

CITY OF WEWAHITCHKA LAND DEVELOPMENT REGULATIONS (LDR)



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TABLE OF CONTENTS	PAGES 1-3
ARTICLE 1	
GENERAL PROVISIONS	PAGES 4-20
ARTICLE 2	
DEVELOPMENT REVIEW	PAGES 21-52
ARTICLE 3	
LAND USE	PAGES 53-67
ARTICLE 4	
RESOURCE PROTECTION	PAGES 68-78
ARTICLE 5	
DEVELOPMENT STANDARDS	PAGES 79-98
ARTICLE 6	
SIGN ORDINANCE	PAGES 99-101
ARTICLE 7	
CONSISTENCY AND CONCURRENCY	PAGES 102-106
ARTICLE 8	
SUBDIVISION REGULATIONS	PAGES 107-108
ARTICLE 9	
NUISANCE ABATEMENT	PAGES 109-132
ANIMAL CONTROL	PAGES 133-140
2021-1215L CODE ENFORCEMENT	PAGES 141-153
ARTICLE 10	
ADULT ORIENTED BUSINESS	PAGES 154-158
APPENDIX V1 / V2	PAGES 159-163

CITY OF WEWAHITCHKA LAND DEVELOPMENT REGULATIONS

TAB 1	FUTURE LAND USE MAPS
TAB 2	NORTHERN DETAIL LAND USE MAP
TAB 3	SOUTHERN DETAIL LAND USE MAP
TAB 4	TRAFFIC CIRCULATION
TAB 5	NOT USED
TAB 6	NOT USED
TAB 7	FEMA NFIP FLOOD ZONES
TAB 8	NATIONAL WETLANDS INVENTORY MAP
TAB 9	SENSITIVE HABITAT AREAS
TAB 10	STATE AND FEDERAL MANAGED LANDS
TAB 11	NFWWMA (AREA OF SPECIAL CONCERN)
TAB 12	WATER SUPPLY SERVICE AREA
TAB 13	NFWWMD PERMITTING AREAS
TAB 14	WELLHEAD EXCLUSION/PROTECTION ZONES

REVISIONS FOR STIPULATED SETTLEMENT AGREEMENT

Language contained in the Land Development Regulations was also revised to be consistent with and include the Stipulated Settlement Agreement language for the Comprehensive Plan. Coastal densities and setbacks were revised in Article III, Land Use Districts. Restrictions on the use of vertical seawalls, and development and septic tank setbacks from wetlands and water bodies were specified in Article IV – Resources Protection.

ARTICLE I
GENERAL PROVISIONS

- 1.00.00 Title**
- 1.01.00 Authority**
- 1.02.00 Applicability**
 - 1.02.01 General Applicability**
 - 1.02.02 Exceptions**
- 1.03.00 Guide for Users**
 - 1.03.01 The Integration of Land Development**
 - 1.03.02 Regulations Definitions**
 - 1.03.03 Description of Development Review Process**
- 1.04.00 Intent**
 - 1.04.01 General Intent**
 - 1.04.02 Specific Intent Relating to the various Subject Areas of this Code**
- 1.05.00 Relationship to the Comprehensive Plan**
- 1.06.00**
 - 1.06.01 Incorporation by Reference**
 - 1.06.02 Technical Construction**
- 1.07.00 Standard Maps**
 - 1.07.01 Rules of Interpretation**
 - 1.07.02 Generally**
 - 1.07.03 Responsibility for**
 - 1.07.04 Interpretation**
 - 1.07.05 Computation of Time**
 - 1.07.06 Delegations of Authority**
 - 1.07.07 Gender**
 - 1.07.08 Number**
 - 1.07.09 Shall, May**
 - 1.07.10 Written or in Writing**
 - 1.07.11 Year**
 - 1.07.12 Day Boundaries**
- 1.08.00 Relationship of Specific to General Provisions**

GENERAL PROVISIONS

1.00.00 TITLE

This document shall be entitled the Wewahitchka “Land Development Regulations” and may be referred to herein as the “LDR”.

1.01.00 AUTHORITY

These Land Development Regulations are enacted pursuant to the requirements and authority of 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulations Act), the City of Wewahitchka Charter effective June 6, 1925 and updated July 14, 1997 and the general powers in Chapter 125, Florida Statutes.

1.02.00 APPLICABILITY

1.02.01 GENERAL APPLICABILITY

Except as specifically provided below, the provisions of this LDR shall apply to all development in City of Wewahitchka, and no development shall be undertaken without prior authorization pursuant to this LDR.

1.02.02 EXCEPTIONS

A. Effective Development Permit

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

- 1. The development activity authorized by a development order has commenced prior to effective date of this LDR or any amendment thereto, or will be commenced after the effective date of this LDR but within 180 days of issuance of the building permit or extensions thereof; and**
- 2. The development activity continues in good faith (except because of war or natural disaster) until the development is complete. If the development order expires, any further development on that site shall occur only in conformance with the requirements of this LDR or amendment thereto.**

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this LDR or an amendment thereto is adopted, and on which development

activity has commenced or does commence or proceeds according to the time limits in the regulations under which the development was originally approved or applicable permit time extensions, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or otherwise invalidated any further development on that site shall occur only in conformance with the requirements of this LDR or amendment thereto.

C. Consistency with Plan

Nothing in this section shall be construed to authorize development that is inconsistent with the adopted Comprehensive Plan.

1.03.01 GUIDE FOR USERS

1.03.02 The Integration of Land Development Regulations (LDR)

The integrated Land Development Regulation (LDR) was enacted to replace and land development regulations that had been adopted over the years. It established a single set of site design criteria and development review procedures resulting in a streamlined and effective land development regulatory system.

1.03.03 DEFINITIONS

Development or Development Activity: includes any of the following activities:

- 1. Construction**
- 2. Building, installing, enlarging, replacing and/or substantially restoring a structure, impervious surface, and/or water management system, and/or including the long-term storage of materials.**
- 3. Subdividing land into three or more parcels**
- 4. Erection of a permanent sign unless expressly exempted by Article VI-SIGNS.**
- 5. Alteration of an historic property for which authorization is required under this regulation.**
- 6. Changing the use of a site so that the need for parking is increased.**
- 7. Construction, elimination or alteration of a driveway onto a public street.**

GROSS FLOOR AREA: The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

MAJOR DEVELOPMENT ORDERS: A development shall be designated as a major development if it satisfies one or more of the following criteria:

1. The development is a residential project of ten (10) or more dwelling units or lots.
2. The development involves five thousand (5,000) square feet or more of non-residential floor space.
3. Any development that the Building and/or Planning Departments designates as a major development.

All major development proposals require review by the Technical Advisory Committee (TAC).

PLANNING AND DEVELOPMENT REVIEW BOARD (PDRB): The Board is composed of private citizens having comprehensive planning and/or land development knowledge. Members are appointed by the Board of City Commissioners. The PDRB is designated as the local planning agency and performs the functions and duties described in the Local Government Comprehensive Planning and Development Regulation Act of 1985. The PDRB must review and consider all major development proposals as forwarded by the TAC for those development proposals having significant community impacts or those which the TAC believes should be publicly reviewed.

TECHNICAL ADVISORY COMMITTEE (TAC): This committee is composed of City staff primarily the Administration and Planning Departments and may include the City Manager, Public Works Director, City Clerk, Administrative Personnel, and any others deemed appropriate. The TAC reviews all major development proposals and may forward projects to the PDRB if further review is warranted.

1.03.03 DESCRIPTION OF DEVELOPMENT REVIEW PROCESS

The development review process is that process by which the proposed development is reviewed by the City to determine whether the development complies with the requirements of the regulation. Any development requiring amendment to the Comprehensive Plan must be in compliance with Chapter 163, Florida Statutes and be reviewed by the PDRB and approved by the Board of City Commissioners (BOCC).

1.04.01 INTENT**1.04.02 GENERAL INTENT**

With regard to this Land Development Regulation in general, it's provisions shall be construed and implemented to achieve the following intentions and proposed of the City of Wewahitchka Board of City Commissioners.

1. To establish the regulations, procedures and standards for review and approved of all proposed development in City of Wewahitchka.
2. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of City of Wewahitchka while respecting land owner property rights in accordance with the Comprehensive Plan.
3. To adopt a development review process that is:
 - a. Effective, in terms of time;
 - b. Effective, in terms of addressing the natural resource and public facility implications or proposed development; and
 - c. 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 City of Wewahitchka.
4. To implement the respective Comprehensive Plan as required by the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 and revised in 2011.
5. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet the adopted level of service standards (concurrency).

1.04.02 Specific Intent Relating to the Various Subject Areas of this LDR

The provisions of this LDR dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposed of the local governing body.

A. Administration

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this LDR, the respective Comprehensive Plan and other local government regulations.
2. To promote efficiency, predictability, and citizen participation.

B. Sign Regulation

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, located, 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. Sized 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 without being obtrusive; and
 - e. Located so as not to conflict or interfere with regulatory or public informational, control, or directional signage.
3. To promote the economic health of the community through increased tourism and property values.

C. On-Site Traffic Flow and Parking

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.

1. To promote safe and efficient use of off-street parking facilities and other vehicular use areas by:

- a. **Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public right-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.**

D. 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 approximate natural systems.**
4. **To protect natural drainage systems by giving preference to development which utilize such systems.**
5. **To minimize runoff pollution to ground and surface waters.**
6. **To maintain recharge areas and restore groundwater levels.**
7. **To protect and maintain natural salinity levels in estuarine areas.**
8. **To minimize erosion and sedimentation.**
9. **To prevent damage to wetlands.**
10. **To protect, maintain, and restore the habitat of fish and wildlife.**

Purpose: The purpose of this chapter is to provide standards that will reduce and/or prevent flood damage, protect surface waters from contamination caused by stormwater runoff, provide criteria for adequate drainage and stormwater management, and promote established policies of the state relative to stormwater management and flood damage prevention.

State Requirements: In addition to meeting the requirements of this chapter all development projects must comply with the provisions of “stormwater discharge” and “drainage connections” as found in the Florida Administrative Code (FAC). No final Development Order may be issued until such time as all applicable state permits have been acquired.

Federal Requirements: In addition to meeting the requirements of this chapter all development projects which result in land disturbance of equal to or greater than one acre must comply with the provisions of the National Pollutant Discharge Elimination Systems from the Environmental Protection Agency as found in 40 CFR Parts 122 and 123.

Exemptions: A development may be exempt from the requirements of this chapter if the development qualifies under the following exemptions. Note: In no instances shall any development be exempt from provisions titled “Obstruction of Drainage-ways” and “Uncontrolled Stormwater Runoff”.

1. Construction of a single family or duplex residential dwelling when such dwellings are not part of a larger, common plan of development.
2. Performance of maintenance work on existing drainage, utility ditches, mosquito control canals or transportation systems, provided that such maintenance work does not alter the original purpose and intent of the drainage system as constructed.
3. Agriculture activities, including forestry, when best management practices are used.
4. Emergencies requiring immediate action to prevent substantial harm and danger to the public or environment. A report of any emergency action shall be made to the County as soon as possible.

Obstruction of Drainage-Ways: To the extent practicable, all development shall conform to the natural contours of the land with natural or manmade drainage-ways left unobstructed. The obstruction of natural or man-made drainage-ways is strictly prohibited.

Uncontrolled Stormwater Runoff: Except for historical drainage it shall be unlawful to discharge undirected or uncontrolled stormwater runoff caused by buildings, parking lots, roof overhangs or other means from one property to another across any property line unless such discharge is part of an approved stormwater management or drainage system.

Drainage and Stormwater Management Plan: All development projects shall provide for adequate drainage and stormwater management the term “adequate

drainage and stormwater management” means the design and construction of drainage systems that will not cause flood damage to the property involved or the surrounding properties. Specifically, drainage and stormwater management systems shall provide for maintenance of surface water quality and flood attenuation.

Drainage and Stormwater Plan Submittal: Owners or developers shall submit a proposed drainage and stormwater management plan signed and sealed by a Professional Engineer registered in the State of Florida. The plan shall consist of engineering drawings, calculations etc., as necessary and provide the following information: name, address and telephone number of applicants.

Location map and/or aerial photo of the development site which clearly outlines project boundaries.

Boundary and topographic survey, including the location of all easements, rights of way along with any applicable flood zone information as appropriate.

A description of pre-development hydrologic and environmental conditions.

Proposed stormwater management system features including the locations of inlets, swales, ponds conveyance systems and interconnection of wetlands and water flow to include the necessary elevations etc.

Projected post-development stormwater runoff direction, volume, flow rate and before and after charts reflecting the volume and flow rate.

Design storm frequency/intensity calculations. Calculations shall consider the effects of tailwater and seasonal high ground water elevation. The calculations shall provide a narrative on the determination of each.

Water Quality Protection Standards: The discharge of untreated stormwater can reasonably be expected to create a source of pollution to waters of the state and is therefore subject to state regulations. All non-exempt development projects must be permitted as follows.

Stormwater Management Protection Standards: Stormwater management systems which directly discharge surface waters within Ecosystem Management Areas or Outstanding Florida Waters (OFW) shall include an additional 50% of treatment criteria per FAC/OFW standards.

All drainage and stormwater management systems shall comply with the requirements set forth by the Northwest Florida Water Management District.

Flood Attenuation Protection Standards: The potential for flood damage caused by development shall be attenuated as follows: All drainage and stormwater

management systems shall provide facilities to attenuate a 25-year frequency storm event of a critical duration so that the post development stormwater peak discharge rate shall not be greater than the predevelopment discharge rate for the critical duration event. The critical duration shall be defined as the storm event that when routed the proposed facility, results in the greatest post-development discharge. The FDOT 1,2,4,8 and 24-hour rainfall distribution shall be used to determine the critical duration.

Plan Adherence and Maintenance: Once approved, and applicant shall adhere to the drainage and stormwater management plan. Any amendments to the plan must be approved by the County.

Certification: After completion of the project, the Florida Registered Engineer acting as an agent of the developer shall certify that control measures which make up the developments drainage and stormwater management system plan meet the water quality, flood attenuation and erosion and siltation standards outlined in the plan prior to issuance of Certificate of Completion by the County. If the project requires a FDEP permit, a completion certificate must also be provided.

Maintenance: The stormwater system shall be maintained by the owner or entity having legal right to ensure that the drainage system performs so that the recovery rates and discharge rates and quality standards remain the same as designed.

E. 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 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 development of flood-prone areas.**
- 6. To make available information to potential purchasers of land regarding property in flood prone areas.**
- 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 for costly and environmentally disruptive flood management structures.
13. To make all areas of City of Wewahitchka eligible for participation in the National Flood Insurance Program.
14. To incorporate the FEMA mandated "Flood Protection Ordinance" into the LDR to ensure provisions of the ordinance are enforced to maintain compliance with NFIP and CRS obligations.

F. 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 and maintain the 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 hunting, fishing, boating, hiking, nature

observation, photography, camping and other uses.

7. To protect the public's rights to navigable waters.
8. To protect aesthetics of the area and property values.

G. Land Use Regulation

1. To regulate the use of land and water.
2. To ensure the compatibility of adjacent uses and provide for open space.
3. To provide appropriate buffer zones between adjacent land uses and impose stricter buffer requirements on proposed uses of higher intensity.
4. To abate nuisances such as noise, light, glare, heat, air pollution and stormwater runoff.
5. To mitigate conflicts between adjoining land uses.
6. To recognize the values and benefits of existing native trees and vegetation.
7. To ensure compliance with the Comprehensive Plan density requirements, permitting shall be limited to one (1) habitable structure per parcel.

H. Regulation of the Subdivision of Land

1. To aid in the coordination of land development in the City of Wewahitchka in accordance with orderly physical patterns, to maintain and protect the local economy and natural resources, and to discourage haphazard, uneconomic, or scattered land development.
2. To insure safe and convenient traffic control and to encourage development and maintenance of economically stable and healthful communities.
3. To prevent periodic and seasonal flooding by providing protective flood control and drainage facilities; to provide public open spaces for recreation; and to assure land subdivision with the installation of adequate and necessary physical improvements.

4. To assure that the citizens and taxpayers of the City will not have to bear the costs resulting from haphazard subdivision of land and to require installation by the developer of certain minimum improvements.
5. That any subdividing of a recorded or unrecorded subdivision must meet the development standards of the LDR, written notice to affected parcel owners, and the public hearing process for subdivision development except for the following exemptions unless prevented by deed, etc.
 - a. Lot lines may be changed to increase a lot area with no density increase or the creation of a sub-standard lot.
 - b. Lot lines may be changed to increase the area of one or more lots by reducing density.
 - c. Lot lines may be changed where the direction of two equal lots is changed without a change in density or impact to adjacent parcels.
 - d. Note: Further subdivision of existing lots in established recorded subdivisions of record is prohibited.

I. Protection of Historic Sites and Structures

1. To give preference to the sensitive re-use of historic sites and structures when issuing permits.
2. To minimize destruction by development activity of known sites of historical or archeological significance.

1.05.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The adoption of this unified Land Development Regulation is intended to implement the goals, objectives, and policies of the City of Wewahitchka Comprehensive Plan.

1.06.00 INCORPORATION BY REFERENCE

1.06.01 Technical Construction Standards

The latest editions of the following technical construction standards are hereby incorporated into this LDR by reference:

National Electrical Code

Florida Building Code and all the individual Trade Codes (Heat/Air, Plumbing, etc.) All standards, etc., referenced in the Florida Building Code

NFPA

1.06.02 Maps

The Future Land Use Maps for City of Wewahitchka are hereby incorporated into this LDR by reference. Additionally, National Wetland Inventory (NWI) depicting wetland areas and the Federal Emergency Management Agency Flood Insurance Rate Maps depicting velocity zones and flood prone areas are hereby incorporated into this LDR by reference.

1.07.01 RULES OF INTERPRETATION

1.07.02 Generally

In the interpretation and application of this LDR, all provisions shall be liberally construed in favor of the objectives and purposes of City of Wewahitchka and deemed neither to limit nor repeal any other powers granted under state statutes.

1.07.02 Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions development criteria, or any other provision of this LDR, the City personnel shall be responsible for interpretation and shall look to the relevant local government adopted Comprehensive Plan or applicable regulations for guidance. Responsibility for interpretation by City personnel shall be limited to standards, regulations, and requirements of this LDR, and shall not be construed as overriding the responsibilities given to any commission, council board or official named in other sections or articles of this LDR.

1.07.02 Computation of Time

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

1.07.03 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 delegation to professional-level subordinates to

perform the required act or duty unless the terms of the provision or section specify otherwise.

1.07.04 Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

1.07.05 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

1.07.06 Shall, May

The word "shall" is mandatory; "may" is permissive.

1.07.07 Written or in Writing

The term "written" shall be construed to include and representation of words, letters, or figures, whether by printing or otherwise.

1.07.09 Year

The word "year" shall mean a calendar year, unless otherwise indicated.

1.07.10 Day

The word "day" shall mean a working day, unless a calendar day is indicated.

1.07.11 Boundaries

Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

- 1. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.**
- 2. Boundaries shown as following or approximately following any platted lot line of other property line shall be construed as following such line.**
- 3. Boundaries shown as following or approximately following**

section lines, or half-section lines, or quarter-section lines shall be construed as following such lines.

- 4. Boundaries shown as following or approximately following natural features shall be construed as following such features.**

1.07.12 Relationship of Specific to General Provisions

More specific provisions of this LDR shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.08.00 Repeal of Prior Provisions

Any existing City of Wewahitchka ordinances duplicating or in conflict with the requirements of this LDR are hereby repealed.

1.09.00 Abrogation

This Land Development Regulation is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of City of Wewahitchka.

1.10.00 Severability

If any section, paragraph, sentence, clause, or phrase of this regulation 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 regulation shall continue in full force and effect.

1.11.0 Effective Date

These regulations shall be effective in City of Wewahitchka upon adoption.

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ARTICLE II

Development Review

- 2.00.00 GENERALLY**
- 2.00.01 Purpose**
- 2.00.02 Withdrawal of Applications**
- 2.00.03 Definitions**

- 2.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR
TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**
- 2.01.01 Generally**
- 2.01.02 Prerequisites to Issuance of Development Permit**
- 2.01.03 Exceptions to requirement of a Development Order**
- 2.01.04 Post Permit Changes**

- 2.02.00 PROCEDURE TO REVIEW OF DEVELOPMENT PLANS**
- 2.02.01 Pre-Application Conference**
- 2.02.02 Designation of Plans as Minor or Major Developments**
- 2.02.03 Review of Development Plans for Minor Developments**
- 2.02.04 Review of Development Plans for Major Developments**
- 2.02.05 Project Phasing**
- 2.02.06 Required and Optional Contents of Development Orders**
- 2.02.07 Submittals**
- 2.02.08 Platting**
- 2.02.09 Guarantees and Sureties**

- 2.03.00 PROCEDURE FOR OBTAINING A MINOR REPLAT**
- 2.03.01 Review by Department**
- 2.03.02 Standards and Restrictions**

- 2.04.00 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS**
- 2.04.01 Application**
- 2.04.02 Review and Issuance by Department**

- 2.05.00 DUTIES OF VARIOUS INDIVIDUAL, BOARDS AND AGENCIES
ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS**
- 2.05.01 Building Official**
- 2.05.02 Planning/Building Department**
- 2.05.03 Technical Advisory Committee**
- 2.05.04 Planning and Development Review Board**
- 2.05.05 Board of City Commissioners**
- 2.05.06 Special Exceptions-Requirements and Procedures**
- 2.05.07 Variances – Requirements and Procedures**
- 2.05.08 Appeals - Appeals to Planning and Development Review Board**

- 2.06.00 GUIDELINES FOR VESTING DETERMINATIONS**
- 2.06.01 Enforcement and Penalties – Administration and Enforcement**
- 2.06.02 Emergency Exemptions**
- 2.06.03 Projects Requiring an Amendment to the County’s Comprehensive Plan**
- 2.06.04 Schedule of Fees, Charges and Expenses**

ARTICLE II

DEVELOPMENT REVIEW

2.00.00 GENERALLY

2.00.01 PURPOSE

This article sets forth the application and review procedures required for obtaining development orders, and certain types of permits.

2.00.02 WITHDRAWAL OF APPLICATIONS

An application for development review may be withdrawn at any time by written request.

2.00.03 DEFINITIONS

DEVELOPER: Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

DEVELOPMENT ORDER: An order granting, denying, or granting with conditions an application for approval of a development activity. A distinction is made between a development order and a building permit. A development order is the City authorization of a proposed development project and may be verified by written document or by the vote of the Board of City Commissioners. Such authorization must be granted by the City prior to issuance of a building permit by the County as defined for purposes of these regulations. (The development order authorizes the project, whereas, the building permit authorizes specific components of the project, such as building construction, sign installation, and the like.) For purposes of these regulations, the development plan approval or preliminary plat approval is the development order.

DEVELOPMENT PERMIT: For purposes of this LDR a development permit is that official County document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permit (plumbing, electrical, mechanical, and so forth, in addition to the building permit itself), septic tank permits, sign permits, demolition permits, etc.

