, supplement, change or repeal of any regulation, or restriction contained in these regulations. Applications for such change shall be submitted to the Planning and Development Department, which shall transmit the application to the local planning agency for review.

(2) Any revision to a zoning district boundary (as shown on the zoning map) which does not alter the boundary of a land use district shown on the generalized future land use map, shall be considered a rezoning and shall follow the same procedure for public notice and hearing as required for amendments, supplements, changes or revisions to this Unified Development Code. Such rezoning shall not require a comprehensive plan amendment. Further, notice of the proposed rezoning shall be posted on the subject property at least 15 days in advance of the scheduled hearing.

(3) Any application for a change of boundary or land use classification as depicted on the future land use map shall constitute a comprehensive plan amendment which must be recommended by the local planning agency and approved by the city council. The local planning agency will review each application and make its recommendation to the city council no later than 90 days after submission of the application. Upon all requests, the local planning agency shall either recommend to the city council that a public hearing be held and the plan amendment approved, or that no public hearing be held and the amendment denied.

- (4) Requirements regarding comprehensive plan amendments contained in F.S. Ch. 163 shall be met.
- (5) Any application for an amendment, supplement, change, modification or repeal of the content of these regulations shall follow the same procedure described in subsections (a) through (d) of this section, as applicable. Notice shall be by publication in the local newspaper and posting in city hall. Nothing in this section shall be construed as to allow changes to this Unified Development Code, which are not consistent with the adopted comprehensive plan.

1.8 RULES OF INTERPRETATION.

A. Director Responsibility for Interpretation.

(1) In the event that any question arises concerning the application of the regulations, performance standards, definitions, development criteria, or any other provision of the UDC, the planning and development director shall be responsible for the interpretation and shall look to the adopted comprehensive plan for guidance. The responsibility for interpretation by the planning and development director shall be limited to the standards, regulations, and requirements of the UDC and the public works manual.

(2) The planning and development director's responsibility for interpretation does not include the interpretation of any technical codes adopted by reference, nor shall it be construed as overriding the responsibilities given to any commission, council, board or official named in other sections or articles of the UDC.

B. Computation of time.

The time within which an act is to be done shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded and the next legal business day shall be computed as the last day.

C. Delegation of authority.

Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize the delegation to professional-level subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.

D. Generally.

(1) In the interpretation and application of the UDC, all provisions shall be liberally construed in favor of the city's objectives and purposes, and deemed neither to limit nor repeal any other powers granted under state statutes.

(2) Specific provisions control over more general provisions.

- a. The more specific provisions of the UDC shall be followed in lieu of the more general provisions that may be more lenient or in conflict with the more specific provisions.

(3) The terms in the text of this Code must be interpreted in accordance with the following rules of construction:

- a. The singular number includes the plural, and the plural the singular.
- b. The present tense includes the past and future tenses, and the future tense includes the present.
- c. The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
- d. The terms “must not,” “will not,” “shall not,” and “may not” are prohibiting.
- e. The masculine gender includes the feminine, transgender, and neuter.
- f. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.
- g. The term "written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.
- h. The term “year” means a calendar year, unless otherwise indicated.
 - i. The term “day” means a calendar day, unless otherwise indicated.

(4) The following abbreviations are used within this Code:

- a. "GFA" is an abbreviation for “gross floor area.”
- b. “ft” is an abbreviation for “feet.”
- c. “N/A” is an abbreviation for “not applicable.”
- d. "sf" is an abbreviation for “square feet.”
- e. "SF-D" is an abbreviation for “single-family - detached.”
- f. "SF-A" is an abbreviation for “single-family - attached.”
- g. "2F" is an abbreviation for “two-family.”
- h. "TH" is an abbreviation for “townhouse.”
- i. "MF" is an abbreviation for “multi-family.”

E. Repeal of Prior Provisions.

(1) Any existing city ordinance duplicating or in conflict with the requirements of the UDC are hereby repealed.

F. Not Intended to Repeal, Abrogate, etc., Existing Easements, Covenants, etc.

(1) This Unified Development Code is not intended to repeal, abrogate, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the county public records.

1.9 SEVERABILITY.

If any section, paragraph, subdivision, clause, sentence, or provision of this Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Code. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.