

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: October 19, 2015

Date Submitted: October 13, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Somerset Strickland, Director, Planning and Community Development

Subject: Request Board Approval to Conduct the Public Hearing and Adopt Amendments to Section 2-4, Definitions and Chapter 7 of the Land Development Code Pertaining to Subdivision Regulations

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### **Statement of Issue:**

This agenda item requests Board approval to conduct the public hearing and adopt Amendments to Section 2-4, Definitions and Chapter 7 of the Land Development Code Pertaining to Subdivision Regulations.

### **Background:**

Chapter 7 of the Wakulla County Land Development Code was originally adopted in 1985 and very few amendments have been made since that time. Throughout this past year, staff has taken a comprehensive look at the requirements contained within Chapter 7 and prepared proposed amendments based on identified deficiencies, inconsistencies and internal policies utilized by staff during the course of reviewing proposed divisions of land within the County.

Additionally, on March 23, 2015, the Board directed staff to amend the Code to allow for replats that decrease density and solely for the purpose of adjusting boundary lines to be approved administratively in lieu of seeking Board approval.

On April 6, 2015, the Board directed staff to amend the subdivision regulations to prohibit the use of letters of credit for the purpose of bonding; and only allow bonding of incomplete improvements which are not considered to be primary infrastructure.

On October 12, 2015, the Planning Commission considered the amendments and voted unanimously to recommend approval of the proposed amendment.

### **Analysis:**

The proposed ordinance amends Section 2-4, Definitions, of the Land Development Code. Most of these definitions currently exist within the Code; however are being relocated from Chapter 7 to Chapter 2 as provided. "Minor Lot Split" is a newly defined term required to implement the proposed revisions to Chapter 7.

Chapter 7 of the Land Development Code will be repealed and replaced in its entirety. The proposed ordinance, in general, provides much of the same requirements as currently provided for under the existing ordinance. Notable revisions include the following:

### **Minor Lot Splits**

- Provides standards for the division of lands into less than 3 parcels.
- Currently, no standards exist in the Code for such divisions. Planning Department staff has historically utilized a process referred to as a “Subdivision Determination Letter” (SDL) for the approval and tracking of these types of land divisions.
- The proposed ordinance formalizes this process and provides for standards of approval, contents of the application and recording of the approval.

### **Review of Development Plans**

- Provides standards for which development plans for infrastructure improvements, as they relate to a newly proposed subdivisions, are created and reviewed.
- Provides that development plans are to be submitted to Public Works for approval following approval of a preliminary plat, along with a review and inspection fee set by resolution of the Board.

### **Certification of Completion of Improvements and Filing of Bond**

- Requires a certificate of completion of all required infrastructure improvements prior to the recording of a final plat.
- Provides that a developer may offer a certificate of partial completion certifying that all required utility and roadway infrastructure is complete and allows for the acceptance of a performance bond in the amount of 125% of the cost to complete the following: final lift of asphalt and non-primary infrastructure, including sidewalks, parks and other amenities. To be eligible for bonding these improvements, all primary infrastructure must be complete, including roadway (except the final lift of asphalt), water sewer, utility and stormwater infrastructure. Executing a performance bond will also require a developer’s agreement.
- Types of sureties that will be accepted for the purpose of bonding improvements will include: cashier’s check, certified check, interest bearing certificate of deposit and/or a surety bond written by an insurance company or surety company licensed to do business in the State of Florida, having a AAAA (4A) or better rating.
- Prohibits the use of Letters of Credit.

**Review and Platting Procedures for Final Plats, Short Form Subdivision, Replats and Family Homestead Subdivisions.**

- Planning Commission reviews all final plats and replats **not** solely for the purpose of boundary adjustments.
- The Board of County Commissioners will review final plats, short form subdivision plats, replats, family homestead subdivision plats and replat for the sole purpose of boundary adjustments.

It is important to note that the Florida Statutes requires the Board of County Commissioners to approve all plats prior to recording. In an effort to accommodate direction by the Board and alleviate the processing time for the citizens presenting these and similar applications, staff drafted the proposed ordinance to specifically require that replats for the sole purpose of adjusting boundary lines and family homestead subdivisions following the same reviewing procedure as short form subdivisions currently adhere to under the existing provisions of the Code.

**Standards for Sidewalks**

- Within the Crawfordville Area District, sidewalks are required in accordance with Section 5-62(9).
- Outside of the Crawfordville Area District, sidewalks are required on at least one side of the street where the average lot size is less than one acre in size.
- Standards provide for the minimum width and maintenance of the sidewalks.

**Completion of Development and Maintenance**

- Provides for final inspection of the approved development and execution of a maintenance agreement, along with a maintenance bond.
- Following successful completion of the construction and maintenance periods, the Board of County Commissioners may consider acceptance of publically dedicated improvements.

**Construction of Model Homes**

- Provides for permits to be issued for up to 3 model homes within a new subdivision, provided that all required infrastructure needed to serve such model home is in place prior to issuance of the permit.

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The advertisement for this public hearing appeared in The Wakulla News on July 23, 2015 (Attachment 1).