LOT OF RECORD: A designated parcel, tract or area of land established in the County's Official Record Books, Miscellaneous Map File Book, by recorded plat, by unrecorded plat on file in the City of Wewahitchka HRS Public Health Unit, or as otherwise allowed by law.

MINOR REPLAT: The subdivision of a single lot or parcel of land into two (2) lots or parcels by the owner of the property deed, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of adjacent lots or parcels of land and where the resultant lots comply with the standards of this LDR. The approval for minor replats is the responsibility of the Planning Director or Designee.

OWNER: A person who, or entity which, alone, jointly, or severally with others, or in a representative capacity (including without limitation, and authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

PARCEL OR LOT: A unit of land within legal established property lines and defined interchangeably as a designated parcel, tract or area of land established in the County's Official Record Books, Miscellaneous Map File Book, by recorded plat, by unrecorded plat on file in the City of Wewahitchka HRS Public Health Unit, or as otherwise allowed by law, to be used, developed or built upon as a unit and has been assigned the proper parcel identification number by the Gulf County Property Assessor's office.

2.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY.

2.01.01 Generally

No development activity may be undertaken unless the activity is authorized by a development permit or is specifically exempted by Section 2.01.03.

2.01.02 Prerequisites to Issuance of Development Permit

Except as provided in Section 2.01.03 below, a development permit may not be issued unless the proposed development activity:

- A. Is authorized by a Development Order issued pursuant to this LDR; and**
- B. Conforms to the Technical Construction Standards adopted by reference Article I of this LDR.**

2.01.03 Exemptions to Requirement of a Development Order

A development permit may be issued for the following development activities in the absence of a development order issued pursuant to this LDR. Unless otherwise specifically provided, the development activity shall conform to this LDR, Federal and State permits, and applicable building codes.

- A. Development activity necessary to implement a valid site plan or development plan on which the start of construction took place prior to the adoption of this LDR and has continued in good faith. (Nothing in this Section shall be construed as to exempt future development phases).
- B. The construction or alteration of a one- or two-family dwelling on a lot of record prior to the adoption of this LDR, provided development complies with the minimum requirements of other permitting agencies.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D. The re-surfacing of a vehicle use area that conforms to all requirements of this LDR. Note: If the overall project is deemed a substantial improvement, the exemption does not apply.
- E. A Minor Replat granted pursuant to the procedures in Section 2.03.01 of this Article.
- F. Accessory use permits, such as those for erection of signs, construction of tennis courts, swimming pools, and similar uses.

2.01.04 Post-Permit Changes

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original development order or permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Building Department.

2.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

2.02.01 Pre-Application Conference

Prior to filing for a development order or permit, the developer shall meet with the Administration and/or Planning Department personnel to discuss the development review process, to be informed of which staff members to confer with about the application, and to discuss the general concept of the proposed development. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a

representation or implication that the proposal will be ultimately approved or rejected in any form.

2.02.02 Project Phasing

A Master Plan for the entire development site must be approved for any Major Development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Development Plan for the first phase of the development and must be approved as a condition of approval for the Development Plan for the first phase. A Development Plan must be approved for each phase of the development. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

2.02.03 Required and Optional Contents of Development Orders

A. Required Contents

A Development Order shall contain the following:

1. A specific time period during which the development order is valid and during which time development shall commence. A Development Order shall remain valid only if development commences and continues in good faith to the terms and conditions of approval.
2. Notice that a final concurrency determination will be required prior to the issuance of a Building Permit.
3. A commitment by the City to the following:
 - a. The necessary facilities shall not be deferred or deleted from the Capital Improvements Element or the adopted one-year capital budget unless the subject development order expires or is rescinded prior to the issuance of a Certificate of Occupancy.
 - b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.

B. Option Contents

- A. A Development Order may contain:

1. A schedule of construction phasing consistent with availability of capacity of one or more services and/or facilities.
2. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate or within specified time periods.
3. An alternate service impact mitigation measure to which the applicant has committed in a recordable written instrument.
4. Sureties and guarantees as well as agreements related to maintenance of public facilities, as required by Section 2.02.90, Guarantees and Sureties.
5. Such other conditions as may be required to ensure compliance with the concurrency requirement.

2.02.07 Submittals

A. Application

Applications for development review shall be available from the Planning Department. A completed application shall be signed by all owners or their agent, of the property subject to the proposal and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation and embossed with the corporate seal.

B. General Development Plan Requirements

All Development Plans submitted pursuant to this Code shall conform to the following standards:

1. All site plans shall be drawn to "Engineer scale" with a scale of one (1) inch equals one hundred (100) feet preferred unless the Planning Department determines that a different scale is sufficient or necessary for proper review of the proposal.
2. The trim line sheet size shall be twenty-four (24) inches by thirty-six (36) inches. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided.

3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each sheet.
4. The front cover sheet of each plan shall include:
 - a. A general vicinity and/or location map showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
 - b. A complete legal description of the property including tax reference number.
 - c. The name, address, and telephone number of the owner(s) of the property, the name and address of the president of the entity shall be shown.
 - d. The name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, a states and graphic scale, a north arrow and date.
 - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter section or subdivision name and lot number(s).
5. The following number of copies shall be submitted based on the required level of review.

Two (2) sets for any proposed minor development activity to be reviewed by the Planning Department.

Five (5) sets of any proposed Level 1 major development activity to be reviewed by the Technical Advisory Committee (TAC).

Seven (7) sets for any proposed Level 2 major development activity to be reviewed by the PDRB and Board of City Commissioners.

MINOR DEVELOPMENT:

The development is less than a major development.

Level 1 Major Development activity requires review and approval by the Technical Advisory Committee (TAC). The TAC action is forwarded to the building department for permit issuance or denial.

Level 2 Major Developments, having significant community impacts or those which the TAC believes should be publicly reviewed, must be sent to the PDRB for permit review and consideration. The PDRB action is forwarded to the Administration Department for permit review and consideration.

- 1. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.**

C. Development Plan

In addition to the general development plan requirements, a Development Plan shall include or provide the following information where determined applicable by Building and/or Planning Departments.

- 1. Existing Conditions**
 - a. A recent aerial photograph encompassing the project area and identifying the project areas and total land area. The scale shall be no smaller than one-inch equals 800 feet.**
 - b. A soils map of the site (existing US Soil Conservation service maps are acceptable).**
 - c. A generalized map of vegetative cover including the location, height, and identity by common name of all trees. Groups of trees may be designated as "clusters" with the estimated total number height and identity noted.**
 - d. A topographic map of the site clearly showing the location, identification, and elevation of benchmarks, including at least one benchmark for each major water control structure.**
 - e. Existing surface water bodies, wetlands, streams and canals within the proposed development site.**

- f. **A detailed overall project area map showing existing hydrology and runoff patterns, to include drainage basins and/or watershed boundaries.**
- g. **A depiction of the site, and all land within two hundred (200) feet of any property line of the site, showing the locations of Protected Environmentally Sensitive Zones and Wellhead Protection Zones. Place Environmentally Sensitive Zones and Wellhead Protection Zones in definitions.**
- h. **The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.**
- i. **Locations, names, widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.**
- j. **The 100-year flood elevation, minimum required floor elevation and boundaries of the 100- year floodplain for all parts of the proposed development.**

2. Proposed Development Activities and Design

a. Generally

- 1. **Area and percentage of total site area to be covered by an impervious surface.**
- 2. **Grading plans specifically including perimeter grading.**
- 3. **Construction phase lines.**

b. Building and Other Structures

- 1. **Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.**
- 2. **Front, rear, and side architectural elevations of all buildings.**
- 3. **Building, setback distances from property lines, setbacks from abutting right-of-way, and all adjacent buildings and structures.**

4. **Minimum floor elevations of buildings within any 100-year floodplain.**
 5. **The location, dimensions, type, composition, and intended use of all other structures.**
- c. Potable Water and Wastewater Systems**
1. **Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off- site facilities.**
 2. **The boundaries of proposed utility easements.**
 3. **Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.**
 4. **Exact locations of on-site and nearby existing and proposed fire hydrants indicating consistency with minimum county requirements.**
- d. Streets, Parking and Loading**
1. **All street-related submittal requirements listed in Article VIII, Subdivision Regulations.**
 2. **A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected traffic flow.**
 3. **For developments which would generate 500 or more new trips per day, a traffic impact study which includes, at a minimum, the area of impact, the projected demand (based on Trip Generation, most recent edition, Institute of Transportation Engineers), and the distribution of trips onto the impacted roadways.**
- e. Vegetated Buffer Zones**
1. **Location and dimensions of proposed buffer zones and vegetated areas.**

2. **Description of plan materials existing and to be planted in buffer zones.**

f. Stormwater Management

1. **An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.**
2. **A description of the proposed stormwater management system, including:**
 - a. **Channel, direction, flow rate and volume of stormwater that will be conveyed from the site with a comparison to natural or existing conditions.**
 - b. **Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.**
 - c. **Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.**
 - d. **Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water- surface elevations or hydrographs.**
 - e. **Linkages with existing or planned stormwater management systems.**
 - f. **On and off-site right-of-way and easements for the system including locations and a statement of the nature of the reservation for all areas to be reserved as part of the Stormwater Management System.**
 - g. **The entity or agency responsible for the operation and maintenance of the Stormwater Management System.**
3. **The location of off-site water resource facilities such as works, surface water management systems, wells or well fields, that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.**

4. **Runoff calculations shall be in accord with standard engineering practices.**

g. Environmentally Sensitive Lands

1. **The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities, including estimated quantities of excavation or fill materials computed from cross sections, proposed within a Protected Environmentally Sensitive Zone.**
2. **Detailed statement or other materials showing the following:**
 - a. **The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.**
 - b. **The distances between development activities and the boundaries of the Protected Environmentally Sensitive Zones.**
3. **The manner in which habitats of endangered threatened species are protected.**

h. Signs

1. **For regulated ground signs, a plan, sketch, blueprint, blueprint line or similar presentation drawn to scale which clearly indicates the location of the sign relative to property lines, right of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.**
2. **For regulated building signs, a plan, sketch, blueprint, blueprint line or similar presentation drawn to scale which indicates clearly:**
 - a. **The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings, and structures on the parcel.**
 - b. **The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of the business units.**

i. Subdivision

Proposed number, minimum area, and location of lots, if development involves a subdivision of land. Additional submittals related to subdivisions are contained in Article VIII, Subdivision Regulations.

j. Land Use and Dedications

- 1. Location of all land to be dedicated or reserved for all public and private uses including right-of-way, easements, special reservations, and the like.**
- 2. The total number, type, and density of residential units.**

k. Wellfield Protection

Location of on-site wells, and wells within two hundred (200) feet of any property line, supplying water for public consumption.

- 1. Historic and Archaeological Sites**

D. Master Plan

A Master Plan is required for a Major Development which is developed in phases. A Master Plan shall provide the following information for the entire development:

- 1. A Concept Plan for the entire Master Plan area.**
- 2. A development Plan for the first phase or phases for which approval is sought.**
- 3. A development phasing schedule including the sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open space areas and facilities.**
- 4. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.**
- 5. Number, height, and type of residential units.**
- 6. Floor area, height and types of office, commercial, industrial, and other proposed uses.**
- 7. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.**

8. **Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.**
9. **Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.**
10. **A vicinity map of the area within one thousand (1000) feet surrounding the site showing:**
 - a. **Land use designation and boundaries.**
 - b. **Traffic circulation systems.**
 - c. **Major public facilities.**
 - d. **Municipal boundary lines.**
11. **Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Administration/Planning Department.**

(NOTE: A Master Plan is required whenever a Major Development is to be implemented in phases. The required information allows the Administration and/or Planning Department, the Technical Advisory Committee, the Planning and Development Review Board and interested citizens to review each phase independently and in the context of an overall development plan. The purpose is to assure that adequate consideration is made of all effects of the component parts on each other, the completed project, and the affected community.)

2.02.09 Guarantees and Sureties

A. Applicability

1. **The provisions of this section apply to all proposed developments in the City involving public improvements and/or common ownership and maintenance of facilities.**

2. **Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Article VII of this LDR.**
3. **This section does not modify existing agreements between a developer and the City for subdivision platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.**

8. Improvements Agreement Required

The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided.

1. **Agreement that all improvements, whether required by this LDR or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.**
2. **The term of the agreement indicating that all required improvements shall be satisfactorily completed with as built drawings before a building permit can be issued.**
3. **The projected total cost for each improvement. Cost for construction shall be determined by either of the following:**
 - a. **Estimate prepared and provided by the applicant's engineer.**
 - b. **A copy of the executed construction contract provided.**
4. **Specification of the public improvements to be made and dedicated together with the timetable for making improvements.**
5. **Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making improvements, the County shall utilize the security provided in connection with the agreement.**
6. **Provision of the amount and type of security provided to ensure performance.**

7. **Provision of the amount and type of security may be reduced periodically, subsequent to the completion, inspection, and acceptance of improvements by the City.**

C. Amount and Type of Security

1. **The amount of the security listed in the improvement agreement shall be approved as adequate by the Administration/Planning Department.**
2. **Security requirements may be met by, but are not limited to, the following:**
 - a. **Cashier's check**
 - b. **Certified check**
 - c. **Developer / Lender / City / County Agreement**
 - d. **Interest Bearing Certificate of Deposit**
 - e. **Irrevocable Letters of Credit**
 - f. **Surety Bond - Need legal to dictate type(s) of security requirement(s)**
3. **The amount and type of security shall be established by the Board of City Commissioners. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements.**

D. Completion of Improvements

1. **When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by City Staff. A recommendation for final acceptance shall be made upon receipt of a certification of project and one (1) copy of all test results.**
2. **As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section 2.02.1 O.C.3 above.**

E. Maintenance of Improvements

1. A maintenance agreement and security shall be provided to assure the City that all required improvements shall be maintained by the developer according to the following requirements:
 - a. The period of maintenance shall be specified in the development order.
 - b. The maintenance period shall begin with the acceptance by the City of the construction of the improvements.
 - c. The security amount shall be established by the Board of City Commissioners.
 - d. The original agreement shall be maintained by the Administration/Planning Department.
2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - a. When the proposed development is to be organized as a condominium under the provisions of Ch. 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to the law.
 - b. When no condominium is to be organized, an owner's association shall be created, and all common facilities and property shall be conveyed to that association.
 - c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the County Attorney.

2.03.01 PROCEDURE FOR OBTAINING A MINOR REPLAT

2.03.02 Review by Administration/Planning Department

A. Generally

The City Manager or his/her designee may approve a Minor Replat that conforms to the requirements of this part. The intent is to allow a developer to create two parcels out of one. The staff reserves the right to defer any application to the PDRB that appears to be out of the realm of this policy for further review,

comment, and recommendation to the Board of City Commission for its final determination.

B. Submittals

The Administration/Planning Department staff shall consider a proposed Minor Replat upon the submittal of the following materials:

1. An application form obtained from the Administration/Planning Department.
2. Complete application along with the required documentation and payment of the current application fee.

C. Review Procedure

If the proposed Minor Replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the City Manager or his/her designee shall approve the Minor Replat by signing the application form.

D. Recordation

Upon approval of the Minor Replat, the developer shall record the replat in the Official Record Book (ORB) at the developer's expense and provide a recorded copy with parcel ID numbers to the Planning Department.

2.03.03 Standards and Restrictions

A. Standards

All Minor Replats shall conform to the following standards:

1. That owner is entitled to divide a parent parcel into two parcels only once. Each proposed lot must conform to the requirements of this LDR.
2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.
3. If roadways within the confines of the minor replat fail to meet the minimum county requirements for City of Wewahitchka roadways, a statement must be placed on face of the minor replat and on each individual deed that City of Wewahitchka will not accept ownership of roadways or maintain roadways until said roads conform to the latest county regulations for secondary roadways.

B. Restriction

1. No further division of an approved Minor Replat under applicant name is permitted under this section, unless a development plan (subdivision) is prepared and submitted in accordance with current subdivision regulations.
2. The staff reserves the right to defer any minor replat application to either first the Planning and Development (PDRB) requesting preliminary comment and recommendations or directly to the Board of City Commissioners (BOCC) for final review and action.
3. That no additional division of the original parent parcel or parcels thereof can be related to the original minor replat applicant.
4. Recorded deeds must be submitted of a Minor Replat verifying that further division of land is by other than the original applicant.

2.04.01 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS

2.04.02 Application

Application for a Development Permit shall be made to the Administration/Planning Department on a form provided by the Administration/Planning Department and may be acted upon by the Administration/Planning Department without public hearing or notice.

2.04.03 Review and Issuance by Department

The City Manager or designee shall review all applications for development permits and shall issue such permits upon a determination of conformance with adopted Technical Construction Standards and any other applicable codes, and upon final concurrency determination as described in the Concurrency Management Procedures Manual.

2.05.01 DUTIES OF VARIOUS INDIVIDUAL, BOARDS AND AGENCIES ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS

City Manager/Planning Director

The City Manager or his/her designee shall be responsible for receiving requests for concurrency determination, informing applicants of required information, and issuing a concurrency certificate.

The Building Official and City Clerk shall act as Co-Chairman's of the Technical Advisory Committee, setting meetings and distributing applications for development proposals to committee members for review.

The Building Official may approve exemptions from the requirements of these regulations as deemed appropriate in emergency situations.

2.05.02 Administration/Planning Department

The Administration/Planning Department shall be responsible for administration and application of land development regulations as set forth herein. Responsibilities include the following:

Determine whether a proposed development activity is consistent with the Future Land Use Map contained in the adopted Comprehensive Plan.

Receive applications for development approval and determine whether the development activity is a minor or major development.

Review applications for minor development and may permit issuance.

Refer applications, which require review by the Planning and Development Review Board for review and recommendation to the BOCC.

Receive requests for special exceptions and variances and refer these to the Planning and Development Review Board for review and recommendations to the BOCC.

Receive requests for amendments to the land development regulations or the Comprehensive Plan and refer these to the Planning and Development Review Board for review and recommendations to the BOCC.

Upon determination of compliance with the Land Development Regulations, the Building Official shall authorize the issuance of a building permit.

Decisions of the Administration/Planning Department may be appealed to the Planning and Development Review Board. The Board of City Commissioners has final and exclusive authority to accept or deny the recommendations of the Planning and Development Review Board regarding development permit or development order decisions.

2.05.03 Technical Advisory Committee

The Technical Advisory Committee is composed of City and/or County staff knowledgeable in areas of land development, building, zoning, public works

and/or planning, and is appointed by the Building Official. The City Manager and City Clerk shall act as Co-Chairman's of the Technical Advisory Committee.

The Technical Advisory Committee (TAC) is responsible for development review and development order approval for all level 1 major development activity. Development order approval is issued based upon a determination by the TAC that the proposed development activity conforms to the requirements of these land development regulations.

The Technical Advisory Committee acts in an advisory role for development activity which requires review by the Planning and Development Review Board and approval by the Board of City Commissioners and may be called upon to confer with the Planning and Development Review Board regarding requests for special exceptions and variances.

All minutes of the Technical Advisory Committee shall be filed with the Planning Department.

2.05.04 Planning and Development Review Board

A. Establishment and Procedures:

A Planning and Development Review Board (PDRB) was established by motion of the Board of City Commissioners on April 13, 1993. The PDRB shall consist of five (5) members to be appointed by the Board of City Commissioners and term of service shall be based on the will of the BOCC. Members of the Planning and Development Review Board may be removed from office by the City Commission regular board action.

B. Proceedings of the Planning and Development Review Board:

The Planning and Development Review Board shall adopt rules necessary to conduct its affairs and in keeping with the provisions of these regulations. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. A majority of the membership for the PDRB shall constitute a quorum.

The Planning and Development Review Board shall keep minutes of its proceedings showing the vote of each member upon each issue, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be filed in the office of the Planning Department.

B. Powers and Duties of the Planning and Development Review Board.

The Planning and Development Review Board shall have the following review, advisory and recommendation powers and duties:

1. **Administrative Review:** The PDRB is an advisory and recommendation board solely created to hear, review issues submitted to it by the Planning department staff and thereafter submit recommendations to the BOCC. The BOCC maintains its historical right and exclusive power for all final actions regarding all development permits and orders within City of Wewahitchka. The PDRB may upon submission by the planning staff where it is alleged there is error in any order, requirements, decision, or determination made by any department or committee in the administration and application of these regulations review and make recommendations to the BOCC. All final decisions rendered by Board of City Commissioners shall not be appealed to the Planning and Development Review Board.
2. **Special exceptions:** To hear, review and recommend to the BOCC for final action such special exceptions as the Planning and Development Review Board is specifically authorized to consider by the terms of these regulations; to review such questions as are involved in determining whether special exceptions should be granted ultimately by the BOCC; and to recommend special exceptions with such conditions and safeguards as are appropriate under these regulations or to recommend denying special exceptions when not in harmony with the purpose and intent of these regulations.
3. **Variances:** To hear, review and recommend to the BOCC for final action upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
4. **Powers of Planning/Building Department on Appeals:** In exercising the above mentioned powers, the Planning and Development Review Board may, so long as such an action is in conformity with the terms of these regulations, recommend approval or denial to the BOCC, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determinations as ought to be made, and to that end shall have the power of the Administration/Planning Department from whom the appeal is taken.

The concurring vote of a majority of the Planning and Development Review Board shall be necessary to recommend approval or denial to the BOCC of an order, requirement decisions, or determination of the Planning and/or Building Department, Technical Advisory Committee, or other administrative official; or to

recommend an application on any matters upon which it is required to hear and apply the application of these regulations.

5. Review and recommend preliminary and final subdivision plats for final approval by the Board of City Commissioners.
6. Review and recommend major development for final approval by the Board of City Commissioners.
7. Hold public hearings for updating and amendment to the comprehensive plan and land development regulations. The BOCC may request comment and recommendations from the PDRB for plan amendments and revised regulations prior to its final action.

2.05.05 Board of City Commissioners

For the purpose of these land development regulations, the Board of City Commissioners of City of Wewahitchka is responsible for the review and all final approvals of all preliminary and final subdivision plats, development orders and for review and final approval of all major development proposals. All advisory boards and departmental staff are subject to the final and exclusive review and approval authority of the BOCC.

2.05.06 SPECIAL EXCEPTIONS - Requirements and Procedures:

A special exception may be heard, reviewed, and recommended by the Planning and Development Review Board only after the following requirements and procedures are met:

1. A written request/application for a special exception is submitted to the Planning Department indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is required.
2. The special conditions and circumstances exist which are peculiar to the land, structure or buildings involved which are not applicable to other land, structures or buildings in the same district.
3. The literal interpretations of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
or
4. That the special conditions and circumstances do not result from the actions of the applicant; or

5. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of land, structures or buildings in other districts shall be grounds for issuance of a variance.

