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## **GENERAL PROVISIONS**

### **1.00.00 TITLE**

This Code shall be entitled the City of Wewahitchka "Land Development Code" and may be refer

### **1.01.00 AUTHORITY**

This Land Development Code is enacted pursuant to the requirements and authority of 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulations Act,) and the City of Wewahitchka Charter effective June 20, 1959, and the general powers in Chapter 166/125, Florida Statutes.

### **1.02.00 APPLICABILITY**

#### **1.02.01 General Applicability**

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

#### **1.02.02 Exceptions**

##### **A. Effective Development Permit**

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

1. The development activity authorized by the permit has commenced prior to the effective date of this Code or any amendment thereto, or will be commenced after the effective date of this Code but within six (6) months 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 permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

## **B. Previously Approved Development Orders**

Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved 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 is otherwise invalidated any further development on that site shall occur only in conformance with the requirements of this Code 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 of the respective local government.

### **1.03.00 GUIDE FOR USERS**

#### **1.03.01 The Integration of Land Development Regulations**

This integrated Land Development Code was enacted to replace any land development regulations that had been adopted over the years. It establishes a single set of site design criteria and development review procedures resulting in a streamlined and effective land development regulatory system.

#### **1.03.02 Definitions**

**DEVELOPMENT OR DEVELOPMENT ACTIVITY:--Includes any of the following**

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, and/or other similar activities.
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 ten or more parcels (except for minor replats in accordance with Section 2.03.00 - Procedures For Obtaining A Minor Replat).
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 Code.
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:** 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 three (3) or more dwelling units.
2. The development involves five thousand (5,000) square feet or more of non-residential floor space.
3. Any development that the City Manager designates as a major development.  
Considerations for designation as a major development may include:
  - a. The proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in questions exceeds the limits of 1 or 2 above; or
  - b. The proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardousness, or location.

All major development proposals require review by the technical Advisory Committee (TAC). The TAC may approve major development proposals classified as Level 1. TAC action on Level 1. development proposals is forwarded to the City Manager for permit issuance or denial. Major developments having significant community impacts, or those which the TAC believes should be publicly reviewed, shall be classified as a Level 2 major development and must be sent to the PDRB for review and approval. All other major development shall be classified as a Level 1 major development.

**MINOR DEVELOPMENT:** A development shall be designated as a minor development if it satisfies one or more of the following criteria:

1. The development is a residential project of up to two (2) dwelling units.
2. The development involves less than five thousand (5,000) square feet of non-residential floor space.

A minor development proposal requires review and permit approval by the City Manager; however, the City Manager may designate a minor development proposal as a major development proposal. Criteria for designation as a major development are contained in the definition of Major Development.

**PLANNING AND DEVELOPMENT REVIEW BOARD (PDRB):** This Board is composed of private citizens having comprehensive planning and/or land development knowledge. Members are appointed by the City Council as established in Article VIII: Administration and Boards. The PDRB is designated as the local planning agency and performs the functions and duties described in the Local Government Comprehensive Planning and Land Development Regulation Act of 1985. The PDRB must approve all Level 2 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 and/or County staff and may include the City Manager, Public Works Director, Planner,

Building Inspector, City Clerk, and any others deemed appropriate. The TAC reviews all major development proposals and may forward projects to the PDRB if further review is warranted.

### **103.03 Description of Development Review Process**

The development review process is that process by which the proposed development is reviewed by the respective local government, City Manager, Technical Advisory Committee (TAC), and/or the Planning and Development Review Board (PDRB) to determine whether the development complies with the requirements of the Code. The following figure provides an illustration of the development review process in flow chart form. Any development requiring amendment to the Comprehensive Plan must be reviewed by the PDRB and approved by the local governing body.

Minor development activity (by definition is a residential project of two or less dwelling units or involves less than five thousand square feet of non-residential gross floor area) requires review and permit approval by the City Manager. The City Manager may designate any development activity as a major development. Considerations for such designation may include whether the proposed development is part of a larger parcel for which additional development is anticipated to aggregate to major development status; or whether the proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardousness, or location.

Level 1 major development activity requires review and approval by the Technical Advisory Committee (TAC). The TAC action is forwarded to the City Manager for permit issuance or denial. Modifications may be required prior to permit issuance. 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 review and approval. The PDRB action is forwarded to the City Manager for permit issuance or denial.

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## **1.04.00 INTENT**

### **1.04.01 General Intent**

With regard to this Land Development Code in general, its provisions shall be construed and implemented to achieve the following intentions and purposes of the City of Wewahitchka City Council:

1. To establish the regulations, procedures and standards for review and approval of all proposed development in the 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 the City of Wewahitchka in accordance with the Comprehensive Plan.
3. To adopt a development review process that is:
  - a. Efficient, in terms of time;
  - b. Effective, in terms of addressing the natural resource and public facility implications of 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 the City of Wewahitchka.
4. To implement the respective Comprehensive Plan(s) as required by the "Local Government Comprehensive Planning and Land Development Regulation Act of 1985."
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 Code**

The provisions of this Code dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes 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 Code, the City of Wewahitchka's 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 rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;
- b. Limiting physical site access to established points of ingress and egress; and
- c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.

### **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 developments 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.

#### **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 the City of Wewahitchka eligible for participation in the National Flood Insurance Program.

#### **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 in 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 value and benefits of existing native trees and vegetation.

#### **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.

#### **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 archaeological significance.

### **1.05.00 RELATIONSHIP TO COMPREHENSIVE PLAN**

The adoption of this unified Land Development Code is intended to implement the goals, objectives, and policies of the City of Wewahitchka's 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 Code by reference:

#### **The City of Wewahitchka**

Standard Building Code  
Sanitary Code of the State of Florida  
National Board of Fire Prevention Code

#### **1.06.02 Maps**

The Future Land Use Maps for the City of Wewahitchka are hereby incorporated into this Code by reference. Additionally, U.S. Geological Survey 7.5 Minute Quadrangle Maps 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 Code by reference.

### **1.07.00 RULES OF INTERPRETATION**

**1.07.01 Generally**

In the interpretation and application of this Code, all provisions shall be liberally construed in favor of the objectives and purposes of the 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 questions arises concerning the application of regulations, performance standards, definitions development criteria, or any other provision of this Code, the City Manager or the City Manager shall be responsible for interpretation and shall look to the relevant local government adopted Comprehensive Plan for guidance. Responsibility for interpretation by the City Manager and/or the City Manager shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, council, board or official named in other sections or articles of this Code.

**1.07.03 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.

**1.07.04 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.

**1.07.05 Gender**

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

**1.07.06 Number**

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

**1.07.07 Shall, May**

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

**1.07.08 Written Or In Writing**

The term "written" or "in writing" shall be construed to include any 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 or other property line shall be construed as following such line.
3. Boundaries shown as following or approximately following section lines, 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 Code 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 Code are hereby repealed.

#### **1.09.00 ABROGATION**

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

#### **1.10.00 SEVERABILITY**

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

#### **1.11.00 EFFECTIVE DATE**