**Budgetary Impact:**

If the Board approves the proposed ordinance, the County will incur the cost to file the Ordinance with Muni-Code of \$19.50 per page for a total of \$312.00.

**Options:**

1. Conduct the final Public Hearing and adopt the proposed amendments to Section 2-4 and Chapter 7 of the Land Development Code.
2. Conduct the final Public Hearing and do not adopt the proposed amendments to Section 2-4 and Chapter 7 of the Land Development Code.
3. Board Direction.

**Recommendation:**

Option #1

**Attachment(s):**

1. Advertisement
2. Proposed Ordinance

# NOTICE OF PUBLIC HEARING

ATTACHMENT # 1  
PAGE 1 OF 1

The Wakulla County Planning Commission and Board of County Commissioners proposes to consider the following ordinance. Public Hearings are scheduled regarding the following before the **Wakulla County Planning Commission on Monday, October 12, 2015, beginning at 7:00 PM, unless otherwise noted below or as time permits** and before the **Wakulla County Board of County Commissioners on Monday, October 19, 2015, beginning at 5:00 PM, unless otherwise noted below or as time permits.** All public hearings are held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. Interested parties are invited to attend and present testimony.

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, PERTAINING TO SUBDIVISION REGULATIONS; AMENDING SECTION 2-4 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE, RELATING TO DEFINITION OF TERMS; REPEALING AND REPLACING CHAPTER 7 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE, IN ITS ENTIRETY; PROVIDING REGULATIONS AND STANDARDS FOR THE SUBDIVISION OF LAND; ESTABLISHING APPLICATION REQUIREMENTS FOR MINOR LOT SPLITS, PRELIMINARY PLATS, FINAL PLATS, REPLATS AND SHORT FORM SUBDIVISION PLATS; PROVIDING FOR STANDARDS OF APPROVAL; CREATING STANDARDS FOR REVIEW OF DEVELOPMENT PLANS; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR FAMILY HOMESTEAD EXEMPTIONS; ESTABLISHING DESIGN AND CONSTRUCTION STANDARDS FOR STREETS, BLOCKS AND LOTS, SEWER AND WATER SYSTEMS, FLOOD AREAS, PUBLIC USES AND UTILITIES; CREATING STANDARDS FOR SIDEWALKS; CREATING STANDARDS FOR COMPLETION OF DEVELOPMENT AND MAINTENANCE; CREATING PROVISION FOR MODEL HOMES; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.**

Copies of applications, draft ordinances, and any related public record files may be viewed at the County Planning Department located at 11 Bream Fountain Road, Crawfordville, FL 32327, 8 AM to 4:30 PM M/F; Phone (850) 926-3695. Any person desiring to appeal a decision of a County Board must ensure a verbatim transcript or copy is made of the testimony and exhibits presented at said hearings. Persons with a disability needing a special accommodation should contact the Wakulla County Board of County Commissioners Administration Office at least two (2) days prior to the meeting at (850) 926-0919; Hearing and Voice Impaired at 1-800-955-8771; or email at [ADARrequest@mywakulla.com](mailto:ADARrequest@mywakulla.com) October 1, 2015

WAKULLA COUNTY ORDINANCE 2015-\_\_\_\_\_

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, PERTAINING TO SUBDIVISION REGULATIONS; AMENDING SECTION 2-4 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE, RELATING TO DEFINITION OF TERMS; REPEALING AND REPLACING CHAPTER 7 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE, IN ITS ENTIRETY; PROVIDING REGULATIONS AND STANDARDS FOR THE SUBDIVISION OF LAND; ESTABLISHING APPLICATION REQUIREMENTS FOR MINOR LOT SPLITS, PRELIMINARY PLATS, FINAL PLATS, REPLATS AND SHORT FORM SUBDIVISION PLATS; PROVIDING FOR STANDARDS OF APPROVAL; CREATING STANDARDS FOR REVIEW OF DEVELOPMENT PLANS; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR FAMILY HOMESTEAD EXEMPTIONS; ESTABLISHING DESIGN AND CONSTRUCTION STANDARDS FOR STREETS, BLOCKS AND LOTS, SEWER AND WATER SYSTEMS, FLOOD AREAS, PUBLIC USES AND UTILITIES; CREATING STANDARDS FOR SIDEWALKS; CREATING STANDARDS FOR COMPLETION OF DEVELOPMENT AND MAINTENANCE; CREATING PROVISION FOR MODEL HOMES; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Wakulla County wishes to regulate the subdivision of land within the unincorporated areas of Wakulla County, Florida; and

**WHEREAS**, it is the intent that the provisions of these subdivision regulations be consistent with Chapter 177, Florida Statutes, regulating the subdivision of land; and

**WHEREAS**, the County finds it necessary to provide standards and procedures to regulate the subdivision of land into less than three lots or parcels, not meeting the requirements of the platting standards; and

**WHEREAS**, the County finds that the regulation of design standards for subdivision construction to be in the best interest of the citizens of Wakulla County, adds to the protection of the character of the community, promotes sound development for the health, safety, welfare and property values of the community at large.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:**

**ARTICLE 1. INCORPORATION OF RECITALS.** The above recitals are hereby incorporated herein and made a part of this Ordinance.