- B. Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which the special exception is sought, or his agent shall deposit with the Administration Department required fees to cover the cost of posting notices and notification by mail. Notice shall be posted on the Courthouse and at least one other public place at least 15 days prior to the Public Hearing.
- C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- D. The Planning and Development Review Board may hear, review and may recommend to the BOCC for final action under the section of these regulations described in the application for the BOCC to grant the special exception, and provided that the granting of the special exception will not adversely affect the public interest. The Planning and Development Review Board shall confer with appropriate representatives of boards and/or committee having development review responsibility or specific knowledge regarding the special exception.
- E. Before any special exception shall be recommended to the BOCC for final action, the Planning and Development Review Board shall make written findings certifying the compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable.
 1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and to convenience, traffic flow and control, and access in case of fire or catastrophe.
 2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
 3. Refuse and service areas, with particular reference to the items in (1) and (2) above.

4. **Utilities, with reference to location, availability and compatibility.**
5. **Screening and buffering with reference to type, dimensions, and character.**
6. **Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.**
7. **Required yards and other open space.**
8. **General compatibility with adjacent properties and other properties in the district.**
- F. **Any restrictions imposed as a condition of granting the special exception, such as limitations on size or square footage, including future expansions, shall be specified at the time the special exception is granted.**

2.05.07 VARIANCES - Requirements and Procedures:

A variance from the terms of these regulations shall be heard, reviewed and recommendations submitted by the Planning and Development Review Board to the BOCC for final action after the following requirements and procedures are met:

- A. **A written application for a variance (hardship relief) is submitted to the Planning/Building Department demonstrating that a hardship exists based on one of the following conditions:**
 1. **The special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same district.**
 2. **The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; or**
 3. **That the special conditions and circumstances do not result from the actions of the applicant; or**
 4. **That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.**

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- B. Notice of public hearing shall be given in accordance with the provisions specified under "Special Exceptions" and a public hearing shall be held. Any party may appear in person, or by agent or by attorney.**
- C. The Planning and Development Review Board may recommend a finding that the requirements regarding hardship relief have been met by the applicant for a variance, that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.**
- D. The Planning and Development Review Board may recommend to the BOCC for final action a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.**
- E. In hearing, reviewing any variance, the Planning and Development Review Board may recommend to the BOCC appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of these regulations.**
- F. The Planning and Development Review Board may recommend to the BOCC for final action a reasonable time limit within the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the prescribed time limit shall render the variance null and void.**
- G. Under no circumstances shall the Planning and Development Review Board recommend to the BOCC a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; however, as provided for in these regulations,**

2.05.08 APPEALS - Appeals to Planning and Development Review Board

- A. Appeals to the Planning Department concerning the interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of City of Wewahitchka affected by any decision of the Administration/Planning/Building Department, or Technical Advisory Committee. (Decisions rendered by City Commission shall not be appealed to the Planning and Development Review Board). Appeals shall be taken within a reasonable time period, not to exceed 30 days, by filing with the Administration Department a notice of appeal specifying the grounds thereof. The Administration Department shall forthwith transmit to the Board of City Commissioners all papers constituting the record upon which the action appealed from was taken.**

The Administration/Planning Department shall fix a time, not to exceed 30 days (unless planning department is unable to assemble a quorum of the PDRB and submits to applicant in writing confirming the date scheduled within fifteen (15) days thereafter) from the date the appeal was filed, for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and state their recommendations at the hearing. At the hearing, any party may appear in person or by agent or attorney.

An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken, certifies to the Planning and Development Review Board, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. Such case proceedings shall not be stayed other than by restraining order which may be recommended by the PDRB and thereafter granted by the BOCC or by injunction granted by the circuit court on notice to the official from whom the appeal is taken and on due cause shown.

B. Judicial Review of Decisions

Any taxpayer, or any officer, department, board or bureau of the governing body, or any person or persons, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the City Commission by Petition for Writ of Common-law Certiorari to the Circuit Court in and for City of Wewahitchka, pursuant to Florida law.

2.06.01 CITY OF WEWAHITCHKA COMPREHENSIVE PLAN GUIDELINES FOR VESTING DETERMINATIONS

The Comprehensive Plan was officially adopted on July 10, 1990. As of that date, densities and land uses were regulated for the first time in City of Wewahitchka. From that date forward, all subdivisions of land, including

through metes and bounds, are required to be consistent with the densities established in the Comprehensive Plan (i.e., number of dwelling units allowed per acre).

Although certain emergency actions were taken by City of Wewahitchka to repeal the Plan for a period of time, such action has since been revoked, and is assumed to have no effect on the issue of vesting in City of Wewahitchka. In the event that a question arises regarding this issue, it is recommended that County Staff seek a legal opinion from the County Attorney.

Enforceable means of determining whether a property is "vested" at a density not consistent with the adopted plan, is verifying through the County's Official Records Books; plats recorded in the property appraiser's office; or metes and bounds plats on file with the HRS City of Wewahitchka Public Health Unit, that a lot, parcel, or subdivision of specific dimensions existed as of a given date prior to July 10, 1990. The County Building Official and/or City Manager will determine such vesting. In the event that such lot or parcel is established as vested, such lot or parcel would be considered non-conforming as to lot size. It is not necessary to obtain a Comprehensive Plan Amendment for a vested development which is non-conforming as to land use density. It should be noted that although a non-conforming lot size is vested, all other Comprehensive Plan requirements must be met.

It is recognizable that prior to Comprehensive Plan Adoption in 1990, land development in City of Wewahitchka often occurred without plats being officially recorded. Because of this, a procedure by which a landowner can appeal a vesting determination by the Administration Department is recommended. The appeal should be heard by the Board of City Commissioners, who should consider and act upon the appeal based on evidence submitted by the landowner pursuant to Florida Statutes regarding common law vesting. For example, the landowner must establish that a plan of development was in effect for this subject property and proceeded in good faith prior to Comprehensive Plan adoption. It is recommended that the Board of City Commissioners obtain a legal opinion regarding such appeals.

It should be noted that specific vesting provisions were included in the Stipulated Settlement Agreement with the Department of Community Affairs, regarding densities and setbacks in the coastal area. Coastal area densities from July 10, 1990, to January 14, 1992, are required to conform to the Plan as adopted in July 1990. Any issues related to previously noted emergency repeal of the Comprehensive Plan should be referred for a legal opinion. Densities and setbacks approved after January 14, 1992, must conform to the Settlement Agreement Provisions. Again, the Planning Department will rely on evidence contained in the Official Record Books, property appraisers recorded plat maps, and the Department of Health records regarding

subdivisions of land to make a vesting determination. Appeals should be addressed to the Board of City Commissioners, with evidence submitted and legal opinion provided as previously discussed.

A. Concurrency

The Comprehensive Plan was developed, and all data and analyses reflect that no properties in City of Wewahitchka are vested for purposes of concurrency. In other words, prior to issuing a development order or building permit for any proposed development, an evaluation must be conducted to determine that adequate public facilities will be available at the time of development impact, to serve the development without degrading levels of service below adopted standards. Specific comprehensive plan requirements must be met for the evaluation, as indicated in the Concurrency Management Procedures Manual. The concurrency requirement must be met regardless of whether a property is vested for consistency with the Future Land Use Map. (See Article VII, Land Development Regulations).

2.06.01 ENFORCEMENT AND PENALTIES - Administration and Enforcement

The Building Official of City of Wewahitchka shall enforce these regulations. If he/she finds that any of the provisions of these regulations are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of violation, and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

Expiration of Permit

If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire, and written notice thereof shall be given to the persons affected. Request for extensions shall be acted upon by the Building Official.

Construction and use to be as provided in Applications, Plans, Permits Building permits issued on the basis of plans and applications approved by the development approval authority authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement and construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of these regulations and shall be punishable as provided below.

Special Master

The Special Master of City of Wewahitchka functions to hear alleged Code violations, issue findings of fact, based on evidence of record and conclusions of law and issue orders affording proper relief. The Special Master is authorized to impose fines for non-compliance with these regulations and to impose liens against real property.

Penalties

In case any building or structure is erected, constructed, reconstructed, altered, repaired or maintained, or any building, structure, on land or water is issued a violation of these regulations or any ordinance, the proper local authorities in City of Wewahitchka, in addition to other remedies, may institute any appropriate action or proceeding in civil action in the Circuit Court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, and to restrain, correct, or abate such violation, to prevent the occupancy of said building,

Any violation of these regulations is declared to be unlawful and whenever these regulations require the doing of any act, failure to do the act is declared to be unlawful. Violations shall be punishable by a fine not exceeding \$500, or imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment. Each day any violation of any provision of these regulations shall continue shall constitute a separate offense.

2.06.02 EMERGENCY EXEMPTIONS

These regulations shall not be construed to prevent any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of life or property.

A report of any such emergency action shall be made to the Building Official and/or Planning Director by the owner or person in control of the property upon which the emergency action was taken as soon as practicable, but no later than ten days following such action. Remedial action may be required by the Administration/Planning Departments subject to appeal to the City Commission in the event of dispute.

2.06.03 PROJECTS REQUIRING AN AMENDMENT TO THE CITY'S

COMPREHENSIVE PLAN

Applications for Development Approval (ADA) may only be considered if the proposed development is consistent with the adopted comprehensive plan. There is a presumption of general consistency with the comprehensive a plan if the requirements of these regulations are met.

Upon receipt of ADA, the Administration/Planning Department shall make a determination of consistency of the proposed development activity with the adopted Future Land Use Map of the Comprehensive Plan. Applications for the proposed development which are not consistent with the adopted Plan may apply to the Planning and Development Review Board (PDRB) to consider a proposed plan amendment, which if approved must be reviewed by the State of Florida in accordance with 163.3187 F.S.

2.06.04 SCHEDULE OF FEES, CHARGES AND EXPENSES

The City Commission shall establish by resolution of a schedule of fees, charges and expenses for development review, review of technical construction plans, issuance of building permits, appeals, variances, special exceptions, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Administration/Planning Departments and may be altered or amended only by resolution adopted by the City Commission. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on application or appeal. A collection procedure shall be established by the Administration/Building Department.

ARTICLE III**LAND USE: TYPE, DENSITY, INTENSITY**

- 3.00.00 PURPOSE**

- 3.01.00 LAND USE DISTRICTS**
 - 3.01.01 Generally**
 - 3.01.02 Definitions**
 - 3.01.03 Special Districts**

- 3.02.00 USES ALLOWED IN LAND USE DISTRICTS**
 - 3.02.01 Generally**
 - 3.02.02 Types of Uses**
 - 3.02.03 Allowable Uses within each Land Use District**
 - 3.02.04 Allowable Density and Dwelling Unit Types for Residential Use**

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ARTICLE III

LAND USE: TYPE, DENSITY, INTENSITY

3.00.00 PURPOSE

The purpose of this Article is to describe the specific uses and restrictions that apply to land use districts contained in the Future Land Use Element of the local government Comprehensive Plan. These regulations are intended to allow development and use of property only in compliance with the adopted goals, objectives, and policies of City of Wewahitchka as expressed in the Comprehensive Plan.

3.01.00 LAND USE DISTRICTS

3.01.01 Generally

Land use districts for City of Wewahitchka are established in the Comprehensive Plan and Future Land Use Map. The land use districts (or categories) defined in the Future Land Use Element of the Comprehensive Plan and delineated on the Future Land Use Map shall be the determinants of permissible activities on any parcel in the jurisdiction. Refer to the goals, objectives, and policies of the Future Land Use Element of the respective Comprehensive Plan for the definitions of each land use category. Allowable uses are described in Section 3.02.03 to correlate individual land use activities with land use districts.

3.01.02 Definitions

ACCESSORY USE: A use of land or portion thereof customarily incidental and subordinate to the principal use of the land.

ACCESSORY STRUCTURE: A structure not greater than 3,000 square feet of floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

AIRPARK: A type of residential development wherein an airstrip adjoins adjacent residential lots with lot owners having direct access and use of the air strip by virtue of common ownership or agreement. Lot owners are allowed to build hangars, either free standing or as a component of their home and to house an aircraft therein.

DENSITY OR GROSS DENSITY: The total number of dwelling units divided by the total site area.

DWELLING UNIT: A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation. Accessory structures such as portable buildings that are not designed as dwellings are not considered dwelling units.

Note: RV's and Campers are not considered as dwelling units. One (1) RV/Camper per Tax ID parcel is allowed. Park Models are only allowed in approved RV Park / Subdivisions.

Note: Mobile Homes and RV's are not allowed in "V" flood zones.

MANUFACTURED HOUSING: Manufactured housing has the following features or characteristics:

1. Mass produced in a factory.
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities.
3. Either an independent, individual building or a module for combination with other elements to form a building on the site; and
4. Certified by HUD.

MODULAR HOMES: Florida Building Code Approved/HUD Approved Zone 3 Countywide.

MULTI-FAMILY DWELLING: Any residential structure containing three (3) or more dwelling units.

PASSIVE RECREATION: Recreational opportunities most likely to occur in largely undeveloped or unaltered environments and primarily includes unstructured recreational activities such as hiking, canoeing, fishing, bird watching, picnicking, etc.

RECREATION VEHICLE: A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodations for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

SINGLE FAMILY DWELLING: A residential structure containing one dwelling unit, or two attached dwelling units (duplex). **Note:** A duplex is counted as two (2) dwelling units for density purposes.

3.01.03 Specific Districts

The following list of land districts pertain to City of Wewahitchka and are further defined in the Future Land Use Element of the Comprehensive Plan:

**RESIDENTIAL
COMMERCIAL
MIXED COMMERCIAL/RESIDENTIAL
AGRICULTURAL
PUBLIC
RECREATION
CONSERVATION
INDUSTRIAL**

3.02.00 USES ALLOWED IN LAND USE DISTRICTS

3.02.01 Generally

This part defines and prescribes the specific uses allowed within each land use district described in the Comprehensive Plan and this LDR.

3.02.02 Types of Uses

A. Residential

- 1. The category of residential uses includes single-family dwellings, accessory apartments, multi-family dwellings in a variety of housing types, including modular and manufactured housing.**

NOTE: RV Parks are not allowed in the Residential Land Use Classification.

- 2. While a district may be designated for residential use, it does not follow that any housing type (single-family, apartment, townhouse, etc.) is allowed. Certain areas may be limited to one or more housing types in order to preserve the established character of the area. Under Article I: General**

Provisions, the abrogation rules provide that deed restrictions may impose more restrictive covenants than those imposed by this LDR. For example, deed restrictions may prohibit residential uses, such as multi-family housing and mobile homes, in single-family subdivisions.

B. Institutional

This type of use includes educational facilities (public or private), pre-school

and childcare facilities (public or private), churches, cemeteries without funeral homes, residential care facilities, nursing home facilities, and all other similar institutional uses.

C. Outdoor Recreational

These uses include areas for outdoor recreational activities such as picnicking, jogging, cycling, hiking, golf courses, playgrounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, camping tents or RV's and water-related or water dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreational uses, whether public or private. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, racetracks, and similar recreational or quasi-recreational activities inconsistent with the allowable outdoor recreational uses described.

D. Professional Service and Office

This group includes business and professional offices, medical offices or clinics, government offices, financial institutions without drive-up facilities, and personal service businesses where the service is performed on an individual to individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching or communications or office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

E. General Commercial

A wide variety of general commercial, commercial recreational, entertainment, and related activities is included in this group of uses. Examples include the following specific uses, and all substantially similar types of uses:

1. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers, gymnasiums, spas, and health clubs.
2. Community centers and fraternal lodges.
3. Commercial or trade schools, such as dance and martial arts studios.
4. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and bookstores.
5. Financial institutions without drive-up facilities.
6. Funeral homes, cemeteries, mortuaries, and crematories.

7. **Farm and garden supply, building supply, and vehicle parts and accessories (including vehicle sales, service, and repair).**
8. **Grocery stores, supermarkets, and specialty food stores, such as meat markets and bakeries.**
9. **Hospitals.**
10. **Hotels or motels.**
11. **Service businesses such as blueprint, printing, reproduction, catering, tailoring, travel agencies, upholstery shops, laundries, dry cleaners, and light mechanical and electronic repair stores (including camera, TV, bicycle repair shops).**
12. **Restaurants (standard sit-down and high turnover sit-down, but excluding all restaurants with drive-up facilities), including open-air cafes.**
13. **Shopping centers, excluding regional malls or centers.**
14. **Theaters and auditoriums.**
15. **Marinas.**
16. **Miniature golf and golf driving ranges.**
17. **Plant nurseries.**
18. **Veterinary offices and animal hospitals provided the facility has no outside kennels.**

F. High Intensity Commercial

The uses in this group include those activities which require outdoor storage, have higher trip generation rates than the general commercial uses listed above, or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation. Location of these uses shall be limited to those parcels located within districts allowing this use, having roadway frontage on collectors or arterials (as classified in the Traffic Circulation Element of the Comprehensive Plan), and located a distance of greater than 75 feet from existing residential development. This distance shall be measured from the proposed high intensity commercial development to the residential property line. High intensity commercial uses include the following list of specific uses and all substantially similar activities based upon similarity of characteristics:

1. **Vehicle sales, rental, service, and repair, including truck stops, body shops, road services, car wash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, motorcycles, trucks, recreational vehicles, and mobile homes.**
2. **Gasoline sales and service, combination sales and food marts, and similar facilities.**
3. **Taverns, bars, lounges, night clubs and dance halls.**
4. **Financial institutions with drive through facilities.**
5. **Restaurants with drive through facilities.**
6. **Roadside produce stands, both temporary and permanent.**
7. **Veterinary offices and animal hospitals with outside kennels.**

For the following high intensity commercial uses, the requirements for having frontage on an arterial or collector will not apply. However, it is not the intent of this LDR to allow these uses in established residential neighborhoods. Established residential neighborhoods are subdivisions that are recorded in the Plat Book of City of Wewahitchka Clerk's Office.

The 75-foot-high intensity development setback from the property line of an existing residential structure will still apply.

8. **Outdoor arenas, rodeo grounds, livestock auction facilities, racetracks and similar activities.**
9. **Storage yards for equipment, machinery, and supplies for building and trades contractors and garbage haulers.**
10. **Flea markets or similar outdoor or indoor/ outdoor sales complexes.**

G. Public Service Utility

This group of activities includes both low intensity and high intensity uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Government offices or government agency offices are specifically not included in this group of uses.

Low intensity public service/utility uses include those uses providing essential or important public services, but not requiring intense land development, such as potable water well-fields, sanitary sewer lift stations, power distribution

facilities less 230 KV, and minor support facilities for other public facilities and/or utilities.

High intensity public service/utility uses include those uses providing essential or important public services or utilities requiring intense land development. These uses shall be located a distance greater than 75 feet from existing residential development. This distance shall be measured from the proposed high intensity public service/utility development to the existing residential property line. High intensity public service/utility uses include the following list of specific uses and all substantially similar activities based upon similarity of characteristics:

1. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police, and rescue.
2. Correctional and mental health institutions, including prisons and work camps.
3. Broadcasting stations and transmission towers.
4. Land intensive or major utility facilities such as water plants, wastewater treatment plants, electricity substations service 230 KV or greater.
5. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
6. LP gas storage and/or distribution facilities up to one thousand (1000) gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar pre-filled containers.
7. Airports, airfields, and truck or bus terminals.

H. Agricultural

Agricultural uses include croplands, pastures, forestry (silviculture), aquaculture, feed lots, apiculture (bee keeping), and buildings and facilities which are an accessory to agricultural uses. Residential uses may be allowed as provided for in the adopted Comprehensive Plan. Refer to the table of residential densities (Section 3.02.04).

J. Industrial

This type of use includes those wholesale and retail businesses used for manufacturing, processing, storing, or distributing goods. Included in this category are uses which require primarily outdoor storage or the industrial activity itself is conducted outdoors. Such uses include LP gas storage and/or distribution exceeding 1000 gallons, junkyards or salvage yards, recycling centers, landfills, hazardous waste collection and handling centers, and

industrial activity associated with fisheries, agriculture, and paper production, such as manufacturing, processing, and distribution. These uses shall be located a distance of greater than 100 feet from existing residential development and shall be measured from the proposed industrial development to the residential property line.

K. Mining, Borrow Pits, or non-residential Fishponds

The types of uses in this group include surface mining, rock quarries, strip mining, and any extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of materials extracted from mining operations are included in this group of uses. These uses shall be located a distance of greater than 100 feet from existing residential development and shall be measured from the proposed mining activity to the residential property line.

L. Preservation

An undeveloped area set aside for the preservation of natural resources.

3.02.03 Allowable Uses Within Each Land Use District

A. Residential

The following uses are allowed in the Residential land use district. All others are prohibited:

City of Wewahitchka

- 1. Residential**
- 2. Institutional**
- 3. Outdoor Recreational**
- 4. Public Service/Utility (low intensity only)**
- 5. Preservation**
- 6. Agricultural activities including apiculture/bee keeping only when limited to personal use. Personal apiculture/bee keeping hives must not be closer than 100' to the adjacent properties.**

B. Commercial

The following uses are allowed in the Commercial land use district. All others are prohibited:

- 1. General Commercial**
- 2. High Intensity Commercial**
- 3. Professional Service and Office**

4. Outdoor Recreational
5. Institutional
6. Public Service/Utility (low intensity only)
7. Residential (only in conjunction with a primary commercial use located on the same parcel).

C. Mixed Commercial/Residential

The following uses are allowed in the Mixed Commercial/Residential land use districts. All others are prohibited.

1. Residential (including airparks)
2. General Commercial
3. High Intensity Commercial
4. Institutional
5. Outdoor Recreational
6. Professional Service and Office
7. Public Service/Utility (low intensity only)
8. Preservation
9. Agricultural activities including apiculture/bee keeping only when limited to personal use. Personal apiculture/bee keeping hives must not be closer than 100' to the adjacent properties. All commercial agricultural is prohibited.

D. Agricultural

The following uses are allowed in the Agricultural land use districts. All others are prohibited.

1. Residential
2. Agricultural
3. Institutional
4. Outdoor Recreational
5. Public Service/Utility
6. Preservation
7. General Commercial * ** ***
8. High Intensity Commercial (must be located within one mile of an existing developed area) (limited to arterials and collectors) (must be located minimum of 500 feet from existing residential development.
9. Industrial (industrial uses specifically related to aquaculture, silviculture, and agriculture only) **** *****

Note: (Institutional requires minimum of ½ mile distance to residential land use district.)

(General Commercial: Only those uses compatible with the District, such as veterinary services, neighborhood grocery, feed stores, tack shops, firing ranges, farm supply and equipment sales, and substantially similar uses.)

- ** Limited to parcels fronting on arterials or collectors.**
- *** Maximum size of building is 10,000 square feet;**
- **** Limited to parcels fronting on arterials or collectors.**
- ***** Minimum distance to residential use shall be 300 feet.**

E. Public

The following uses are allowed in the Public land use district. All others are prohibited:

- 1. Institutional**
- 2. Outdoor Recreational**
- 3. Public Service/Utility**
- 4. Preservation**

F. Recreational

The following uses are allowed in the Recreational land use district. All others are prohibited:

- 1. Outdoor Recreational**
- 2. General Commercial (marinas, miniature golf, golf driving ranges, community centers, health clubs, and gyms and substantially similar uses only)**
- 3. Public Service/Utility (low intensity only)**
- 4. Preservation**

G. Conservation

The following uses are allowed in the Conservation land use district. All others are prohibited.

