

ORDINANCE No. 2018-1188L

AN ORDINANCE FOR THE CITY OF WEWAHITCHKA, GULF COUNTY, FLORIDA, DEFINING AN AUXILIARY BUILDING, REQUIRING A CITY PERMIT FOR THE CONSTRUCTION OR PLACEMENT OF AN AUXILIARY BUILDING WITHIN THE CITY, REGULATING THE PLACEMENT OF AUXILIARY BUILDINGS WITHIN THE CITY, LIMITATION ON USE, PROVIDING FOR PENALTIES, AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the placement of Auxiliary Buildings on property within the City of Wewahitchka has proliferated, without any plan; and

Whereas, the placement of Auxiliary Buildings within the City of Wewahitchka has detracted from the esthetics of the city; and

Whereas, some Auxiliary Buildings are not used for the purpose for which they were constructed; and

Whereas, Auxiliary Buildings are not built to the standards of The Florida Building Code for the purpose of human habitation;

Now therefore, be it enacted by the City Commission of the City of Wewahitchka as follows:

- 1. Definition:** An Auxiliary Building is any building, (a) which is not built to the standards of the Florida Building Code for the purpose of human habitation, (b) not approved by the U.S. Department of Housing and Urban Development for human habitation, or (c) which has not been approved for human occupancy by a Certificate of Occupancy issued by the City Building Official,
- 2. Placement within the City:** An Auxiliary Building may not be erected on site or placed, if not site built, on any property within the City limits unless a permit is obtained from the City.
 - A.** No permit may be issued unless the person seeking to build or place such Auxiliary Building obtains an approved site plan from the City.
 - B.** No site plan shall be approved by the City unless:
 - 1.** The placement of the Auxiliary Building meets all set back requirements;
 - 2.** Type of material to be used in construction must be listed, exterior plywood, T-111, vinyl siding, brick, block, and fiber cement siding are allowed for exterior materials use. Other exterior material may be approved at the discretion of the Building Official. Any material not having a finished surface must be painted.
 - 3.** No Auxiliary Building may be placed in the front yard of, except where there is not a back, or a side yard, or access to same.
 - 4.** The Auxiliary Building must comply with all building code requirements.
 - C.** With exception of Red Bull Island, identified as being land east of the west bridge on Canning Drive, no Auxiliary Building shall be built or placed on any vacant lot in the City.

3. Limitation on use:

- A. No Auxiliary Building may be used for human habitation or as a dwelling place, without first obtaining a Certificate of Occupancy from the City Building Department.
- B. No Auxiliary Building may be modified to allow for human habitation or as a dwelling place without a set of plans approved and certified by an architect or engineer that will bring the Auxiliary Building to the requirements of the Florida Building Code for human habitation.

4. Penalties:

- A. Non-compliance with the provisions of the Ordinance is a continuing offense and, as such, a separate penalty may be imposed for each day of non-compliance.
- B. A civil fine of \$50 per day of non-compliance may be imposed for each violation of paragraph 2, or paragraphs 3.
- C. In addition to being a civil violation, a violation of paragraph 2 or paragraph 3a is a 2nd degree misdemeanor and punishable by a fine of \$500 and/or 60 days in jail.

5. **Enforcement:** This Ordinance may be enforced by any means authorized by law to enforce code violations.

6. **Effective Date:** This Ordinance is effective upon passage by the City Commissioners.

ADOPTED this 29th day of May 2018 at 6:40 pm Central Time.

**GULF COUNTY, FLORIDA
CITY OF WEMAHITCHKA**

By: _____
Phillip Gaskin, Mayor

Attest: _____
Connie Parrish, City Clerk

Jimmy C. Nunnery, Commissioner

Ralph Fisher, Mayor Pro-Tem/
Commissioner

Robert C. Pettis, Jr., Commissioner

John S. Paul, Commissioner

(SEAL)