

ARTICLE I - GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the "Unified Land Development Regulations of the Town of Pierson".

SECTION 1.2 AUTHORITY

This Ordinance is enacted pursuant to the requirements and authority of Section 163.3202, Florida Statutes (the Local Government Comprehensive Planning and Land Development Act), the Charter of the Town of Pierson, and the general powers in Chapter 166, Florida Statutes.

SECTION 1.3 APPLICABILITY

1.3.1 General Applicability.

Except as specifically provided below, the provisions of this Ordinance shall apply throughout the corporate limits of the Town of Pierson, and no land use or development activity shall be undertaken without prior authorization pursuant to this Ordinance.

1.3.2 Exceptions

A. Previously Issued Development Permits.

The provisions of this Ordinance and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:

1. The development activity authorized by the development permit has been commenced prior to the effective date of this Ordinance or any amendment thereto, or will be commenced after the effective date of this Ordinance but within six (6) months of issuance of the development permit; and

2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Ordinance or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this Ordinance or an amendment thereto is adopted, 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 order was issued. If the development order expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Ordinance or amendment thereto.

C. Consistency with Comprehensive Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the Town's Comprehensive Plan.

SECTION 1.4 PURPOSE AND INTENT

1.4.1 General Intent

A. To establish the regulations, procedures and standards for review and approval of all proposed development in the Town.

B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious,

orderly, aesthetically pleasing and socially beneficial development of the Town in accordance with the Comprehensive Plan.

C. To adopt a development review process that is:

1. Efficient, in terms of time and expense;
2. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and
3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the Town.

D. To implement the Town's Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act".

E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

1.4.2 Specific Intent Relating to the Various Subject Areas of This Ordinance

The provisions of this Ordinance dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes of the Town Council:

A. Administration and Enforcement

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Ordinance, the Town's Comprehensive Plan, and other applicable Town regulations.
2. To promote efficiency, predictability, and citizen participation.
3. To assure compliance with approved development orders and the provisions of this Ordinance through rigorous but fair enforcement actions.

B. Signs

1. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.
2. To permit signs that are:
 - a. Compatible with their surroundings.
 - b. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
 - c. Appropriate to the type of activity to which they pertain.
 - d. Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property and small enough to satisfy the needs for regulation.
 - e. Reflective of the identity and creativity of individual occupants.
3. To promote the economic health of the community through increased employment and property values.

C. Landscaping and Tree Protection

1. To enhance the attractiveness of the community.
2. To conserve energy through the cooling and shading effects of trees.
3. To abate nuisances such as noise, glare, heat, air pollution and stormwater run-off.
4. To mitigate conflicts between adjoining land uses.
5. To preserve the environmental and ecological benefits of existing native trees and vegetation.
6. To promote safe and efficient use of off-street parking facilities and other vehicular use areas.
 - a. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;
 - b. Limiting physical site access to established points of ingress and egress; and
 - c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.
7. To preserve the community's irreplaceable natural heritage for existing and future generations.

D. Parking and Loading

To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principles.

E. Stormwater Management

1. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.
2. To prevent activities which adversely affect ground and surface waters.
3. To encourage the construction of stormwater management systems that aesthetically and functionally approximates natural systems.
4. To protect natural drainage systems.
5. To minimize run-off pollution of ground and surface waters.
6. To maintain and restore groundwater levels.
7. To minimize erosion and sedimentation.
8. To prevent damage to wetlands.
9. To protect, maintain, and restore the habitat of fish and wildlife.

F. Floodplain Protection

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense.
4. To minimize prolonged business interruptions and damage to public facilities and utilities caused by flooding.
5. To maintain a stable tax base by providing for the sound use and development of flood-prone

areas.

6. To insure that potential purchasers of subdivided land are notified that the property is in a flood-prone area.
7. To assure that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.
8. To preserve natural floodplains, stream channels, and natural protective barriers to accommodate flood waters.
9. To limit filling, grading, dredging and other development which may increase erosion, sedimentation, or flood damage.
10. To prevent unnatural diversion of flood water to lands that are normally flood free.
11. To maintain the normal movement of surface waters, the optimum storage capacity of watersheds, desirable groundwater levels, water quality, and the natural hydrological and ecological functions of wetlands and other flood-prone lands.
12. To avoid the need of costly and environmentally disruptive flood management structures.
13. To encourage the use of flood-prone lands as open space.
14. To make the Town eligible for participation in the National Flood Insurance Program.

G. Protection of Environmentally Sensitive Lands

1. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.
2. To protect, maintain, and restore the chemical, physical, and biological integrity of ground and surface waters and natural habitats.
3. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.
4. To maintain recharge for groundwater aquifers.
5. To prohibit certain uses that are detrimental to environmentally sensitive areas.
6. To protect the recreation opportunities of environmentally sensitive lands for fishing, boating, nature observation, photography, and other uses.
7. To protect aesthetic and property values.

H. Protection of Cultural Resource

1. To identify, protect, and enhance sites, buildings, structures, objects, and areas that are reminders of past eras, events, and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which provide this and future generations examples of the physical surroundings in which past generations lived.
2. To enhance property values, stabilize older neighborhoods and business centers, and increase the economic benefits to the Town arising out of its cultural resources.
3. To preserve and enhance the varied architectural styles that reflect the cultural, social, economic, political and architectural history of the Town.
4. To enrich human life in its educational and cultural dimensions by fostering knowledge of the community's heritage.

SECTION 1.5 LEGAL STATUS

1.5.1 Repeal of Prior Provisions

All ordinances or parts of ordinances which are in conflict herewith are hereby repealed.

1.5.2 Abrogation

This Ordinance 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.

1.5.3 Conflict with Other Ordinances

Should the requirements of this Ordinance conflict with those of any other requirements of the Town, the more stringent shall prevail.

1.5.4 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Ordinance shall continue in full force and effect.

1.5.5 Compliance with State's Minimum Standards

Nothing in this Ordinance shall serve or be construed as a waiver of substantial compliance with the State's minimum standards and requirements for design and construction of public streets and roads, as more fully described in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, prepared by the Florida Department of Transportation as originally adopted or as subsequently amended.

1.5.6 Effective Date

This Ordinance shall become effective immediately upon its adoption.