- 1. Outdoor Recreational (passive uses only)**
- 2. Public Service/Utility (low intensity only)**
- 3. Agricultural (silviculture and native range land only)**
- 4. Preservation**

H. Industrial

The following land uses are allowed in the Industrial land use district. All others are prohibited.

- 1. Public Service/Utility**

2. Industrial
3. Mining
4. Agricultural

3.02.04 Allowable Density and Dwelling Unit Types for Residential Use

The following table outlines the allowable densities and dwelling unit types for residential activity by district. Gross density is described in terms of dwelling units per acre. Dwelling unit types include single-family, multi-family, and manufactured housing. Single-family structures include site-built homes and modular homes manufactured under the Florida Manufactured Building Act and certified by the Florida Department of Community Affairs as complying with the structural requirements of the Florida Building Code. Multi-family structures include any residential structure containing three (3) or more dwelling units and are considered commercial in nature. Manufactured housing includes those manufactured homes meeting the construction and safety standards of the U. S. Department of Housing and Urban Development (HUD) and State of Florida.

RESIDENTIAL AND MIXED COMMERCIAL/RESIDENTIAL

Note: Dwelling units (DU) are limited to one (1) unit per parcel

LAND USE/DISTRICT	GROSS DISTRICT	HOUSING TYPES		
		SF	MF	MH
R/MCR	1-4 DU/Acre	A	A	A

Dwelling units supported by septic and well service must meet the Florida Department of Health requirements.

AGRICULTURAL

* City of Wewahitchka		SF	MF	MH
Low Density	1 DU/40-acre	A	A	A
Medium Density	1 DU/15-acre	A	A	A
High Density	1 DU/2.5-acre	A	A	A

Note: Dwelling units (DU) are limited to one (1) unit per parcel. RV's/Campers are not considered as dwelling units.

Note: One (1) RV/Camper is allowed per Tax ID parcel.

LEGEND	DU=Dwelling Unit	A=Allowed
	SF=Single Family	P=Prohibited
	MF=Multi-Family	RV=Recreational Vehicle
	MH=Manufacture Housing	

NOTE: The following parameters will guide the location of agricultural densities in unincorporated City of Wewahitchka:

(1) High Density agricultural development will be permitted within one mile of any residential, mixed, or industrial land use category as identified on the Future Land Use Map.

(2) Medium Density will be allowed in any area except those areas set aside for low density development, as described in Item 3 below.

(3) A wetland jurisdictional determination must be undertaken prior to development approvals in areas identified as wetlands on the National Wetland Inventory (NWI) maps. Where jurisdiction wetland is determined, development will be limited to low density.

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ARTICLE IV

RESOURCE PROTECTION STANDARDS

4.00.00 PURPOSE

The purpose of this Article is to establish those resources or areas of a development site that must be protected from harmful effects of development. A developer should apply the provisions of this Article to a proposed development site before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

4.01.01 ENVIRONMENTALLY SENSITIVE LANDS

4.01.02 General Provisions

- A. Relationship to other requirements relating to the protection of environmentally sensitive lands.

In addition to meeting the following protection of environmentally sensitive lands requirements, development plans shall comply with applicable federal, state, and water management district regulations relating to environmentally sensitive lands. In all cases, the strictest of the applicable standards shall apply.

- B. Compliance when subdividing land.

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these regulations protecting environmentally sensitive lands.

4.01.03 Definitions

ACCESSORY USE: A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

ADVERSE EFFECTS: Any modifications, alterations, or effects on waters, associated wetlands, or shorelines, including their quality, quantity,

hydrology, surface area, species composition, or usefulness for human or natural uses which are or may be potentially harmful or injurious to human health, welfare safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

CLEARING: The removal of trees and brush from the land, not including the ordinary mowing of grass.

POLLUTANT: Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air, soil, or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

PROTECTED ENVIRONMENTALLY SENSITIVE AREA: An environmentally sensitive area designated for protection in the respective local government Comprehensive Plan.

WATER OR WATERS: Includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffuse surface water and water percolating, standing, or flowing beneath the surface of the ground.

WATER BODY: Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains waters.

WATERCOURSE: Any natural or artificial channel, ditch, canal, stream, river, creek, waterway, or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or their discernible boundary.

WATER'S EDGE AND WETLAND'S EDGE: The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetland:

1. The boundary established by the annual mean high water (MHW) mark, or
2. The landwards boundary of wetland vegetation as established by a Florida Department of Environmental Protection (FDEP), Northwest Florida Water Management District or US Army Corps of Engineers (COE) jurisdictional determination.

WETLAND: Land that has a predominance of hydric soil; is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and under normal circumstances supports a prevalence of that vegetation that through a determination study meets the jurisdictional requirements of the Florida Department of Environmental Protection (FDEP), Northwest Florida Water Management District or US Army Corps of Engineers (COE).

1. **High Quality Wetlands:** Jurisdictional wetlands that have not been disturbed by development activity.
2. **Low Quality Wetlands:** Jurisdictional wetlands that:
 - do not contain existing habitat for listed wildlife and plant life,
 - Have been disturbed by development activities such as ditches, manmade canals and borrow pits, timber operations,
 - containing existing timber roads, utility right-of-way, and existing trails.
 - Note: Any said development activity after April 11, 2006 cannot be used as means to reclassify wetlands from high quality to low quality,
 - are isolated or cutoff by existing upland development or lots with wetlands within a subdivision platted before January,1993.

4.01.04 Creation of Protected Environmentally Sensitive Zones

A. Wetland Protection Zone

1. There is hereby created a "Wetland Protection Zone" in which special restrictions on development apply.
2. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection as authorized by Section 403 of the Florida Statutes.
 - b. Areas within the jurisdiction of the US Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 10, Rivers and Harbor Act.
 - c. Areas which extends fifty (50) feet landward of the high-quality wetland's edge. * Lots of record that existed before 1992 and cannot meet the 50' buffer will be allowed a lesser wetland buffer. Modification

of parcel boundary lines will be allowed if density is not increased and impacts to environmental protection is minimum or protection is enhanced. Note: There is no setback from any wetland other than High Quality wetland. High-Quality wetland setbacks shall be 25 feet.

B. Floodplain Protection Zone

1. There is hereby created the "Floodplain Protection Zone" in which special restrictions on development apply in addition to 4.02.00, FLOODPLAIN MANAGEMENT.
2. The Floodplain Protection Zone includes those land areas identified as "A" Zones, "AE" Zones and "VE" Zones on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Gulf County.

C. Determination of Boundaries

It is the responsibility for the developer to have a wetland and habitat determination conforming to the regulatory requirements applicable to the Florida Department of Environmental Protection (DEP), Northwest Florida Water Management District (NFWMD), and /or the US Army Corps of Engineers (USACOE) for wetlands and US Fish and Wildlife Service (FWS) and/or Florida Fish and Wildlife Conservation Commission (FWCC) for habitat protection before any form of construction is authorized.

4.01.05 Development Activities Within Protected Environmentally Sensitive Zones

A. Generally

Except as expressly provided herein, no development activity shall be undertaken in wetland or shoreline protection zones.

B. Minor Accessory Structures and Activities Presumed to Have An Insignificant Adverse Effect On Protected Environmentally Sensitive Zones.

1. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Protected Environmentally Sensitive Zones. Notwithstanding the prohibition of SECTION 4.01.04-A above, these activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Protected Environmentally Sensitive Area.
2. The following uses and activities are presumed to have an insignificant

adverse effect on a -Wetland Protection Zone:

- a. **Scenic, historic, wildlife, or scientific preserves.**
 - b. **Minor maintenance or emergency repair to existing structures or improved areas.**
 - c. **Cleared walking trails having no structural components.**
 - d. **Catwalks and docks four (4) feet or less in width.**
 - e. **Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds.**
 - f. **Cultivating agricultural, silvicultural, horticultural, or aqua-cultural resources that occur naturally on the site.**
 - g. **Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.**
 - h. **Developing an area that no longer functions as a wetland. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydro-periodicity necessary to sustain wetland structure and function; and,**
 - i. **Developing a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapters 17-35, and 17-6, Florida Administrative Code.**
- 3. The following uses and activities are presumed to have an insignificant adverse effect on the St. Joseph's Bay Shoreline Protection Zone:**
- a. **Scenic, historic, wildlife, or scientific preserves.**
 - b. **Minor maintenance or emergency repair to existing structures or improved areas.**
 - c. **Clearing of shoreline vegetation waterward of the water's edge, so as to provide a corridor not to exceed fifteen (15) feet in the width, of sufficient length from the shore to allow access for a boat or swimmer to reach open water, and landward of the water's edge so as to provide an open area not to exceed twenty-five (25) feet in width. (One additional such corridor may be cleared for every full one hundred (100) feet of frontage along the water's edge above and beyond the first one hundred (100) feet.**

- d. Clearing of shoreline vegetation to create walking trails having no structural components, not to exceed four (4) feet in width.
 - e. Catwalks, docks, and trail bridges that are less than or equal to four (4) feet wide which have been permitted by DEP.
 - f. Cultivating agricultural, silvicultural, horticultural, or aqua cultural resources that occur naturally on the site.
 - g. Commercial or recreational fishing, hunting, or trapping, and creation and maintenance of temporary blinds as permitted by law.
 - h. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of this fence; and
 - i. Developing a "Wetlands Storm Water Discharge Facility" or Treatment Wetland" in accordance with state permits received under Chapters 17-25 and 17-6, Florida Administrative Code.
4. Development activities must be consistent with allowable uses in each land use district and must comply with the requirements contained in Floodplain Management Regulations.
- B. Special Uses**
1. **Water Dependent Activities**
- a. Generally designated water dependent activities that are otherwise prohibited within Wetland and Shoreline Protection Zones may be allowed if the developer shows:
 - 1. The public benefits of the activity substantially outweigh the adverse environmental effects on a wetland area; and
 - 2. No practical alternative to placement in the Protected Environmentally Sensitive Zone exists.
 - b. **Permittable Water Dependent Activities**
The following are types of permittable water dependent activities:
 - 1. Dredge/fill projects, i.e., those including material placed in or removed from the watercourses, water bodies or wetlands, as permittable by regulatory agencies.

2. Dockage or marinas where dock length does not impede navigation and as otherwise permissible by state and federal regulatory agencies.
 3. New riprap or similar shoreline stabilization techniques minimize shoreline erosion. New construction of vertical seawalls in coastal areas will be prohibited, exempting bridge construction, port-related development, and commercial and industrial water dependent uses.
 4. Installation of buoys, aids to navigation signs, and fences.
 5. Performance of maintenance dredging for ten (10) years from the date of the original permit. Thereafter, performance of maintenance dredging as permissible by regulatory agencies.
 6. Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas. Lines may be entrenched in, laid on, or embedded in bottom waters, as permissible by regulatory agencies.
 7. Construction of foot bridges and vehicular bridges.
 8. Replacement or widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters are minimized.
 9. Construction of artificial reefs.
- c. **Minimization of Impacts**

The water dependent activity shall be designed, constructed, maintained, and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the affected protected environmentally sensitive zone.

D. Development of Parcels Containing Environmentally Sensitive Lands

1. The acreage within a Protected Environmentally Sensitive Zone may be used to determine the total allowable units or square footage of development that will be allowed on a site containing such a zone. In such situations, the clustering of development may occur in non-sensitive areas, such as the upland portions of the site.
2. Within Protected Environmentally Sensitive Zones and adjacent areas where hydrology may be adversely impacted, the following protective measures may be necessary to prevent significant adverse effects on environmentally sensitive lands. The factual basis of the decision to require any such measure shall be stated as a finding in the written

record, protective measures may include, but are not limited to the following:

- a. Wherever possible, natural buffers shall be retained between all development and Protected Environmentally Sensitive Zones.
- b. Maintaining natural drainage patterns through such measures as culverting roadways and driveways.
- c. Limiting the removal of vegetation to the minimum necessary to carry out the development activity.
- d. Expeditiously replanting denuded areas.
- e. Stabilizing banks and other unvegetated areas by siltation and erosion-control.
- f. Minimizing the amount of fill used in the development activity.
- g. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
- h. Constructing channels at the minimum depth and width necessary to achieve their intended purposes and designing them to prevent slumping and erosion and to allow revegetation of banks.
- i. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning, and other cycles and activities of wildlife.
- j. Designing, locating, constructing, and maintaining all development in a manner that minimizes environmental damage.
- k. Using deed restrictions and legal mechanisms to require the developer and successor to protect the environmentally sensitive areas and maintain the development in compliance with the protective measures.

E. Septic Tank Setbacks

Conventional septic tank systems shall be prohibited within 75 feet of wetlands.

Lots or parcels of record which existed prior to January 14, 1992, which cannot be developed without placement of the septic tank within the 150

setbacks, may be exempted from the 150-foot setback requirement, but the septic tank shall be placed as far landward as possible.

The minimum setback distance for buffering other City of Wewahitchka wetlands and other surface water bodies from septic tank systems shall be seventy-five (75') feet as required by Florida Statutes 381.031.

4.02.01 FLOODPLAIN MANAGEMENT

4.02.02 Findings of Fact, Purpose and Intent, Objectives

STATUTORY AUTHORIZATION

The Legislature of the State of Florida has in State Statutes authorized and delegated in Chapter 125, the responsibility of local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Federal Government has authorized the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program (NFIP) and Community Rating System (CRS) to regulate building within identified floodplains. Therefore, the Board of City Commissioners of City of Wewahitchka, Florida does hereby enforce the following floodplain management regulations in 4.02.02 as adopted in the most current Floodplain Management Ordinance.

A. FINDINGS OF FACT

1. The flood hazard areas of City of Wewahitchka are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

B. STATEMENT OF PURPOSE

It is the purpose of this ordinance to save lives, promote the public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. **Restrict or prohibit uses which are dangerous to life, health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;**
2. **Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span;**
3. **Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;**
4. **Control filling, grading, dredging and other development which may increase erosion or flood damage; and**
5. **Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.**

C. OBJECTIVES

The objectives of this ordinance are to:

1. **Protect human life, health and to eliminate or minimize property damage.**
2. **Minimize expenditure of public money for costly flood control projects.**
3. **Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.**
4. **Minimize prolonged business interruptions.**
5. **Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains.**
6. **Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and**
7. **Ensure that potential homebuyers are notified that property is in a flood hazard area.**

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ARTICLE V

DEVELOPMENT STANDARDS

- 5.00.00 GENERAL PROVISIONS**
- 5.00.01 Purpose**
- 5.00.02 Responsibility for Improvements**
- 5.00.03 Principles of Development Design**

- 5.01.00 LOT AREA, COVERAGE, SETBACKS AND BUILDING HEIGHT**
- 5.01.01 Minimum Lot Area Requirements**
- 5.01.02 Impervious Surface Coverage and Stormwater Management**
- 5.01.03 Building Setback Requirements**
- 5.01.04 Building Height Limitation**

- 5.02.00 BUFFERING STANDARDS, OPEN SPACE, AND BEACHFRONT LIGHTING**
- 5.02.01 General**
- 5.02.02 Buffer Zones**
- 5.02.03 Open Space Requirements**
- 5.02.04 Coastal Lighting Requirements**

- 5.03.00 OFF STREET PARKING, LOADING AND TRAFFIC CIRCULATION**
- 5.03.01 General**
- 5.03.02 Required Parking Spaces**
- 5.03.03 Off Street Parking**
- 5.03.04 Alteration of Conforming Development**
- 5.03.05 On Site Traffic Circulation**

- 5.04.00 ACCESS MANAGEMENT**
- 5.04.01 General**
- 5.04.02 Access Management Guidelines**

- 5.05.00 PLANNED UNIT DEVELOPMENT**
- 5.05.01 General**
- 5.05.02 Planned Development Project Review Process**
- 5.05.03 Planned Development Project Types**

ARTICLE V

DEVELOPMENT STANDARDS

5.00.00 GENERAL PROVISIONS

5.01.02 Purpose

The purpose of this Article is to provide development standards applicable to all development activity within City of Wewahitchka.

5.01.03 Responsibility for Improvements

All improvements required by this Article shall be designed, installed, and paid for by the Developer.

5.01.04 Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article IV of this LDR. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

5.01.01 LOT AREA, LOT COVERAGE, SETBACKS AND BUILDING HEIGHT

5.01.01 Minimum Lot Area Requirements

A. Requirements for all Developments

All developments shall have a total land area sufficient to meet all development standards in this LDR, including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off-street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside.

B. Specific Requirements for Residential Development

There is no minimum lot area for individual lots within a residential development that will be served by both a central water and central sewer system, provided that all of the following requirements are met:

1. The land area for the total project is sufficient to meet standards of this LDR as stated in paragraph A of this Section.
2. Gross density of the area shall not exceed that specified in Article III Section 3.02.04.
3. Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owner's association or their similar provision or may be conveyed to governmental or not-for-profit organizations. Recordable instruments providing for these common-ownership lands shall be submitted for review with the application for development plan review.
4. Corner lots (lots abutting two roadways at intersection) must be a minimum width of 60 feet on one adjacent abutting roadway to accommodate setbacks. The owner can use normal side setbacks on the less traveled roadway side per City approval.

C. Specific Requirements for Areas without Central Utilities

All proposed development in areas that will not be served by central sewer shall comply with the minimum lot area, setback, and separation requirements of the permitting agencies, such as the Department of Environmental Protection, Department of Health Environmental Services and the Northwest Florida Water Management District.

5.01.02 Impervious Surface Coverage and Stormwater Management

A. General

Impervious surface refers to a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally impervious surface area of a development shall not exceed the ratios established in the table in paragraph E of this Section.

B. Ratio Calculation

The impervious surface ratio is calculated by dividing the total impervious

surface (including building footprints, roads, parking lots, swimming pools, and similar structures/surfaces) by the gross site area less than the area of existing proposed water bodies (gravel, and brick pavers shall not be accounted for impervious area). Water bodies are excluded from the impervious surface ratio calculation, but will be considered as impervious surface in the stormwater runoff calculations that must be prepared to obtain required stormwater discharge permits from the Florida Department of Environmental Protection in accordance with Chapter 17-25, F.A.C.

C. Treatment of Cluster Development

Cluster development or other site design alternatives may result in individual lots within a development project exceeding the impervious surface ratio, while other lots may be devoted entirely to open space in order to meet overall site impervious surface requirements. The development approval authority must require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

D. Alternative Paving Materials

If porous paving materials are used in accord with acceptable engineering practices, then the area covered with porous paving materials shall not be counted as impervious surface. Pavers are counted as impervious.

E. Table of Impervious Surface Ratios

Land Use	Maximum Lot Coverage
Residential	0.40
Institutional	0.70
Outdoor Recreation	0.50
Professional Service & Office	0.70
General Commercial	0.70
High Intensity Commercial	0.70
Public Service/Utility	0.70
Agricultural	0.60
Industrial	0.70
Mining	0.30
Preservation	N/A

F. Stormwater Permitting Requirements

NOTE:

Prior to the approval of a development order, all proposed developments shall receive appropriate stormwater discharge permits from the Florida Department of Environmental Protection and the Northwest Florida Water Management District in accordance with Chapter 17-25, FAC, except for those developments specifically exempted by the rule.

5.01.03 Building Setback Requirements

Minimum Setbacks in Front Yard

The minimum setbacks required for front yards (those sides of a lot which abut a right-of-way) are dependent upon the type of land use and the functional classification of the roadway. All front yard setback distances are 20 feet, as measured from the edge of the right-of-way/property line.

Appropriate exceptions, such as overhead and underground utilities located within or adjacent to the public right-of-way, shall be made.

Setbacks from alley's will be the same as adjacent property (sideline) setbacks (7.5' or 9.5').

B. Minimum Setback on Side and Rear Yards

Side and rear yard setbacks for land uses other than single family residential are established by the buffer requirements contained in Section 5.02.00.

The minimum setbacks required for side and rear yards (those sides of a lot which do not abut a right-of-way) are as follows:

- * 1. For a building less than twenty-five (25) feet in height (as measured from finished grade, the distance from the exterior wall of structural support to the property line must be at least seven and one-half (7.5) feet, unless the applicant shows evidence a maintenance easement granted by the adjacent property owner(s), which provides for the balance of the required setback. The maintenance easement must state that the grantee will not construct any structure within the maintenance easement area that would preclude the adjacent property owner from maintaining his structure. Said easement shall be recorded in the City of Wewahitchka Clerk's Office.

For setback purposes, the height of a building is measured from the finish grade to the top of the exterior wall at the top plate line.

- * 2. For a building twenty-five (25) feet or greater in height (as measured from finished grade) the distance from the exterior wall or structural support to the property line must be at least

nine and one half (9.5) feet, unless the applicant shows evidence of maintenance easement granted by the adjacent property owner(s), which provides for the balance of the setback. The maintenance easement agreement must stipulate that the granting property owner will allow access and will not construct any structure within the maintenance easement area that would preclude the adjacent property owner from maintaining his structure. Said easement shall be recorded in the City of Wewahitchka Clerk's Office. For setback purposes, the height of a building is measured from the finish grade to the top of the exterior wall at the top plate line.

3. A structure may be built on the property line provided the owner shall obtain an attachment easement from the adjacent property owner(s). Where an attachment easement has been granted, future structures must either 1) attach to the adjacent structure, or 2) provide the minimum required setbacks specified in Section "C" below. (An attachment easement is an easement granted to allow an adjacent property owner to erect or construct a building on the grantor's property line.
- * Any structure 30 inches or less from grade may encroach into the required setback if maintenance of structure and firefighting abilities are not compromised.

C. Minimum Setbacks between Buildings

Minimum setbacks between adjacent buildings other than single family residences are established by buffer requirements contained in Section 5.02.00. Nothing in this LDR shall be construed to allow for setbacks between buildings in any land use category to be less than those specified in this Section.

Minimum distance between adjacent buildings shall be the sum of the required side or rear yard setbacks except as follows:

Where an adjacent structure exists and is not in conformity with side or rear yard requirements, the following shall apply:

1. The minimum distance between adjacent buildings shall be ten (10) feet.
2. If either building exceeds twenty-five (25) feet in height, the minimum distance between adjacent buildings shall be twelve (12) feet.

3. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, open deck, or an accessory use, and shall not include roof overhang (eave).

For specific development types such as patio home, cottages, townhouses, etc., requiring exceptions to the side and rear yard setback requirements of this section, such projects shall be reviewed as Planned Unit Developments as provided for in Section 5.05.00.

5.01.04 Building Height Limitations

Building height shall not exceed three (3) habitable stories unless within the Eglin protection zone whereas Eglin approval is required for structures over 50 feet.

5.01.05 Floor Area Ratio (FAR) NOT USED

5.02.01 BUFFERING STANDARDS, OPEN SPACE, AND BEACHFRONT LIGHTING

5.02.02 General

Requirements for the provision of buffers between adjacent land uses are contained in this Section. Buffering is intended to eliminate or minimize potential nuisances such as dirt, litter, noise, light, glare, unsightly buildings,

signs, and/or parking areas. Buffers also reduce danger from fires or explosions, provide visual relief, and enhance community appearances.

5.02.03 Buffer Zones

1. A buffer zone is a vegetated strip along parcel boundaries that serves as a buffer between incompatible lands uses and land use districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed-use development must meet these requirements.
2. The width and degree of vegetation required depends on the nature of the adjoining uses. The standards of Subsections 3 and 4 below prescribe the required width and planting material of all buffer zones. In some situations, the use of fencing and vegetation may be used in combination to minimize potential nuisances. Any level of development approval authority may modify these requirements because of unusual

levels of noise or other impacts, or because of special circumstances. Any decision related to special buffering requirements may be appealed to the next highest authority. Fencing of some uses may be required to provide additional screening and/or for safety purposes. Fencing of existing and proposed catfish ponds, swimming pools, and similar facilities to prevent inadvertent access by unattended children shall be mandatory.

3. The standards for buffer zones are set out in the illustrations contained in Appendix V- 1 which specify the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.
4. The standards outlined in Appendix V-1 shall be applied between abutting parcels as follows:
5. Buffering for mixed-use developments shall be based on the more intense use in the building or cluster of buildings.
6. The minimum size of vegetation required to be planted in the buffer zones shall be as follows:

Canopy Trees: 8-feet in height, 2.5-inch caliper (as measured 4 ft. from ground level)

Understory: 4 feet in height, 1.5-inch caliper (as measured 2 ft. from ground level).

Shrubs: 2 feet in height (or 3-gallon container).

A partial list of acceptable species for each type of vegetation is included in Appendix V-2. The Planning Department shall have the authority to approve or reject species not appearing in Appendix V-2.

7. The use of existing native vegetation in buffer zones is preferred. If a developer proposed to landscape a buffer zone with existing native vegetation, a waiver from the strict planting requirements of this section may be granted, subject to review and approval by the Planning Department. Consideration by the Planning Department staff will include whether:
 - a. the waiver is necessary to prevent harm to the existing native vegetation; and

- b. the buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled.

8. NOT USED

9. A vegetated 50-foot buffer zone must separate development activity from surface water bodies. Additionally, agriculture and silviculture activities shall be required to use Best Management Practices (BMP's) to protect surface water resources from sedimentation.

10. Responsibility of Buffer Zones:

- a. The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided below, until the non-conforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this LDR. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.

11. Responsibility for Maintenance of Buffer Zones

It shall be the responsibility of the landowner and/or developer to maintain vegetation in the buffer zones, including the replacement of any dead vegetation as necessary.

5.02.04 Use of Required Areas

No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this LDR shall be permitted in a required buffer area. This does not prohibit the combining of compatible functions such as buffering and drainage facilities.

5.02.05 Open Space Requirements

In general, buffer zones serve as open space and all development activity, whether public or private, must comply with the buffering requirements of Section 5.02.02. Due to the lack of buffer requirements within single-family residential areas, subdivisions of greater than forty (40) acres shall be set aside a minimum of five percent (5%) of the total site area as open space. The development approval authority may require adequate provisions to be

made for parks or common areas.

5.02.06 Coastal Lighting Requirements (NOT USED)

5.03.00 OFF STREET PARKING, LOADING AND TRAFFIC CIRCULATION

5.03.01 Generally

Off street parking facilities shall be required for all developments within City of Wewahitchka pursuant to the requirements of this LDR. The facilities shall be maintained as long as the use exists that the facilities were designed to serve. Nothing in this section shall be construed to require paving of parking areas except as provided for handicapped parking areas in Section 5.03.02 ©.

5.03.02 Required Parking Spaces

A. Number

The following list specifies the required number of off-street automobile parking spaces for various types of developments. When determination of the number of off-street spaces required by this LDR results in fractional space, the fraction of less than one half (1/2) may be disregarded, and a fraction of one-half (1/2) or greater shall be counted as one parking space. ALL PARKING ACCOMODATIONS MUST BE TOTALLY OFF THE RIGHT OF WAY

Residential (Single Family or Duplex): Two spaces per dwelling unit. Must be totally off the right-of-way.

Residential (Multi-Family): Two- and one-half spaces per dwelling unit. Must be totally off the right-of-way.

Schools (Elementary and Middle Schools): Two spaces for each classroom, plus one space for each employee.

Schools (High Schools): Five spaces for each classroom, plus one space for each employee.

Libraries and Community Centers: One space for each 500 square feet of gross floor area, plus one space for each two employees.

Hospitals: One space for each three beds, plus one space for each staff doctor, plus two spaces for each three employees.

Convalescent and Nursing Homes: One space for each ten beds, plus one space for each employee.

ChildCare Facilities: One space for each staff member, plus one space for each ten children, located to allow for the safe and convenient loading and unloading of children.

Office Buildings: One space for each 300 square feet of gross floor area.

Theaters, and Restaurants: One space for every 3 seats, plus two spaces for each three employees.

Churches and Funeral Parlors: One space for each five seats in the auditorium.

Marina: One and one-half spaces for each boat slip.

Motels and Hotels: One space per unit, plus two spaces for each three employees.

Mini-Warehouse Facilities: One space for each ten warehouse units, plus two spaces for each three employees.

Auto Repair Garages and Filling Stations: Two spaces for each three employees, plus one space for each service bay.

Laundries: One space for each three washing machines.

Barber Shops and Beauty Parlors: One space for each chair, plus one space for each employee.

Veterinary Clinics and Hospitals: One Space for each 300 square feet of gross floor area, plus two spaces for each three employees.

Health Clubs: One space for each 150 square feet of gross floor area.

Banks: One space for each 300 square feet of gross floor area.

Vehicle Sales: One space for each 400 square feet of gross floor area devoted to sales.

Retail and Commercial Uses (Other than those specifically cited):

Buildings up to 2,000 square feet: One space for each 200 square feet of gross floor area.

Buildings of 2,001 – 4,000 square feet: One space for each 200 square feet of gross floor area.

Buildings up to 4,001 – 10,000 square feet: One space for each 400 square feet of gross floor area.

Buildings greater than 10,000 square feet: One space for each 500 square feet of gross floor area, with a minimum of 25 spaces required.

Manufacturing Facilities and Warehouses: One space for each employee on the largest shift, plus one space for each company vehicle operating from the premises.

Junkyards and Salvage Yards: One space for each employee, plus one space for five acres.

Golf Course: Three spaces for each hole, in addition to the required spaces for restaurant and other related in-site uses.

Tennis Courts: Two spaces for each court.

Swimming Pools: One space for 200 square feet of pool surface, plus one for each 200 square feet of building area in excess of 1,000 square feet.

B. Uses not Specifically Listed in Matrix

The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the development approval authority, which shall consider the requirements for similar uses and appropriate traffic engineering and planning data and shall establish a minimum number of parking spaces based upon the principles of this LDR.

C. Treatment of Mixed Uses

Where a combination of uses is developed, parking shall be provided for each use as prescribed by Section 5.03.02 A.

D. Size of Parking Spaces

All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length, with the exception of handicapped parking spaces, which are discussed in the following subsection.

E. Handicapped Parking Spaces

Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, size and location of these spaces shall be consistent with the requirements of Section

316.1955, 316.1956, Florida Statutes, or succeeding provisions. Parking spaces required for the handicapped shall not be counted as a parking space in determining compliance with Section 5.03.02 A of this Section. All parking spaces for the handicapped shall be paved.

F. Parking for Non-Motorized Vehicles (Bicycles)

All new development, exempting single-family residences, are encouraged to provide an appropriate amount of parking area for non-motorized vehicles. The development approval authority shall have discretion in determining the required amount of parking area.

5.03.03 Off Street Loading

A. Generally

Spaces to accommodate off-street loading or business vehicles shall be provided as required below.

B. Spaces Required

- 1. Schools, nursing homes and other similar institutional uses shall provide one (1) loading space for the first one hundred thousand (100,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet or fraction thereof.**
- 2. Auditoriums, gymnasiums, stadiums, theaters, convention center and other buildings for public assembly shall provide one (1) space for the first and each additional one hundred thousand (100,000) square feet or fraction thereof.**
- 3. Offices and financial institutions shall provide one (1) space for the first seventy-five thousand (75,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty-five thousand (25,000) square feet.**
- 4. Retail commercial, service, road service and commercial entertainment uses shall provide one (1) space for the first ten thousand (10,000) square feet of gross floor area, and one (1) space for each additional twenty thousand (20,000) square feet.**
- 5. Industrial uses shall provide one (1) space for every ten thousand (10,000) square feet of gross floor area.**

C. Adjustments to Requirements

The development approval authority may adjust the requirements for the number of loading spaces needed for a proposed use when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required by this LDR or proposed by the Developer.

D. Size of Loading Spaces

The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

5.03.04

B. Increase Demand for Parking or Loading

The number of off-street parking or loading spaces must be increased to meet the requirements of this LDR if the development approval authority finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this LDR causes the site not to conform with this LDR.

5.03.05 On-Site Traffic Circulation

The following guidelines shall control the design of on-site traffic circulation facilities. These guidelines shall not apply to single-family and duplex residential developments.

- 1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.**
- 2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space areas shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.**
- 3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.**

4. Off-street parking areas shall be physically separated (i.e. by curbing and/or landscaping) from adjacent roadway(s), except for the access point(s) as approved by the development approval authority in accordance with Florida Department of Transportation Rule 14-96 (FAC) for parking areas with access to a State roadway.
5. Gradually inclined or flat pedestrian walk shall be provided along the lines of the most intense use, particularly from building entrances to street, parking areas and adjacent buildings.
6. Each off-street parking space shall open directly onto an aisle or driveway that is not a public street.
7. Aisles and driveways shall not be used for parking vehicles.
8. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces.
9. Parking spaces shall be designed to permit entry and exit without moving any other motor vehicle.
10. No parking space shall be located so as to block access by emergency vehicles.

5.04.00 ACCESS MANAGEMENT

5.04.01 Generally

This section guidelines for the location and number of allowable access points to public roadways.

5.04.02 Access Management Guidelines

All proposed development shall conform to the following guidelines for vehicular access to the greatest extent possible, without denying reasonable access to any proposed development. Nothing in this section shall be construed to prohibit access to a public right-of-way.

A. Access to Roadways on the State Highway System

Proposed developments requesting direct access to an arterial or collector roadway on the State Highway System must apply for a driveway permit form the Florida Department of Transportation in accordance with Rule 14-96 (FAC), State Highway System Connection Permits. Conceptual approval for the driveway must be granted by the FDOT prior to final approval of the development.

Sections B through E below shall regulate access to roadways which are not on the State Highway System but are functionally classified in the Traffic Circulation Element of the respective local government Comprehensive Plan.

B. Location of Access Point

1. Driveways shall be located at a point along the frontage of the property that will provide acceptable sight distance, grade and alignment conditions for motorists using the proposed driveway and the street and will avoid any unreasonable interference with the free and safe movement of traffic.
2. Existing or proposed highway features such as adjacent existing or future land uses, other driveways, median openings, turn lanes, intersections, drainage, determining the location of driveways.
3. In the interest of public safety, maintenance of level of service and convenience, the placement of a driveway may be restricted to a particular location along the frontage.

C. Separation of Access Points

1. The separation between access points onto collector roadways which are not on the State Highway System, or between an access point and an intersection of such a collector roadway with another road, shall at least 40 feet.
2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

D. Number of Access Points

All development projects shall have access to a public right-of way. The minimum number of driveways should be allowed that will adequately serve the need for the abutting property, and yet not seriously impact the function and capacity for the roadway. The following guidelines shall determine the number of driveways to be allowed, unless the development approval authority determines that unmitigated conditions exist:

1. Property frontage of 150 feet or less along collector streets

shall be limited to one (1) driveway.

2. No more than two (2) driveways shall be allowed for any single property unless the property frontage exceeds 660 feet, and the total access volumes exceed 5,000 vehicles per day.
3. Additional driveways may be authorized when an approved traffic engineering study indicates additional driveways are needed.

E. Joint Driveways

Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners. The use of joint driveways may be required by the development approval authority when feasible and when necessary to meet the provisions of Section 5.04.03.

5.05.00 PLANNED DEVELOPMENT PROJECTS

5.05.01 Generally

Applicants for development approval may seek approval of proposed projects as a Planned Development Project (PDP). Planned development projects are relatively large scale and high-quality requiring land use, density, and/or site design flexibility.

5.05.02 Planned Development Project Review Process

All PDP's shall be classified as a major development and shall undergo rigorous development review by the Planning and Development Review Board (PDRB). It is the intent of this section that the applicant for development approval will show evidence of increase public amenities or public benefit and/or evidence of mitigative measures in site design, in return for land use, density, or site design flexibility afforded under the Planned Development Project approval.

Sections B through E shall regulate access to roadways which are not on the State Highway System but are functionally classified in the Traffic Circulation Element of the respective local government Comprehensive Plan.

B. Location of Access Points

1. Driveways shall be located at a point along the frontage of the property that will provide acceptable sight distance, grade, and alignment

conditions for motorists using the proposed driveway and the street and will avoid any unreasonable interference with the free and safe movement of traffic.

2. Existing or proposed highway features such as adjacent or existing or future land uses, other highways, median openings, turn lanes, intersections, drainage, traffic signals, pedestrian traffic, and utilities shall be considered in determining the location of driveways.
3. In the interest of public safety, maintenance of level of service and convenience, the placement of a driveway may be restricted to a particular location along the frontage.

C. Separation of Access Points

1. The separation between access points onto collector roadways which are not on the State Highway System, or between an access point and an intersection of such a collector roadway with another road, shall be at least 40 feet.
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D. Number of Access Points

All development projects shall have access to a public right-of-way. The minimum number of driveways should be allowed that will adequately service the need for the abutting property, and yet not seriously impact the function and capacity of the roadway. The following guidelines shall determine the number of driveways to be allowed, unless the development approval authority determines that unmitigated conditions exist:

1. Property frontage of 150 feet or less along collector streets shall be limited to one (1) driveway.
2. Not more than two (2) driveways shall be allowed for any single property unless the property frontage exceed 660 feet, and the total access volumes exceed 5,000 vehicles per day.
3. Additional driveways may be authorized when an approved traffic engineering study indicates additional driveways are needed.

5.05.00 PLANNED DEVELOPMENT PROJECTS

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Applicants for development approval may seek approval of proposed projects

as a Planned Development Project (PDP). Planned development projects are generally developments of relatively large scale and high-quality requiring land use, density, and/or site design flexibility.

5.05.02 Planned Development Project Review Process

All PDP's shall be classified as a major development and shall undergo rigorous development review by the Planning and Development Review Board (PDRB). It is the intent of this section that the applicant for development approval will show evidence of increase public amenities or public benefit and/or evidence if mitigative measures in site design, in return for the land use, density, or site design flexibility afforded under the Planned Development Project approval.

The overriding consideration of the PDRB in approval of PDP's shall be the project's compatibility with adjacent and surrounding uses, sensitivity to natural resource protection, and overall community benefit. The applicant must demonstrate how the project meets the above criteria, and how the project is consistent with the intent of the land development regulations.

5.05.03 Planned Development Project Types

PDP's may be classified as either Residential, Commercial, Mixed Use, or Industrial PDP's Districts in which PDP's may be approved are listed below:

TYPE PDP	DISTRICTS IN WHICH PERMITTED
Residential	Residential, Mixed Commercial/Residential, Agricultural,
Commercial	Commercial, Mixed Commercial/Residential, Agricultural,
Mixed Use	Commercial Mixed, Commercial/Residential, Agricultural,
Industrial	Industrial, Agricultural

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ARTICLE VI

SIGN ORDINANCE

ORDINANCE NUMBER 2012-04

- 6.00.00** **PURPOSE AND INTENT**
- 6.00.01** **Ordinance 2012-04**

6.00.00 PURPOSE AND INTENT

The purpose of this Article is to regulate the location, erection, maintenance and use of signs in all land use districts, regardless of type or size, and to ensure that no sign shall constitute a safety hazard.

The intent of this Article is to create a balanced system of sign, control that accommodates both the needs for a well-maintained, safe, and attractive community, and the need for effective business advertising, identification, and communication. This balance will assist in promoting the economic health of the community through increase tourism and property values. It is, furthermore, the intent of this Article to permit signs that are:

- A. Compatible with their surroundings.**
- B. Designed, constructed, located, 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. Sized 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 without being obtrusive; and,**
- E. Located so as to not conflict or interfere with regulatory or public informational, control, or directional signage.**

6.00.01 See Ordinance 2012-04 (County)

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ARTICLE VII

CONSISTENCY AND CONCURRENCY DETERMINATION

- 7.00.00 General**
- 7.00.01 Purpose**
- 7.00.02 Presumption of General Concurrency**
- 7.00.03 No Presumption in Favor Concurrency**
- 7.00.04 Challenging the Consistency of a Development Proposal**
- 7.00.05 Definition**

- 7.01.00 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY**
- 7.01.01 General**

7.01.01 General

To ensure concurrency management is consistent with the current Comprehensive Plan, the following comprehensive plan elements or chapter shall be referenced for concurrency compliance as applicable:

Chapter 2: Traffic Circulation Element

Chapter 4: Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element

Chapter 10: School Facilities Element

Chapter 12: Level of Service Concurrency Summaries

ARTICLE VII CONSISTENCY AND CONCURRENCY DETERMINATIONS

7.00.00 GENERAL

7.00.01 Purpose

The purpose of this article is to describe the requirements and procedures for determination of consistency of proposed development projects with adopted Comprehensive Plan of the respective local governments, including meeting the concurrency requirements of the Plan.

7.00.02 Presumption of General Consistency

A development proposal shall be presumed to be consistent with the Comprehensive Plan if the proposal is found to meet all the requirements of this Code, excepting those aspects of the development addressed by the Comprehensive Plan, but not covered by this Code.

7.00.03 No Presumption in Favor of Concurrency

Notwithstanding the presumption created in Section 7.00.02, all applications for preliminary and final development orders shall demonstrate that specified public facilities will be available at adopted level of service standards concurrent with the impact of the development on those facilities. Determination of compliance with the concurrency requirements shall be through procedures described in Section 7.02.00.

7.00.04 Challenging the Consistency of a Development

The Building Official and/or Planning Director, other public official or any citizen may question the consistency of a development proposal with the Comprehensive Plan. If a question of consistency is raised, the Building Official, Technical Advisory Committee (TAC), or the Planning and Development Review Board (PDRB), whichever is responsible for approving the issuance of the Development Order or Development Permit, shall make a determination of consistency prior to approving the request for a Development Order or Development Permit. The determination shall be supported with written findings.

7.00.05 Definition

CONCURRENCY: A condition where specified facilities and services shall have or will have the necessary capacity to maintain adopted level of service standards at

the time of impact of the development project.

7.01.00 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

Board (PDRB), whichever is responsible for approving the issuance of the Development Order or Development Permit, shall make a determination of consistency prior to approving the request for a Development Order or Development Permit. The determination shall be supported with written findings.

7.00.05 Definition

CONCURRENCY: A condition where specified facilities and services shall have or will have the necessary capacity to maintain adopted level of service standards at the time of impact of the development project.

7.01.00 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

7.01.01 General

To ensure concurrency management is consistent with the current Comprehensive Plan, the following comprehensive plan elements or chapter shall be referenced for concurrency compliance as applicable:

Chapter 2: Traffic Circulation Element

Chapter 4: Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element

Chapter 10: School Facilities Element

Chapter 12: Level of Service Concurrency Summaries

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ARTICLE VIII

SUBDIVISION REGULATIONS

8.00.00 Ordinance 2005-16 (County)

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ARTICLE IX

Nuisance Abatement and Animal Control

- 9.01.01 Ordinance 7-12-93 Nuisance Abatement**
- 9.01.02 Ordinance 4-11-89 Animal Control**

ARTICLE IX**9.01.01****NUISANCE ABATEMENT ORDINANCE****ORDINANCE NO. 7-12-93**

AN ORDINANCE DEFINING AND PROHIBITING THE CONDITIONS WHICH CONSTITUTE A DANGER TO THE HEALTH, SAFETY AND/OR WELFARE OF THE PEOPLE OF THE CITY OF WEWAHITCHKA, ESTABLISHING RULES AND STANDARDS FOR THE PREVENTION AND ELIMINATION OF NUISANCES; DESCRIBING THE POWERS AND PROCEDURES OF THE CODE ENFORCEMENT OFFICER REGARDING THE ENFORCEMENT OF THIS ORDINANCE; SETTING AND PERMITTING FEES AND COSTS REGARDING ENFORCEMENT TO BE ASSESSED AND PROVIDING FOR SPECIAL ASSESSMENTS AND LIEN FORECLOSURE; PROVIDING FOR NOTICES, APPEALS AND PROCEDURES; PROVIDING FOR THE CREATION AND OPERATION OF A MUNICIPAL CODE ENFORCEMENT BOARD AND APPEALS PROCESS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wewahitchka City Commissioners has determined property owners within the City must maintain their property in such a condition to avoid the property creating a nuisance and safety hazard for the citizens of the City; and

WHEREAS, property owners must maintain their property in a condition to avoid creating any safety or health hazard to the citizens of the City; and

WHEREAS, the accumulation of debris, trash, uncontrolled growth, refuse and abandoned personal property constitute hazards to the citizens of the City; now, therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF WEWAHITCHKA, FLORIDA, as follows:

- 1. Purpose. It shall be unlawful for the owner or occupant of any lot, tract or parcel of land within the City of Wewahitchka, whether occupied or unoccupied, to suffer, maintain or permit to remain thereon any abandoned personal property, noxious plants or unlawful accumulations, as defined herein. Further, it shall be unlawful for the owner or occupant of any lot, tract or parcel of land within the City, whether occupied or unoccupied to suffer, maintain or permit to remain thereon any building or structure which is unsafe, unsanitary or not provided with adequate egress or which**

constitutes a fire hazard or is otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are severally in contemplation of this section, unsafe buildings.

2. **Duty.** It is the duty of the owner or occupant of any 1 lot, tract, or parcel of land, whether occupied or unoccupied, to remove all abandoned personal property, noxious plants, or unlawful accumulations from the property. Additionally, it is the duty of the owner or occupant of the property to maintain all buildings or structures in a safe, sanitary condition providing adequate egress and constituting no fire hazard nor otherwise being dangerous to human life nor no fire hazard nor otherwise being dangerous to human life nor in any manner constituting a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
3. **Personal Property Procedure: In the event the Code Enforcement Officer shall determine that the owner or occupant of any lot, tract or parcel of land within the City of Wewahitchka, whether occupied or unoccupied, suffers, maintains or permits to remain thereon any abandoned personal property, noxious plants or unlawful accumulations, or is otherwise in violation of the ordinance by reason of such personal property the Officer shall initiate the following procedure:**
 - A. The Code Enforcement Officer prior to issuance of a citation, shall issue a Notice of Violation to the owner and occupant, if any, which Notice of Violation shall specify the details of the violation and list the activity necessary to correct the violation and said Code Enforcement Officer shall state a reasonable time period within which the owner and occupant, as appropriate, must correct the violation. The owner and occupant cited for the violation shall have the responsibility of correcting the violation within the time specified in the order. If upon personal investigation, the Code Enforcement Officer finds that the violation has not been corrected within the time period stated in the Notice of Violation, the Code Enforcement Officer may issue a citation or request and the City Police Department shall issue a citation to the violator for violation of this ordinance.
 - B. If the owner or occupant fails to correct the violation as specified in a final order from the Special Master, Code Enforcement Board or Court, the Code Enforcement Officer may as a cumulative remedy to fines and other penalties undertake to correct the violation through the use of its personnel, facilities, or equipment, or through contract with an independent contractor to do the work necessary to correct the violation.

- C. It should be noted that the Code Enforcement Officer is not required to provide the violator with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the Code Enforcement Officer has reason to believe that the violation presents a serious and immediate threat to the public health, safety, or welfare.**
- D. Any costs incurred by the City Commissioners to correct the violations through the use of its own personnel, facilities or equipment or contracting with independent contractors shall be assessed and shall constitute a lien against the lots, parcel, or tract where the violation existed to be foreclosed upon as provided herein.**
- E. Enforcement. The code enforcement officer and/or his designee is authorized to remove or have removed any such machinery, vehicle, boat, or parts thereof, scrap metal and junk when such item reasonable appears to be in violation of this section after hearing on the same by the municipal code enforcement board in which said order or action is approved.**
- F. If the code enforcement officer must remove the offending property under the provisions, he shall notify, in writing, the owner of any personal property kept in or on the premises as well as the property owner on which the offending material is located to remove same within thirty (30) days from the date of the notice. If the said persons fail or refuses to remove the personal property within the time fixed in the notice, they shall be deemed to have abandoned the personal property and to have forfeited all of their rights, title and interest in and to same.**
- G. After advertising for two weeks the sale of the material or personal property in a local weekly newspaper which advertisement shall reference the right of the city to refuse all bids or offers and retain the property or sell it at a later date, the code enforcement officer immediately may sell any material and/or personal property removed and credit the proceeds thereof against the cost of removal, storage or, where an independent contractor is obtained to remove and dispose of said material, to convey such material and/or property to the contractor as compensation or partial compensation for the demolition or removal. Should the proceeds from the sale of such materials and/or personal property exceed the cost of removal, the excess shall be used, applied, or paid over in accordance with the written directions of the parties entitled thereto.**
- H. Notice of violation. For purposes of notification of violation of this**

- section, the code enforcement officer and/or the City Police Department upon request is authorized to place a notice of violation tag upon any machinery, vehicle, boat, or parts thereof, scrap metal and junk when such item reasonably appears to be in violation of this section.
- I. The building code inspector and upon request by the inspector, the City Police Department shall have the authority and shall to the best of their efforts mark the pieces of machinery, vehicle, boat or parts thereof, scrap metal and junk with a tag as soon as said items appear to be in violation of this ordinance which tag shall state the date of its being affixed to said item, shall state that the item may be in violation of this ordinance unless removed by a specified date in accordance with the provisions of this section and that if not removed, it will be removed by or on behalf of the city and at that time become the property of the city with charges, fines and liens to be placed against the owner and the owner of the property where it is located.
 - J. Within thirty (30) days from the completion of any work by the city or an independent contractor to effect necessary correction of any violations, the code enforcement officer shall file a report with the city commission naming the legal owner of and stating by address and/or legal description the real property cleared and the actual costs of clearing or removing and disposing of same, which actual cost shall include the cost of serving notice as required by this chapter and the cost of obtaining title information, lien recording fees and all other related costs, and shall be based upon the charges established by city commission resolution.
 - K. Within thirty (30) days of receipt of the report of the code enforcement officer, the city commission shall by resolution, determine the actual cost of clearing, removal, and disposal each parcel of real property and levy a special assessment for such cost against each such parcel by address and/or legal description. Such assessment shall constitute a lien upon the real property for the work accomplished.
 - L. Within fifteen (15) days from the adoption of the resolution by the city commission, the code enforcement officer shall cause to be prepared a notice of lien for the special assessment showing the actual cost of clearing the offending property and/or removing and disposing of the material, the date of completion of the work, the real property upon which a lien is claimed and such other information as the code enforcement officer may deem advisable and shall have the notice of lien filed for record with the clerk of the circuit court of the

- county and shall cause to be published a notice of the completion of the work and the fact that such lien has been recorded as aforesaid, which notice shall be published two (2) times in a newspaper of general circulation published in the city, giving the lien held by the city against each piece of real property by lot and block number or other proper description.
- M. Any person owning or having any interest, legal or equitable, in the real property shall have the right, within thirty (30) days after the publication of notice by the code enforcement officer, to present to the city commission a sworn petition stating his interest in the property and alleging that, in the opinion of the petitioner, the cost of the work as shown in the notice of lien exceeds the actual cost thereof or is otherwise erroneously entered and shall be heard upon the petition. If it shall appear to the satisfaction of the city commission that the cost is erroneously stated, then the city commission by, recordation shall so declare and shall fix such amount to be charged against the real property as shall be just and proper, and the code enforcement officer shall have the corrected notice of lien for the amount filed in the office of the clerk of the circuit court.
- N. Where no petition is filed as provided for herein, the cost of the work as shown in the recorded notice of lien shall become a fixed lien on the real property upon which the work has been done from the time or recordation of the notice of lien, and the lien shall be superior to all other liens except prior liens for taxes.
- O. The assessment against each parcel of real property shall be dated from the date of recordation of the notice of lien. Such liens may be paid within ninety (90) days after the publication of notice provided for herein without interest, and thereafter the amount so fixed with interest at the rate of twelve (12) percent per annum, from the date of the record of such lien, and all costs of collection, including all publication and title information costs, shall continue to be a lien against the real property until paid, and collection thereof shall be enforced as provided by F.S. Ch. 173 for the collection and enforcement of taxes and assessments levied upon property.
4. **Unsafe Building Procedure:** In the event the Code Enforcement Officer determines that a building or structure is unsafe, unsanitary or does not provide adequate egress or constitutes a fire hazard or is otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, is severally in contemplation of this section, an unsafe building and shall be abated by

repair and rehabilitation or by demolition in accordance with the following procedure:

- A. The City Code Enforcement Officer shall inspect the building, structure or portion thereof alleged to be unsafe and shall issue a Notice of Violation containing the action necessary to correct the violation if appropriate.
- B. If the Notice of Violation is issued, the same procedure as outlined in paragraph 3A through O above, shall apply.
- C. Notice of orders to demolish or remove shall be in writing, contain an accurate description of the structure and the lot or parcel of land upon which the structure is affixed and shall be served upon the owner, lienor and other parties having an interest in the property of record as provided herein not less than thirty (30) days before the date therein fixed for compliance.
- D. The entire cost of demolition or removal shall be assessed against the real property upon which the structure was affixed. The assessment, when made, shall constitute a lien upon the real property superior to all other liens except taxes. A notice of assessment and lien shall be filed among the public records of the county which shall show the nature of the assessment and lien, the amount thereof and an accurate description of the real property affected thereby. The lien shall date from the date of filing the notice of lien, shall bear interest from that date at the rate of twelve (12) percent and shall be enforceable, if unsatisfied after the expiration of two (2) years from the date of filing such notice of lien, as other liens may be enforced by the city. The lien amount shall include a fee as prescribed in a resolution of the City Commission, which fee represents the administrative charges incurred in the removal or demolition of the structure.
- E. If the code enforcement officer must demolish or remove the offending structure he shall notify, in writing, the owner of any personal property kept in or on the premises to remove same within sixty (60) days from the date of the notice issued. If the owner of the personal property fails or refuses to remove the personal property within the time fixed in the notice, he shall be deemed to have abandoned the personal property and to have forfeited all of his rights, title and interest in and to same after all required approval of the demolition or removal action has been obtained, and appeals filed for by the violators decided and the decision becomes final.

- F. After advertising for two weeks the sale of said material or personal property in a local weekly newspaper which advertisement shall reference the right of the City to refuse all bids or offers and retain the property or sell it at a later date, the code enforcement officer immediately may sell any material and/or personal property salvaged from any removed or demolished structure and credit the proceeds thereof against the cost of demolition or removal or, where an independent contractor is obtained to demolish or remove any structure, to convey such material and/or property to the contractor as compensation or partial compensation for the demolition or removal. Should the proceeds from the sale of such materials and/or personal property exceed the cost of demolition or removal, the excess shall be used, applied or paid over in accordance with the written directions of the parties entitled thereto.**
- G. Order designating building or dwelling as unfit for human habitation. Whenever the code enforcement officer determines that any building or dwelling or any part thereof constitutes a serious threat or hazard to the safety or health of the occupants or to the general public because it lacks maintenance, sanitary facilities or otherwise fails to comply with the standards established by this chapter, the code enforcement officer may issue an order designating such building or dwelling unfit for human habitation. Any building or dwelling or any part thereof designated as unfit for human habitation shall be posted with notice of the same, and it shall be unlawful to alter, deface or remove any notice so posted during the pendency of the order.**
- H. Order to vacate. Whenever the code enforcement officer designates a building or dwelling as unfit for human habitation, determines that an emergency exists, or orders a building or dwelling to be demolished the affected building or dwelling may be ordered to be vacated. It is unlawful for any person to enter the building or dwelling until the order to vacate is rescinded or modified.**
- I. Emergency order. Whenever, in the opinion of the code enforcement officer, any building, staging or other structure shall become unsafe so as imminently to endanger life or limb by reason of the bad condition of walls, overloaded floors, defective construction, decay, conditions that are dangerous in case of fire or any other cause, he shall immediately notify the code enforcement board and if by vote of said board, it shall be determined that the building or other structure is so unsafe as to**

endanger life or limb and that the danger to life or limb is so imminent as to require immediate action in response to an emergency, the code enforcement board shall cause the code enforcement officer to notify the owner, occupant, operator or other party having an interest in the building or other structure of its decision. Immediately upon receipt of the notice, the owner, occupant, operator, or other party shall cause the same to be made safe and secure or taken down. When public safety requires immediate action, the code enforcement officer may enter upon the premises with such assistants as may be necessary, using city forces or an independent contractor as secured by the city through a summary procedure or without advertising for bids, and cause the structure to be secured or taken down without delay, at the expense of the owner, occupant, operator, or other party interested.

- J. **Order to terminate a public nuisance.** If an unsafe building violation is not terminated by the owner, agent, custodian, lessee, or occupant of the property involved within thirty (30) days from the date of effective service of the notice, except where otherwise provided in this chapter, whether it be the date of mailing of notice, the date of personal service or the first date of the physical posting on the property, or, if a hearing on the matter is to be or has been held by the code enforcement board and/or the city, then within thirty-one (31) days from the date of the order from said board or commission or such longer time period established by the said board in said order if the board orders removal, termination or abatement of the nuisance, the code enforcement officer may cause any such condition to be terminated or remedied by an independent contractor on behalf of the city or through use by City workers or those working on behalf of the City.
- K. **The code enforcement officer shall upon approval by the city to take such action, commence actions in the appropriate courts for abatement of nuisances, injunctive relief, collection of sums due hereunder for fees or penalties, enforcement of penalties, prosecution of violators, enforcement of liens or other relief to which the city is entitled in the administration of this chapter.**
- L. **Orders binding.** No order of the code enforcement officer shall be diminished, cancelled or in any way affected by the conveyance of the title to any real property, building or other structure or of any interest in any real property, building or other structure. A person who acquires such an interest while a dwelling or dwelling unit is subject to an order of the code enforcement officer shall

comply with that order to the same extent as if he had held his interest at the time the order of the code enforcement officer was issued. Upon request, the code enforcement officer shall provide all persons acquiring such interest with copies of all notices and orders previously served and issued with respect to the real property, building or other structure conveyed at the expense of the person requesting the copies.

- M. In the event the City Code Enforcement Officer finds a condition of any building, structure, or portion thereof to constitute an imminent danger to human life or health, the Building Inspector shall require the premises be vacated forthwith and not reoccupied until specifically approved by the Board. The Code Enforcement Officer shall cause to be posted at each entrance to such building a notice: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF WEWAHITCHKA". Said notice shall remain posted until the required repairs are made, or demolition is completed. It shall be unlawful for any person to remove said notice without written permission of the Code Enforcement Officer. Further, it shall be unlawful for any person to enter the building except for the purpose of making the required repairs or demolishing it.

5. Definitions: For the purpose of this Ordinance the following definitions apply:

- A. Abandoned Personal Property: Wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements including, but not limited to, wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, appliances, fixtures, furniture, and other similar articles constitute abandoned personal property. A motor vehicle which is not in current running condition, does not have a current tag registration and is not insured shall be prima facie evidence such vehicle is abandoned personal property for the purpose of this Ordinance.
- B. Noxious Plant: Weeds; underbrush, uncontrolled growth or dangerous or poisonous weeds, plants or trees constitute noxious plants.
- C. Unlawful Accumulations: Any collection of trash, debris, junk, rubbish, filth or decayed vegetable matter, jointly or severally, constitute unlawful accumulations.
- D. Unsafe Buildings: All buildings or structures which are

unsanitary, or which do not provide adequate egress, or which constitute a fire hazard, or which may otherwise be dangerous to human life or which in relation to existing use constitute a hazard to safety or health, are unsafe buildings.

- E. **Owner:** Any individual, firm, corporation or entity who is named on the records of the Gulf County Property Appraiser, as the title holder of any lot, tract or parcel of land within the City shall be deemed to be the owner.

6. Penalty:

The owner and/or occupant of any lot, tract or parcel of land in the City of Wewahitchka who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor of the second degree, punishable as provided by Florida Statutes. Each day a violation exists constitutes a separate offense.

7. Cumulative:

The provisions of this Ordinance are intended to be cumulative and complementary to other regulations and statutes addressing the same subject matter.

8. Severability:

That in the event any part of this Ordinance is deemed . to be unconstitutional or invalid for any reason, the remainder of the Ordinance shall remain in full force and effect.

9. Repealer:

That any other Ordinance or portion of an Ordinance in conflict with this Ordinance shall be repealed to the extent of, but only to the extent of, the explicit conflict with this Ordinance.

10. City Code. Enforcement Board and Hearing Master created.

- A. It is the intent of this code to create a City Code Enforcement board and special masters with the authority to impose administrative fines and other noncriminal penalties to promote, protect and improve the health, safety and welfare of the City of Wewahitchka and to provide an equitable, expeditious, effective and an inexpensive method of enforcing this Ordinance as may be amended from time to time which deals with the conditions of property and structures and personal property located thereon where a pending or repeated violation exists or continues to exist and any other of the City's codes and ordinances to

which the procedure is deemed to apply. This code has been enacted pursuant to the authority of F.S. Ch. 162.

- B. The City Code Enforcement Board shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of the above referenced City codes and ordinances and such other codes and ordinances to which the Code Enforcement Board procedure is made applicable.**
- C. Any alleged violation to which this procedure is deemed applicable may also be enforced in any court of competent jurisdiction.**
- D. Pursuant to F.S. 162.03 and there is hereby created a "Hearing Master" for the City of Wewahitchka, Florida who shall be appointed by the Board of City of Commissioners along with an alternate. These persons shall be residents of the City of Wewahitchka and shall serve without compensation but shall receive reimbursement as provided for members of the Code Enforcement Board.**
- E. The appointment of a Hearing Master and alternate shall be for a term of two (2) years. A Hearing Master may be reappointed by the City Commission for one successive term and an alternate Hearing Master may be re-appointed as determined by the City Commission. Appointments to fill a vacancy of the primary Hearing Master shall be for the remainder of the unexpired term of office. A Hearing Master or the alternative may be suspended and removed from office by the Board of City Commissioners.**
- F. The Hearing Master shall have the authority to hold hearings and assess fines against violators of the applicable City Codes and ordinances and shall have the authority to act in the place and stead of the Code Enforcement Board at the level of proceedings where the alleged violator admits or pleads no contest to the charges at which time the Hearing Master shall have the authority to enter orders and impose fines and penal ties as provided by this section and F.S. 162. The order and assessment of fine or penalty by the Hearing Master shall have the same force and effect and shall be considered the action of the Code Enforcement Board for all purposes.**
- G. Violators' cases heard by a special master and ruled upon by a special master, in the case of finding of guilt, shall be precluded from arguing the same case to the full code enforcement board. In cases brought before a special master, if a plea of not guilty is entered by the violator, the case will be scheduled by the special master to be heard by the full code enforcement board at the next available hearing of the full code enforcement board.**

H. Regular Hearing Master proceedings shall occur no less frequently than monthly on a schedule determined by the City Commission. A tape recording and minutes shall be maintained of all Hearing Master proceedings and shall be open to the public. The City shall provide clerical and administrative support to the Hearing Master as may be necessary for the proper performance of his/her duties.

11. Alternate Code Enforcement System.

The City hereby adopts an alternate code enforcement system pursuant to F.S. 162 which gives code enforcement boards and a special master appointed by the City Commission the authority to hold hearings and assess fines against violators of applicable city's codes and ordinances. In addition to the enforcement proceeding set forth herein, the Supplemental City or Municipal Code or Ordinance Enforcement proceedings" set forth in Part II of Chapter 162, Florida Statutes and F.S. 125.69 are hereby incorporated by reference.

12. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CODE means any of the several ordinances and laws of the City of Wewahitchka, Florida to which this procedure has been made applicable-by the City Commission except as excluded by F.S. 162.

CODE ENFORCEMENT BOARD SECRETARY means the city clerk or his/her designee or as otherwise designated by the City Commission.

CODE INSPECTOR AND CODE ENFORCEMENT OFFICER means any authorized agent or employee of the City of Wewahitchka whose duty it is to ensure compliance with its codes, ordinances, and laws.

ENFORCEMENT BOARD AND CODE ENFORCEMENT BOARD means the City code enforcement board appointed by the Board of City Commissioners.

LEGAL COUNSEL means the City attorney or an assistant City attorney who shall represent the City and may present cases before the enforcement board.

REPEAT VIOLATION means a violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five (5) years prior to the violation.

HEARING MASTER means the hearing master which has been appointed by

the Board of City Commissioners to hear uncontested violations and impose penalties, therefore.

VIOLATOR means the property owner, occupant, or person in possession of the premises or person causing the violation of the provisions of this chapter or any combination thereof.

13. Code Enforcement Officer.

- A. The code enforcement officer shall have all powers, duties, and responsibilities to administer and enforce all provisions of this chapter. The code enforcement officer shall be deemed to be an officer for the purpose of enforcing the provisions of this chapter.
- B. Any action to be taken by the code enforcement officer pursuant to this chapter in regard to the enforcement of any section hereof shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.
- C. The code enforcement officer shall have the right of entry upon real property and shall be immune from prosecution, civil or criminal, for trespass upon real property while in the discharge of his duties in enforcing the provisions of this chapter. The same immunity shall inure to his authorized agents, assistants, employees, and contractors employed on behalf of the city in connection with such enforcement.
- D. It shall be unlawful for any person to oppose, obstruct or resist the code enforcement officer or his authorized agents, assistants, employees and contractors employed on behalf of the city in connection with such enforcement in the discharge of his duties as provided in this chapter and any such violator shall be guilty of a misdemeanor of the second degree punishable as provided in F.S. §775.082 or 775.083.
- E. The code enforcement officer shall have the right to request the assistance of the City Police Department and in such event the said department shall have all of the rights and immunities of the code enforcement officer provided herein.

14. Composition, Appointment, Terms of Members, Residency Requirements, Removal and Vacancies of Code Enforcement Board.

- A. The code enforcement board shall consist of five (5) members and two (2) alternate members each serving for a term of three (3) years and each to be appointed by the Board of Commissioners of the City of Wewahitchka, Florida. The initial appointments to the code enforcement board shall be as follows:

1. One (1) member appointed for a term of one (1) year each;
2. Two (2) members appointed for a term of two (2) years each;
3. Two (2) members appointed for a term of three (3) years each.

Thereafter, all appointments shall be made for terms of three (3) years each.

- B. A member may be reappointed upon approval of a majority of the entire membership of the Board of City Commissioners.
- C. Appointments to fill a vacancy shall be for the remainder of the unexpired term of office.
- D. Members of the enforcement board shall be residents of the City at the time of their appointments and throughout their terms of office. Any member who is no longer a resident of the City shall be automatically removed and that vacancy filled as provided herein. The members shall serve in accordance with the requirements of this chapter and other laws of the State of Florida. If any code enforcement board member fails to attend any three (3) of four (4) consecutive meetings without cause or prior approval of the chairman of the code enforcement board, the board may declare the member's office vacant and then fill the vacancy as provided herein. Appointments shall be made consistent as much as possible with Florida Statutes Chapter 162.

15. Oath of Office.

Each member of the code enforcement board, upon appointment, shall, before entering upon the discharge of his duties of office, take an oath of office.

16. Organization; compensation; rules and regulations.

- A. Organization of the code enforcement board shall be as follows:
 1. The members of the enforcement board shall elect a chairman from among their members. The chairman shall be allowed to vote on all matters appearing before the board.
 2. The members of the enforcement board shall also elect a vice-chairman from among its members. The vice-chairman shall preside over the public hearing in the absence of the chairman.
- B. The presence of three (3) or more members shall constitute a quorum. Members shall not be entitled to compensation; however, all members shall receive reimbursement for mileage for any board-related business, except travel to and from regularly scheduled and specially called board meetings reimbursement shall be consistent with City policy.

- C. The board may adopt such rules and regulations as are not inconsistent with the provisions of this chapter or F.S. Ch. 162, which rules and regulations the board finds necessary to carry out the provisions of this chapter, subject to approval by the Board of City Commissioners.**

17. The members shall serve in accordance with ordinances of the City of Wewahitchka and the laws and regulations of the State of Florida and may be suspended and removed for cause as provided in such ordinances or laws for removal of members of boards.

18. Enforcement Procedure.

- A. It shall be the duty of the code enforcement officer and/or responsible City departments to initiate through said officer enforcement proceedings of the various applicable codes and ordinances; no member of the code enforcement board or the Hearing Master shall have the power to initiate such enforcement proceedings.**
- B. In the case of a first-time violation of the applicable City codes and ordinances, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the officer shall notify the enforcement board and request a hearing. The enforcement board, through its clerical staff, shall schedule a hearing before a Hearing Master or the Enforcement Board, and written notice of such hearing shall be hand delivered or mailed, as provided by this chapter, to the violator. At the option of the enforcement board, notice may additionally be served by publication or posting as provided by this chapter. If the violation is corrected and then it recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the Hearing Master or the Enforcement Board even if the violation has been corrected prior to board hearing and the notice shall so state.**
- C. If a repeat violation is found, the officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The officer, upon notifying the violator of a repeat violation, shall notify the Hearing Master and the enforcement board and request a hearing. The code enforcement board or special master, through its clerical staff, shall schedule a hearing and shall provide notice as provided by this chapter to the violator. The case may be presented to the enforcement board or Hearing Master even if the repeat violation has been corrected prior to the board hearing and the notice shall so state.**

D. In the event of a plea of not guilty the case shall be heard, determined and an order entered by the Code Enforcement Board. However, in the event of an admission of the violation or plea of no contest to the charged violation, the Hearing Master shall have the authority to conduct a hearing, enter orders and impose fines in accordance with this chapter and said orders and fines shall be considered the action of the Code Enforcement Board for all purposes.

19. Violations; Hearings.

If the code inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, that inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing thereon.

20. Conduct of Hearings.

The code enforcement board shall adopt rules for governing the conduct of its affairs, including that of the Hearing Master not inconsistent with the provisions of this chapter as approved by the Board of City Commissioners and specifically the following:

- 1. Upon request of the code enforcement officer or at other times as may be necessary the chairman of the enforcement board may call hearings of the enforcement board. Hearings may be also called by written notice signed by at least (3) members of the enforcement board. All hearings of the enforcement board shall be open to the public.**
- 2. The enforcement board may set, by motion, additional meetings and locations as required. Special meetings may be called by the chairman or vice-chairman in the absence or unavailability of the chairman. A hearing may also be called by written notice signed by at least three (3) members of the enforcement board.**
- 3. Minutes shall be kept of all hearings, specifically including the vote of each member upon each question, by the enforcement board, and all hearings and proceedings shall be open to the public. All testimony shall be under oath and mechanically recorded.**
- 4. The City shall provide a hearing room and clerical and administrative personnel as may be reasonably required by the enforcement board to conduct its hearings and perform its duties.**

5. Each case before the enforcement board shall be presented by the department head or his designee of the city department which is charged with the responsibility for enforcement of those specific code sections alleged to have been violated. Additionally, the City attorney or the designated representative may present cases before the enforcement board in compliance with F.S. 162.05 (5) and F.S. 162.07(2).
6. All relevant evidence shall be admitted if, in the opinion of the enforcement board, it is the type of evidence upon which reasonable and responsible persons would normally rely in the conduct of business affairs, regardless of the existence of any common law or statutory rule which might make such evidence inadmissible over objections in a civil action. The chairman of the enforcement board may exclude irrelevant or unduly repetitious evidence.
7. Each party to the hearing shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, impeach witnesses, and rebut evidence.
8. The alleged violator has the right, at his own expense, to be represented by an attorney at any enforcement board hearing and appeals thereof and before the Hearing Master.
9. All testimony before the board shall be under oath and shall be recorded. The alleged violator or the city may cause the proceedings to be recorded by a certified court reporter or by a recording instrument.
10. The burden of proof shall be with the code enforcement officer to show by the greater weight of the evidence that a code violation exists and that the alleged violator committed or was responsible for allowing or maintaining the violation.
11. If notice has been provided pursuant to this chapter to an alleged violator of the public hearing, the hearing may be conducted, and an order rendered in the absence of the violator.
12. At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on the evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The findings shall be by motion, approved by a majority of those members present and voting, except that at least three (3) members must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not

complied with by that date.

13. A certified copy of such an order or order of a Hearing Master may be recorded in the public records of the City and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns.

21. Compliance with Order.

If an order is recorded in the public records pursuant to this chapter and the order is complied with by the dates specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required if such is an order acknowledging compliance.

22. Powers of the Enforcement Board.

The code enforcement board shall have the power to:

1. Adopt rules for the conduct of its hearings subject to approval by the City Commission.
2. Subpoena alleged violators and witnesses to its hearings. Subpoena may be served by the sheriff's department;
3. Subpoena evidence to its hearings;
4. Take testimony under oath;
5. Issue an order having the force of law commanding whatever steps are necessary to bring the violation in compliance.

23. Administrative Fines; Liens.

- A. Authority. The code enforcement board or Hearing Master as appropriate, upon notification by the code officer that a previous order of the enforcement board or Hearing Master has not been complied with by the set time or upon a finding that a repeat violation has been committed, may order the violator to pay a fine in the amount specified in this section for each day the violation continues past the date set by the enforcement board or Hearing Master for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a violation or

repeat violation has been made as provided in this part, a hearing shall not be necessary for the issuance of an order imposing the fine.

- B. Maximum fine; consistency; reduction of fines.**
- 1. A fine imposed pursuant to this section shall not exceed two hundred fifty dollars (\$250. 00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation.**
 - 2. In formulating its order, the board or Hearing Master should be consistent in the imposition of fines, paying special attention to the gravity of the violation, any actions by a violator to correct the violation and any previous violations committed by the violator.**
 - 3. The enforcement board or Hearing Master may reduce a fine imposed pursuant to this section. If, however, the subject violator fails to pay the reduced fine within a period of sixty (60) days from the day the order is rendered reducing the fine, then the original fine shall be reinstated. If the violator makes arrangements through the enforcement board, City clerk or City attorney's office to pay the reduced fine in monthly payments and fails to timely make any one (1) of the monthly payments, then the original fine, less payments made, shall be automatically reinstated.**
- C. Lien. A certified copy of an order imposing a fine may be recorded in the public records of the county and thereafter shall constitute a lien against the land in which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of the state, including against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose and a lien filed pursuant to this section, whichever occurs first. After three (3) months from the filing of any such lien which remains unpaid, the enforcement board may authorize the City attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property, which is homestead**

under Section 4, Article X of the State Constitution.

24. Duration of the Lien.

No lien provided under this chapter shall continue for a period of longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the City shall be entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

25. Appeal.

An aggrieved party may appeal a final administrative order of the code enforcement board or Hearing Master to the Board of City Commissioners. The City of Wewahitchka may appeal a final administrative order of the code enforcement board or the Hearing Master to the Circuit Court in and for Gulf County, Florida and an aggrieved party may, except the City, appeal an order of the City Commission rendered on appeal to the circuit Court in and for Gulf County, Florida. Such appeals shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board except that the City Commission upon review of a final administrative order of the Code Enforcement Board or Hearing Master may, if deemed desirable, receive additional testimony and evidence. The City Commission may, based on their review of the facts and law, uphold, or revise the findings of fact and conclusion of law of the final order appealed. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed. A copy of the notice of appeal shall be filed with the secretary for the enforcement board and to the clerk of the circuit court for the Fourteenth Judicial Circuit .of the State of Florida, in and for Gulf County, Florida. The City shall establish by resolution reasonable charges to be paid by the appealing party for preparation of the record to be appealed.

26. Rehearing Provision.

A party who is dissatisfied with the result of the public hearing before the code enforcement board may move for a new hearing on the matter. A motion for rehearing must be served within ten (10) days after execution of the code enforcement order. The time cannot be extended. A motion that is served within the ten-day period may be amended to allege new grounds with leave of the code enforcement board. The time for service of the motion is ten (10) days after the execution of the code enforcement order. On its own initiative, the enforcement board may order a new public hearing or rehearing within ten

(10) days after the entry of the code enforcement order or within the time for ruling on a timely motion for a new hearing or rehearing made by a party. A timely motion by a party extends the time for the code enforcement board to act on its own initiative. After timely service of a motion, the time to file a notice of appeal runs from the date of rendition of the order on the motion, not from any code enforcement order that has been entered. If a notice of appeal is filed by the moving party before the motion for the new public hearing or for rehearing is heard, the motion is waived. The ground of a motion for rehearing or new public hearing shall fall into one (1) or more of the following categories:

- 1. Errors on the face of the record;**
- 2. Errors committed during the public hearing;**
- 3. Misconduct of the code enforcement board;**
- 4. Misconduct of a party;**
- 5. Misconduct of a third person;**
- 6. Misconduct of a witness;**
- 7. Newly discovered evidence;**
- 8. The verdict is contrary to the evidence;**
- 9. The verdict is contrary to law.**

27. Notices.

- A. All notices required by this chapter shall be provided to the alleged violator by certified mail return receipt requested; by hand delivery of the sheriff or other law enforcement officer, a code inspector or other person designated by the City Commission; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age informing such person of the contents of the notice.**
- B. In addition to providing notice as set forth in subsection (A), at the option of the enforcement board, notice may also be served by publication or posting as follows:**
 - 1. Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in the city. The newspaper shall meet such requirements as are prescribed under F.S. Ch. 50 for legal and official advertisements.**
 - 2. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051. Notice by publication or posting may run concurrently with or may follow an attempt to provide notice by hand delivery or by mail as required**

under subsection (A).

- C. Evidence that an attempt has been made to hand deliver or mail notices provided in subsection (A), together with proof of publication or posting as provided in subsection (B), shall be sufficient to show that the notice requirements of this chapter have been met, without regard to whether or not the alleged violator actually received such notice.

28. Supplemental Enforcement.

Nothing contained in this chapter shall prohibit the City from enforcing its codes by any other means.

29. Conflict of Interest.

Conflict of interest provisions shall apply to members of the code enforcement board pursuant to F.S. §§ 112.3143 and 286.012.

30. Effective Date:

This Ordinance shall become effective as provided by law on _____ 20____.

ADOPTED this the _____ day of _____, 20____.

ATTEST:

CITY OF WEWAHITCHKA

By: _____
Clerk

By: _____
Mayor

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ARTICLE IX

9.01.02

ANIMAL CONTROL ORDINANCE 4-11-89

AN ANIMAL CONTROL ORDINANCE PROVIDING FOR DEFINITIONS, CLEANLINESS OF PREMISES, REGULATING VICIOUS ANIMALS, FOUL OR BIRD OR ONE CAUSING A NUISANCE, PROHIBITING LIVESTOCK FROM RUNNING AT LARGE, PROVIDING NOTICE OF IMPOUNDING, PROVIDING REGULATIONS FOR THE NOTICE AND CONTEST OF IMPOUNDING, REDEMPTION TIME, APPEALS, FEES, AND PROVIDING FOR THE SALE OF IMPOUNDED LIVESTOCK, REGULATING THE KEEPING OF WILD BEAST AND BIRDS, PROVIDING FOR A LICENSE, TAG, AND INOCULATION FOR DOGS AND CATS, PROVIDING FOR IMPOUNDMENT OF UNLICENSED DOGS AND CATS, FEES FOR RECLAIMING IMPOUNDED DOGS AND CATS, REGULATING BITING DOGS AND CATS, PROHIBITING ANIMALS RUNNING AT LARGE WITH EXCEPTIONS, PROVIDING FOR IMPOUNDMENT INCLUDING FEES, PROVIDING FOR A PUBLIC NUISANCE AND PENALTY THEREOF.

SECTION 1. Definitions.

For the purposes of this chapter the following terms are defined as follows:

Animal: Any livestock, wild beast, dog, or cat.

Livestock: Any horse, cow, hog, or other grazing animal.

Wild Beast: Any captured wild animal, or the offspring or recent descendant of any captured wild animal.

Dog: Any domestic member of the canine species.

Cat: Any domestic member of the feline species.

Pound Master: The Chief of Police or his designee or such other person as the Board of City Commissioners shall designate to administer this ordinance.

SECTION 2. Cleanliness of premises. It shall be unlawful for any person to keep any head of livestock, or any dog, cat or other animal, or any fowl or bird, except in a house, shed or yard kept constantly clean and free from any accumulation of body waste, and from offensive or unhealthful odors. It shall be unlawful for any person to own or keep any vicious animal, fowl or bird or any animal, fowl or bird that becomes a nuisance in the community by barking, howling, screeching, whining, crowing, raising any disturbance, or kept in violation of Section 2.

SECTION 3. Vicious animal, fowl or bird or one causing a nuisance. Upon filing with the Chief of Police or pound master of written statements under oath by three (3) or more persons residing in separate households in the city within one thousand (1,000) feet of the place where such animal, fowl or bird is kept or harbored, that the barking, howling, screeching, whining, crowing or raising any disturbance by such animal, fowl or bird constitutes a nuisance, or that the same is kept in violation of Section 2, or that such animal, fowl or bird is vicious by reason of the fact that it has bitten or snapped at a person and caused such person to be in fear of his safety, it shall be the duty of the Chief of Police or pound master to deliver to such person keeping or harboring such animal, fowl or bird a written statement of the fact that such complaints have been made, and that the keeping of harboring of such animal, fowl or bird is deemed a nuisance, and that the nuisance must be abated within ten (10) days from the date of notifications. If the nuisance is not abated within ten (10) days, it shall be the duty of the Chief of Police or pound master to make an affidavit charging the person keeping or harboring such animal, fowl or bird with maintaining a nuisance or keeping one which is vicious, and have a warrant issued for the arrest of such person. The Chief of Police or his representative shall do all within his power to abate the nuisance.

SECTION 4. Livestock at large to be impounded.

If any person owning or having charge of any head of livestock shall allow it to be at large at any time within the city, it shall be taken up and impounded.

SECTION 5. Notice and contest of impounding; redemption time; appeals. When any such animal is impounded, the Chief of Police or pound master shall, without unnecessary delay, notify the owner, if known, and if the owner is unknown, he shall post not less than three (3) notices, one of which shall be at the City Hall, one at the post office and one at the city pound, and all such notices shall give a proper description of the animal and require the owner thereof to appear within the next three (3) days and redeem the same. Provided, if the owner of any such animal shall desire to contest the justice of such impounding or the amount of fees or charges made therefore, he may redeem the animal and appeal to the city commission for such action as he shall deem just.

SECTION 6. Pound fees-Schedule

Whenever the owner of any head of livestock impounded shall apply to the pound master for the release of the same, and shall give satisfactory evidence of ownership to such officer; the animal shall be released upon the payment of the following fees: (1) For impounding any animal of the horse, ass, mule, bull, steer, cow, or any other equine or bovine animal \$25.00 for actual cost of impounding or transporting. (2) For impounding any hog, goat, sheep, or other grazing animal or livestock \$10.00 plus actual cost of impoundment or transportation. (3) For feeding any head of livestock, per day \$10.00. (4) For writing and posting three (3) notices of sale of such head of livestock \$10.00. (5) For selling each head of

livestock \$10.00. (6) For newspaper advertisement of sale actual cost of advertisement.

SECTION 7. Same-Taking animal from pound without making payment. It shall be unlawful for any person to take or cause to be taken from the pound any impounded animals without first having paid all charges due thereon.

SECTION 8. Sale-To be conducted; notice.

In case the owner of any head of livestock impounded notified as herein provided shall fail to redeem the same within three (3) days from the date of notification, the pound master shall sell such livestock at public auction after advertising the same, either by posting notice as provided for notice of impounding, or by publication one time in a newspaper published in the city.

SECTION 9. Same - Deposit of proceeds.

After such sale of livestock, the pound master shall pay in the city general fund the proceeds of the sale.

SECTION 10. Same - Payment of surplus to owner; time for claiming.

If the owner of such sold livestock shall give satisfactory proof of ownership within six (6) months after such sale, the net proceeds of such sale after paying all fees and expenses shall be paid to the owner, otherwise it shall belong to the city.

SECTION 11. Pound record.

The Chief of Police or pound master shall provide himself with a pound record, wherein shall be entered by him a complete record of all cases if animals impounded. It shall show the date of the impounding, the animal impounded, and its owner, if known, how and when the animal was disposed of, and the disposition of the proceeds received from such impoundment and sale.

SECTION 12. Reports to Commission

The Chief of Police or pound master shall make monthly reports to the City Commission of his actions as pound master, showing all cases of animals impounded, their disposition and the disposition of the proceeds of said impounding and sale.

SECTION 13. Release of animal only on exhibiting receipt.

No animal having been impounded shall be released by the pound master until the owner or agent of the owner shall produce a written receipt by the city clerk showing the payment of all the costs and charges against the animal. The clerk shall keep a record of the amounts received by him for which said receipts were issued and the parties to whom receipts were issued.

SECTION 14. Wild beast and birds.

It shall be unlawful for any person to keep any wild beast or bird in the city except in a locked pen or enclosure from which it cannot escape and in which it is inaccessible to children or persons other than the owner.

SECTION 15. Violations; punishment.

Any person aiding or abetting the violation of this chapter, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this chapter, or be resisting, obstructing, or impeding any authorized officer in enforcing this chapter, or refusing to produce for inoculation any dog or cat in his possession or any person who shall violate any provision of this chapter shall be punished as follows: A fine of up to \$500.00 may be imposed for each violation.

SECTION 16. Name tag and Inoculation tag required - for dogs and cats.

Every dog or cat shall have a tag denoting inoculation as herein contained and said tag shall also contain the name and address of the owner.

SECTION 17. Same - Inoculation prerequisite to issuance.

Evidence of inoculation shall consist of a certificate signed by the person administering the vaccine and containing pertinent data for identification of the dog or cat. The inoculation may be administered by the owner under the supervision of the chief of police or pound master of the city, or some designee of the city.

SECTION 18. Inoculation certificate.

It shall be unlawful for any person to own, keep or harbor any dog or cat within the city, without first having obtained thereof a rabies inoculation certificate from some registered veterinarian or the chief of police or pound master or designee of the city if the inoculation is performed by the owner. The inoculation certificate shall be in force for one (1) year from the date of issuance.

SECTION 19. Impounding - Untagged dogs and cats; notice to owner.

Any dog or cat found within the unincorporated areas of the City of Wewahitchka not having the tags as provided in this article for the current year shall be impounded and, if the owner is known, such owner shall be notified. Notice mailed to the last known address of the owner shall be deemed sufficient notification within the meaning of this section. If the owner cannot be ascertained, then notice shall be by posting at the area of impoundment and at the City Hall on the front door or on a bulletin board located near the front door.

SECTION 20. Same - Claiming dog or cat; requirements for release.

Any dog or cat impounded hereunder may be released to the owner thereof or person claiming same if the pound master is convinced of the validity of such claim and upon payment of \$10.00 as an impounding fee, the purchase of the license herein provided for, and \$5.00 per day for each day such dog or cat remains impounded.

SECTION 21. Same - Sale or destruction; redeeming by other than owner.

Upon the expiration of three (3) days after impounding any dog or cat, any unclaimed or unredeemed dog or cat may be offered for sale and sold for cash; provided, however, if any impounded dog or cat is found to be so diseased as to be detrimental to the public health or cannot be sold or otherwise disposed of after reasonable efforts, the same shall be humanely disposed of. Impounded dogs and cats may be redeemed by a humane society, or any other reputable person provided the owner fails to redeem the animal.

SECTION 22. Same - Biting dog or cat.

Whenever any dog or cat shall bite any person or other animal or there is any reason to believe that any dog or cat has rabies, such dog or cat and all other animals bitten by it may be taken in charge by the chief of police or pound master and securely confined for such a time as is necessary to determine whether the disease exists. Upon the impounding of the dog or cat, the owner of the same, if known shall be immediately notified thereof. If it shall be determined that the dog or cat has rabies, it shall be killed, and the body disposed of to the satisfaction of the proper state and city authorities in accordance with existing sanitary regulations. If it shall be determined that the dog or cat is free from rabies, the dog or cat shall be returned to the owner upon payment of all fees and expenses, and upon obtaining a current license if the dog or cat is unlicensed.

SECTION 23. Animals running a large; impoundment; violation; exception.

- a. It shall be unlawful for animals to run at large in the city. An animal shall be deemed running at large if it is found outside an enclosure and is not under the direct control of the owner or keeper thereof. Any animals found running at large shall be impounded, and the owner or keeper thereof may be punished as provided herein.

Exception: Hunting dogs running in areas where deer or other game hunting is permitted or allowed shall not be deemed running at large, while hunting within said areas.

- b. Whenever an animal shall be impounded under the provisions of this section, the police chief of pound master shall make an effort to locate the owner thereof. If the owner cannot be found the city clerk shall post a notice for five (5) days at or near the front door of the city hall, describing the animal and requiring the owner to reclaim the same. In order to reclaim any impounded animal, the owner or keeper thereof shall be required to pay impounding fees as follows:

1. For the first impoundment \$10. 00
2. For the second and subsequent impoundment \$15.00

- 3. In addition to the above impoundment fees, there shall be a charge per day of part of the day that the animal spends at the shelter... \$5.00

Any animal not reclaimed within five (5) days following the first posting of notice as provided herein shall be sold at public or private sale at such price as the city clerk may determine. If the animal is not sold, it may be destroyed at the discretion of the police chief.

- c. Any person aiding or abetting violation of this section or making any misrepresentation in regard to any matter prescribed by this chapter or by resisting, obstructing, or impeding any authorized officer in the enforcement of this chapter shall be punished as follows: By a fine of up to \$500.00 for each violation.

SECTION 24. Public nuisance; penalty for violation.

(a) No owner or keeper of any dog shall fail to exercise proper care of control of the dog to prevent it from becoming a public nuisance, or nuisance animal.

(b) A public nuisance or nuisance animal shall be defined as a dog which:

- 1. Runs at large;
- 2. Molest passersby or passing vehicles;
- 3. Attacks other animals;
- 4. Trespasses on school grounds, parks or other public property;
- 5. Damages private or public property;
- 6. Barks, whines or howls in an excessive continuous or untimely fashion;
- 7. Causes an annoyance in the neighborhood by acts such as overturning garbage cans, digging holes upon other than its owner's property, or such other acts that are generally regarded to create a public nuisance.

(c) Any person or firm found guilty of violation of or failure to comply with the terms of this section shall be punished as follows: By a fine of up to \$500.00 for each violation.

INTRODUCED in the City Commission of the City of Wewahitchka in Gulf County, Florida, on the _____ day of _____ 20_____, and

ADOPTED and passed at its regular meeting held on the _____ day of _____ 20_____.

ATTEST: CITY OF WEWAHITCHKA:

City Clerk

Mayor

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ORDINANCE 2021-1215L CODE ENFORCEMENT

AN ORDINANCE OF CITY OF WEWAHITCHKA, FLORIDA PERTAINING TO PUBLIC HEALTH AND SAFETY; DECLARING CERTAIN CONDITIONS ON LOTS, PARCELS, AND TRACTS WITHIN THE CITY OF WEWAHITCHKA BOUNDARIES TO BE A PUBLIC NUISANCE AND THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS AND RESIDENTS OF THE CITY OF WEWAHITCHKA; PROHIBITING CERTAIN CONDITIONS THAT CONSTITUTE AN IMMINENT THREAT TO PUBLIC HEALTH; AUTHORIZING THE CITY OF WEWAHITCHKA TO UNDERTAKE IMMEDIATE ABATEMENT AND REMEDY OF IMMINENT PUBLIC HEALTH THREATS; AUTHORIZING THE CITY OF WEWAHITCHKA TO ABATE AND REMEDY PUBLIC NUISANCE AFTER PROPER NOTICE WHEN IMMINENT PUBLIC HEALTH THREATS EXIST; AUTHORIZING THE ENFORCEMENT OF THIS ORDINANCE BY GULF COUNTY, FLORIDA; AUTHORIZING THE IMPOSITION AND LEVY OF SPECIAL ASSESSMENTS BY THE CITY OF WEWAHITCHKA; ESTABLISHING THE CITY OF WEWAHITCHKA AS A SPECIAL ASSESSMENT DISTRICT; AUTHORIZING THE LEVY OF NON-AD VALOREM ASSESSMENTS IN CONNECTION WITH VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the City of Wewahitchka City Board of City Commissioners has determined that many properties in the City of Wewahitchka have accumulations of junk, trash, debris, living and nonliving plant material, stagnant water, excessive overgrowth of weeds, grass, and other objectionable, unsightly, or unsanitary materials; and

WHEREAS, by enactment of this ordinance City of Wewahitchka prohibits (i) the existence of excessive accumulations or untended growths of weeds, undergrowth, or other dead or living plant life, stagnant water, rubbish, debris, trash, and all other objectionable, unsightly, or unsanitary matter upon any lot, tract or parcel, (ii) conditions conducive to the infestation or inhabitation of rodents, vermin, or wild animals, (iii) conditions conducive to the breeding of mosquitoes, and (iv) untended property that threatens or endangers the health, safety, or welfare of City residents or adversely affects or impairs the economic welfare of adjacent properties; and

WHEREAS, these prohibited conditions are declared public nuisances, and the failure of a property owner to abate and terminate the public nuisance results in (i) the "clean-up" of the property by the City of Wewahitchka and (ii) the imposition of a non-ad valorem special assessment on the property if the City of Wewahitchka is not timely reimbursed for the cost of the "clean-up"; and

WHEREAS, the City of Wewahitchka has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments as set forth in Chapter 197, Florida Statutes; and WHEREAS, if not timely paid, the non-ad valorem assessment for clean-up of a lot will be included on the property owner's annual tax bill, to be paid at the same time

that yearly ad-valorem taxes are paid; and

WHEREAS, if the non-ad valorem assessment is not paid timely, a lien may also be recorded against the property; and WHEREAS, the City of Wewahitchka City Commissioners deem the use of a non-ad valorem special assessment to recover the costs associated with nuisance abatement to be in the best interests of the citizens and residents of the City of Wewahitchka.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSIONERS OF CITY OF WEWAHITCHKA, FLORIDA:

SECTION 1: Title.

This Ordinance shall be known and may be cited as and commonly referred to as the "Nuisance Abatement Ordinance".

SECTION 2: Purpose and Intent.

The purpose and intent of this section is to prohibit the following:

- A. Accumulation of trash, junk, or debris, living and nonliving plant material, and stagnant water;
- B. Excessive and untended growth of grass, weeds, brush, branches, and other overgrowth;
- C. The existence of all other objectionable, unsightly or unsanitary matter, materials, and conditions on property, whether improved or unimproved;
- D. Property being inhabited by, or providing a habitat for rodents, vermin, reptiles, or other wild animals;
- E. Property providing a breeding place for mosquitoes;
- F. Property being a place, or being reasonably conducive to serving as a place, for illegal or illicit activity;
- G. Property threatening or endangering the public health, safety or welfare of the City of Wewahitchka residents;
- H. Property reasonably believed to cause currently, or potentially to cause in the

future, ailments or disease;

- I. Property adversely affecting and impairing the economic value or enjoyment of surrounding or nearby properties.

SECTION 3: Definitions.

These words, terms and phrases, when used in this section, will mean the following:

"Actual cost" means the actual cost to the City of Wewahitchka, and if by contract the amount plus interest, if any, as invoiced by an independent, private contractor for terminating and abating a violation of this Ordinance on a lot, tract, or parcel, plus the cost of serving notice of the violation, obtaining title information on the property, and all other identifiable costs incurred by the City in the clean-up of the lot, tract, or parcel. **"Compost bin"** means a container designed for the purpose of allowing nonliving plant material to decompose for use as fertilizer. For purposes of this Ordinance, any such compost bin shall be constructed of wire, wood lattice or other material which allows air to filter through the structure. A compost bin shall not exceed an area of sixty-four (64) square feet or a height of five (5) feet.

"Excessive growth" means grass, weeds, rubbish, brush, branches, or undergrowth that has reached a height of eight inches or more.

"Fill" means material such as dirt that is imported and deposited on property by artificial means.

"Grass, weeds, or brush" means grass or weeds or brush that, when allowed to grow in a wild and unkempt manner, will reach a height of eight (8) inches or more. This definition does not include bushes, shrubs, trees, vines, flowering plants, and other living plant life typically used and actually being used for landscaping purposes.

"Imminent public-health threat" means the condition of a lot, tract, or parcel of land that, because of the accumulation of trash, junk, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of which may contain chemicals, such as freon, oils, fluids, or the like, may cause injury or disease to humans or contaminate the environment, or the condition of a lot, tract or parcel that, because of the excessive growth of grass, weeds, or brush, can harbor criminal activity, vermin, or disease.

"Levy" means the imposition of a non-ad valorem assessment against property found to be in violation of this section.

"Non-ad valorem assessment" means a special assessment that is not based upon millage and that can become a lien against a homestead as permitted in Section 4 of Article X of the Florida Constitution.

"Non-ad valorem assessment roll" means the roll prepared by the City of Wewahitchka and/or Gulf County and certified to the Gulf County Property Appraiser Tax Collector as appropriate under Florida law, for collection.

"Nonliving plant material" means nonliving vegetation such as leaves, grass cuttings, shrubbery cuttings, tree trimmings and other material incidental to attending the care of lawns, shrubs, vines, and trees.

"Property" means a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way, whether such lot or tract or parcel is improved or unimproved.

"Trash, junk, or debris" mean waste material, including, but not limited to, putrescible and non-putrescible waste, combustible, and non-combustible waste, and generally all waste materials such as paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding, crockery, household furnishings, household appliances, dismantled pieces of motor vehicles or other machinery, rubber tires, and rusted metal articles of any kind.

SECTION 4: Declaration of Nuisance and Menace.

The (i) accumulation of trash, junk, or debris, living and nonliving plant material, or stagnant water upon property, (ii) excessive growth of grass, weeds, brush, branches, and other overgrowth upon property, and (iii) keeping of fill in an unsafe and unsanitary manner is declared to be a nuisance and menace to the public health, safety, and welfare of the residents of the City of Wewahitchka for the following reasons:

- A. The aesthetic appearance of property preserves the value of other properties within the City of Wewahitchka.
- B. The aforementioned conditions are dangerous, unhygienic, unhealthy, visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property, that unless addressed properly in this Ordinance, City taxpayers could be and would be required to pay the cost of cleaning up such properties, and such clean-ups would have to be undertaken by the City several times a year, in some cases for the same properties.

SECTION 5: Accumulation of trash, junk, or debris, living and nonliving plant material, and stagnant water.

Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material, and stagnant water on the property and on that portion of the adjoining public right-of-way between the property and the paved or graded street. The following uses are permissible:

1. Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid-waste collection.
2. The storage of nonliving plant material in compost bins, except that no property may have more than two compost bins.
3. Keeping wood on the property for use as fire or fuel, provided, such wood shall be piled, stacked, bundled, or corded and the area surrounding the piles, stacks, bundles, or cords shall be free of excessive growth of grass, weeds, brush, branches, and other overgrowth.

SECTION 6: Excessive growth of grass, weeds, brush, and other overgrowth.

Every owner and, if applicable, every agent, custodian, lessee, or occupant of property, shall reasonably regulate and effectively control the excessive growth of grass, weeds, brush, and other overgrowth on the property. Excessive growth of grass, weeds, brush, and other overgrowth is prohibited.

SECTION 7: Keeping of fill on property.

Every owner and, if applicable, every agent, custodian, lessee, or occupant of property, shall reasonably regulate and effectively control the property so as to prevent the keeping of fill on it to prevent the creation of (i) a habitat for rodents, vermin, reptiles, or other wild animals, (ii) breeding ground for mosquitoes, (iii) a place conducive to illegal activity, (iv) a place that threatens or endangers the public health, safety or welfare of the City of Wewahitchka residents, (v) a place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease, or (vi) a condition on the property that adversely affects and impairs the economic value or enjoyment of surrounding or nearby properties.

SECTION 8: Imminent public-health threat.

An accumulation of trash, junk, debris, living and nonliving plant material, or stagnant water, an accumulation of excessive growth of grass, weeds, brush, or other overgrowth, or the keeping of fill on property that presents an

imminent public health threat may be remedied by the City immediately without notice to the owner or, if applicable, the agent, custodian, lessee, or occupant. The City of Wewahitchka and/or the Gulf County Code Enforcement department shall determine whether, under the provisions of this section, an imminent public-health threat exists. After-the-fact notice will be provided by the City of Wewahitchka and/or the Gulf County Code Enforcement department to the owner and, if applicable, the agent, custodian, lessee, or occupant, within a reasonable time after the abatement. After-the-fact notice shall be sent as set forth below, and the owner and, if applicable, the agent, custodian, lessee, or occupant, shall have fifteen (15) days from the date notice is received to (i) reimburse the City or (ii) appeal the City's determination to the City Commissioners that an imminent public-health threat existed on the property.

SECTION 9: Enforcement.

9.1 Violations. Failure or refusal by the owner and/or, if applicable, the agent, custodian, lessee or occupant of property, to comply with the requirements of this Ordinance is considered a violation. The existence of an imminent public health threat on a property is a violation of this Ordinance.

9.2 Enforcement by Gulf County. By agreement, this Ordinance may be enforced by Gulf County, Florida acting through its Code Enforcement Department.

9.3 Notice of violation. Whenever the City of Wewahitchka and/or the Gulf County Code Enforcement department determines there is a violation of this section, the City of Wewahitchka and/or the Gulf County Code Enforcement department shall serve, or cause to be served, a "notice of violation" on the owner and, if applicable, the agent, custodian, lessee, or occupant of the property. The "notice of violation" shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant, to terminate and abate the violation within twenty calendar days of the date the "notice is received." If the "notice of violation" pertains to an imminent public health threat abated by the City, the notice shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to pay to the City of Wewahitchka cost of such abatement. If the notice of violation is sent or delivered to the owner and the owner's agent, custodian, lessee, or occupant, they shall be jointly and severally responsible to remedy the violation.

9.4 Notice is received. The "notice of violation" shall be sent by United States certified mail with a return receipt requested. "Notice is received" on the date the owner or, if applicable, the agent, custodian, lessee, or occupant of the property initials or otherwise indicates receipt of the notice on the return receipt. In the event that (i) certified-mail delivery cannot be accomplished, and after reasonable search by the City for such owner or, if applicable, the

agent, custodian, lessee, or occupant of the property, or (ii) the notice is not accepted or is returned to the City of Wewahitchka, a physical posting of the "notice of violation" on the property shall be deemed the date the "notice of violation" is received.

9.5 Form of notice. The notice shall be in substantially the following form:

NOTICE OF VIOLATION

Name of owner:

Address of owner:

Name of agent, custodian, lessee, or occupant (if applicable):

Address of agent, custodian, lessee, or occupant (if applicable):

Our records indicate that you are the owner, agent, custodian, lessee, or occupant of the following property in the City of Wewahitchka, Florida:

[description of property]

An inspection of this property discloses, and I have found and determined, that a public nuisance exists on this property. This public nuisance violates [description of section violated] of the Code of Ordinances of the City of Wewahitchka, Florida in that:

[description of the violation in this section]

YOU ARE HEREBY NOTIFIED THAT IF, WITHIN TWENTY DAYS (20) FROM THE DATE OF THIS NOTICE:

- A. THE VIOLATION DESCRIBED ABOVE IS NOT REMEDIED AND ABATED IN ITS ENTIRETY AT WHICH TIME THE NOTICE SHALL BE PROVIDED TO THE GULF COUNTY CLERK AND NOTICE OF HEARING ISSUED FOR A SPECIAL MASTER HEARING DATE, AND**
- B. THIS VIOLATION SHALL BE NOTICED FOR A HEARING TO BE HEARD WITH THE SPECIAL MASTER, THE CITY OF WEWAHITCHKA WILL CAUSE THE VIOLATION TO BE HEARD BEFORE THE GULF COUNTY SPECIAL MASTER SEEKING THE APPROPRIATE ORDER FOR REMEDIATION, AND THE COSTS INCURRED BY THE CITY IN**

CONNECTION WITH THE CLEANUP WILL BE ASSESSED AGAINST THE PROPERTY IN THE ORDER AS WELL. TO APPEAL THIS NOTICE OF VIOLATION, YOU MUST FILE YOUR NOTICE OF APPEAL NO LATER THAN 15 DAYS AFTER RECEIPT OF ANY AND ALL ORDER FROM THE GULF COUNTY SPECIAL MASTER.

CITY OF WEWAHITCHKA/GULF COUNTY

By: _____

Title: _____

If the notice is an after-the-fact notice of an imminent public-health threat, the capitalized portions shall be deleted and, in their place, the information regarding levy of assessment on the property for the costs of abatement incurred by the City of Wewahitchka shall be substituted.

SECTION 10: Appeals

10.1 Time to Appeal.

Within fifteen (15) days after any and all order is received, the owner or, if applicable, the agent, custodian, lessee, or occupant of the property may appeal to the City of Wewahitchka that a "notice of violation" and the order was not warranted for the property or that the property did not pose an imminent public-health threat that required immediate cleanup.

10.2 Content of Appeal.

The owner or, if applicable, the agent, custodian, lessee, or occupant of the property must appeal the notice of violation by written notice to the City Clerk. The written notice must be accompanied by a reasonable filing fee, as determined by the City Commissioners, and shall be either hand delivered to the City of Wewahitchka City Hall, or mailed to the City Clerk and postmarked, within the fifteen-day (15) period after the order is received.

10.3 Hearing.

Upon timely receipt, the City Clerk will schedule the appeal for a public hearing before the City Commissioners. At the public hearing, the appellant shall be afforded due process and may present such evidence as is probative of the appellant's case. The Gulf County Code Enforcement department or other County staff shall present such evidence as is probative of the alleged violation. Members of the public shall be afforded the opportunity to present germane testimony and evidence. Thereafter, the hearing shall be closed, and the City Commissioners shall rule on the appeal.

10.4 Unsuccessful appeal.

If the appeal is unsuccessful, the property must be "cleaned up" and the

violation remedied and removed within fifteen days (15) from the date of the City Commissioners' decision.

SECTION 11: Special Assessment Imposed

In the event an appeal is not made within fifteen days (15) after notice is received and the violation is not remedied, or a timely appeal is made, but is unsuccessful and the violation is not remedied, the City may undertake such action as is necessary or useful to remedy the violation. The costs incurred by the City to remedy the violation, including the actual cost of clean-up, all administrative expenses, and all other identifiable costs incurred by the City, shall be assessed against the property as authorized by the City Code. All assessments shall be paid in full no later than the close of City business on the twentieth (20th) business day after the property owner has received notice of the assessment. Thereafter, the unpaid amount of the assessment will accrue interest at the rate of 10% per annum or at the maximum rate allowed by law, whichever is less.

SECTION 12: Notice of assessment

Upon completion of the actions undertaken by the City of Wewahitchka to remedy the violation on the property, the City shall notify in writing the owner and, if applicable, the agent, custodian, lessee, or occupant that a special assessment has been imposed on the property. The notice shall be delivered to them in the same manner set forth for delivery of the notice of violation. The notice of assessment shall set forth the following:

- A. A description of the violation, a description of the actions taken by the City of Wewahitchka to remedy the violation, and the fact that the property has been assessed for the costs incurred by the City of Wewahitchka to remedy the violation.
- B. The aggregate amount of such costs and an itemized list of such costs.
- C. The intent of the City of Wewahitchka to record the assessment as a lien against the property if not paid timely, within the period of twenty (20) business days.
- D. The intent of the City of Wewahitchka to place the assessment on the tax roll as a non-ad valorem assessment if not paid by the following June 1.
- E. The potential for the property to be subject to the sale of a tax certificate, bearing interest by law at a rate as high as 18% per annum, if the non-ad valorem assessment is not paid as part of the tax bill on the property.

- F. The potential for the property to be sold and conveyed by tax deed if the tax certificate is not redeemed by payment of the non-ad valorem assessment in full, plus interest, as required by Florida law.

SECTION 13: Assessment for lot maintenance and clean-up

- A. Establishment of special assessment district. City of Wewahitchka in its entirety, as its City of Wewahitchka boundaries exist on the date of enactment of this article and as they may be expanded or contracted from time to time, is hereby declared a special-assessment district for the purposes of abating and remedying violations of this Ordinance. Individual properties within the City's boundaries, as they may exist from time to time, may be assessed for the costs incurred by the City in abating and remedying violations of this Ordinance.
- B. Levy of non-ad valorem assessments. There is hereby levied, and the City Commissioners are authorized to levy from time to time, a non-ad valorem assessment against each and every property in the City (i) on which there occurs or has occurred a violation of this article, (ii) where the City undertakes or has undertaken action pursuant to this Ordinance to abate and/or remedy the violation and, thereby, incurs or has incurred costs, and (iii) where the property owner of the property fails or refuses or has failed or refused, for whatever reason, to pay timely the amount owed to the City under this Ordinance for the costs incurred by the City in carrying out such abatement and remedy.
- C. Collection of non-ad valorem assessments. The City Commissioners elects to use the uniform method to impose and collect non-ad valorem assessments against properties on which violations of this article occur or have occurred. The non-ad valorem assessments collected pursuant to this section will be included in the combined notice for ad-valorem taxes and non-ad valorem assessments as provided in Florida Statute § 197.3635. Non-ad valorem assessments collected pursuant to this section are subject to all collection provisions in Florida Statute § 197.3632, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.
- D. Annual non-ad valorem assessment roll. Each year, the City Commissioners will approve a non-ad valorem assessment roll at a public hearing between January 1 and September 25. The non-ad valorem assessment roll will be comprised of properties that have had levies against them for non-ad valorem assessments under this Ordinance, and such assessments that have not otherwise been paid in

full prior to approval of the roll. The City Clerk is authorized and directed each year (i) to prepare the notice that must be provided as required by Florida Statute § 197.3632(4)(b), and (ii) to prepare and publish the newspaper notice required by Florida Statute § 197.3632(4)(b). The notice to be sent by first-class mail will be sent to each person owning property that will be on the non-ad valorem assessment roll and will include the following:

1. The purpose of the assessment;
2. The total amount to be levied against the parcel, which includes the actual cost incurred by the City of Wewahitchka;
3. A statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title;
4. A statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and
5. The date, time, and place of the hearing. Upon its approval by City Commissioners, the non-ad valorem assessment roll will be certified to the tax collector as required by law.

SECTION 14: Severability

If any provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance and the applications of the provisions to other persons not similarly situated shall not be affected thereby and shall remain in full force and effect.

SECTION 15: Repealer

All ordinances or parts of ordinances governing, controlling, or relating to the subjects addressed herein are repealed upon the effective date of this Ordinance.

SECTION 16: Codification in the Code of Ordinance

It is the intention of the City Commissioners and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the City of Wewahitchka Code of Ordinances and that the sections of this Ordinance may be renumbered to accomplish that intent.

SECTION 17: Effective Date

This Ordinance, if adopted the City Commissioners, shall take effect immediately and enforcement of said Ordinance shall commence on _____ 20_____.

Enacted this _____ day of _____ 20_____.

PASSED and ADOPTED in regular session by the Board of City Commissioners of Wewahitchka, Florida, on this _____ day of _____ 20_____.

ATTEST:

By: _____
City Clerk

By: _____
Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

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ARTICLE X

Adult Oriented Business and Placement

- 10.00.00 Ordinance 2007-05 City of Wewahitchka Sexually Oriented and Body
 Altering Business Ordinance (County)**
- 10.00.01 Ordinance 2007-06 Adult Arcade Amusement Centers (County)**

ARTICLE X
SEXUALLY ORIENTED AND BODY ALTERING BUSINESS
ORDINANCE
ORDINANCE NUMBER 2007-05

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ARTICLE X
ADULT ARCADE AMUSEMENT CENTERS ORDINANCE
ORDINANCE NUMBER 2007-06 (County)

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APPENDIX V-1

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APPENDIX V-2

APPENDIX V-2

ACCEPTABLE VEGETATION SPECIES

CANOPY TREES

Florida Maple	(<i>Acer floridanum</i>)
Red Maple	(<i>Acer rubrum</i>)
River Birch	(<i>Betula nigra</i>)
American Beech	(<i>Fagus grandifolia</i>)
White Ash	(<i>Fraxinus americana</i>)
Black Walnut	(<i>Juglans nigra</i>)
Yellow Poplar	(<i>Liriodendron tulipifera</i>)
Eastern Sycamore	(<i>Platanus occidentalis</i>)
Silver Wattle	(<i>Acacia decurrens dealbata</i>)
Southern Magnolia	(<i>Magnolia grandiflora</i>)
American Elm	(<i>Ulmus Americana</i>)
Slash Pine	(<i>Pinus elliotii</i>)
Spruce Pine	(<i>Pinus glabra</i>)
Longleaf Pine	(<i>Pinus palustris</i>)
Loblolly Pine	(<i>Pinus taeda</i>)
Black Locust	(<i>Robinia pseudoacacia</i>)
White Oak	(<i>Quercus alba</i>)
Sawtooth Oak	(<i>Quercus acutissima</i>)
Southern Red Oak	(<i>Quercus falcata</i>)
Laurel Oak	(<i>Quercus laurifolia</i>)
Live Oak	(<i>Quercus virginiana</i>)
Water Oak	(<i>Quercus nigra</i>)

UNDERSTORY

Eastern Redbud	(Cercis canadensis)
Flowering Dogwood	(Cornus florida)
American Hornbeam	(Carpinus caroliniana)
Pecan	(Carya illioensis)
Crape Myrtle	(Lagerstroemia indica)
Southern Wax Myrtle	(Myrica cerifera)
Common Pear	(Pyrus communis)
Cabbage Palmetto	(Sabal palmetto)
Weeping Willow	(Salix babylonica)
Florida Anise	(Illicium floridanum)
Star Magnolia	(Magnolia stellata)
Southern Red Cedar	(Juniperus silicicola)
Sand Pine	(Pinus clausa)

SHRUBS

Coralberry	(Ardisia crenata)
Common Box	(Buxus sempervirens)
Plum Yew	(Cephalotaxus harringtonia)
Southern Yew	(Podocarpus macrophylius)
Alexandrian Laurel	(Danae racemose)
American Cherry-Laurel	(Prunus caroliniana)
Winter Daphne	(Daphne odora)
Indian Hawthorn	(Raphiolepis indica)
Azalea	(Rhododendron – any variety)
Glossy Abelia	(Abelia grandiflora)
Saw Palmetto	(Serenoa repens)
Wintergreen Barberry	(Berberis julianae)
Flowering Quince	(Chaenomeles japonica)
Sweet Pepperbush	(Clethra alnifolia)
Datura	(Datura arborea)
Cape Jasmine	(Gardenis jasminoides)
Perennial Hibiscus	(Hibiscus militaris)
Winter Honeysuckle	(Lonicera fragrantissima)
Common Privet	(Ligustrum vulgare)
Oleander	(Nerium oleander)