**ARTICLE 2. AMENDMENT OF SECTION 2-4 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE.** The Board of County Commissioners (the "Board") hereby **add or** amends Section 2-4, of the Wakulla County Land Development Code, pertaining to definition of terms, as follows. Words that are ~~stricken-out~~ are deletions; words that are underlined are additions:

**Sec. 2-4. Definition of terms.**

\* \* \*

*Bond:* A form of security, including cash deposits, ~~instrument of credit~~, collateral bonds, surety, or property, and excluding letters of credit, in an amount and form satisfactory to and approved by the county commission; used for the following:

- (a) Maintenance bond: Upon issuance of a certificate of completion or when required improvements are installed prior to recording a plat, surety must be posted in the amount of 25 percent of the professional engineer's estimate of the cost of improvements. The condition of this obligation is that the local government will be protected against any defect caused by faulty materials or workmanship in these improvements for a period of two years.
- (b) Performance bond: When required improvements are installed after recording a plat, surety must be posted in the amount of 125 percent of the engineer's ~~or building and zoning official's~~ estimate of completion costs, including landfill, to ensure completion.

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*Building ~~and zoning~~ official:* The Wakulla County building ~~and zoning~~ official or his designated agent or employee. (~~See: Zoning official.~~)

\* \* \*

*Family homestead:* A parcel of two acres or larger used by the current owner as a homestead, a portion of which the owner seeks to convey to an immediate family member for use of that family member solely as a homestead, as an exception to the density provisions contained in the Wakulla County Comprehensive Plan and chapter 5 of this Code. Such divisions shall be subject to the standards of section 7-29 of this Code. For parcels smaller than 20 acres but no smaller than two acres, the parcel to be divided must have been owned by the owner as of November 30, 1995, or must have been inherited upon intestate death or passed through testate succession from an immediate family member who owned the property as of November 30, 1995.

\* \* \*

Immediate family member: A grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild.

\* \* \*

Minor Lot Split: An approval granted by the Planning official for the division of land not contained within a recorded subdivision plat, into less than three parcels or for the purpose of boundary line adjustments outside of a recorded subdivision plat, consistent with zoning and land use designations.

\* \* \*

Planning department: The Wakulla County Office of Planning and Community Development Department Grants Coordination.

\* \* \*

Planning official: The county planning and ~~grants coordinator~~ community development director. In addition to the duties described in this Code, the planning official shall act as head of the planning department, and shall be responsible for the coordination of all efforts to obtain grants for the county as well as the implementation of the weatherization program in the county.

\* \* \*

Subdivision: The division of a lot, tract, or parcel of land into three or more lots, plats, sites, or other divisions of land any one of which is less than ten acres in area, except when the division results from an inheritance of a deed of gift, the term includes any resubdivision of land and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The term is intended to include a subdivision of land regardless of the form taken by the subdivision. The term includes any plan for development of more than four residential or other dwelling units on any lots, tract or tracts, parcel or parcels of land regardless of size. In addition, the term includes condominiums, planned unit developments, mobile home parks, campgrounds, vehicle recreation parks, or any similar use. The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land; and may include establishment of new streets and alleys, additions and resubdivisions; and, when appropriate to the context relates to the process of subdividing or to the lands or area subdivided.

\* \* \*



*Zoning department:* The Wakulla County Building Planning and Zoning Department. Where reference in this Code is made to the ~~building planning~~ department, the building and zoning department or the zoning department, such reference shall mean the Wakulla County Building Planning and Community Development and/or the Planning and Zoning Department.

\* \* \*

*Zoning official:* The Wakulla County Building Planning official or their designated employee(s) and zoning official. Where reference in this Code is made to the ~~building planning~~ official, the ~~building and zoning official~~ or the zoning official, such reference shall mean the county building and zoning planning official, who is appointed by the county commission to enforce this Code and all other land development regulations and to supervise the county building planning and zoning department, or the agent or representative of said official.

\* \* \*

**ARTICLE 3. REPEAL AND REPLACEMENT OF CHAPTER 7 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE.** The Board of County Commissioners (the "Board") hereby repeals Chapter 7, of the Wakulla County Land Development Code, pertaining to subdivision regulations and replaces it in its entirety as follows.

**Sec. 7-1. Purpose and authority.**

The purpose of these regulations is to promote and protect the public health, safety, comfort, economy, order, appearance, convenience, morals and general welfare, which requires the progressive, harmonious, and orderly development of land within the unincorporated areas of the county. The county commission is authorized by F.S. chs. 125, 163 and 177 to adopt and enforce these regulations in furtherance of this general purpose.

**Sec. 7-2. Intent.**

These regulations for the subdivision of land are intended to:

- (1) Aid in the coordination of land development in the unincorporated areas of the county in accordance with orderly physical patterns and the land development code and comprehensive plan.
- (2) Maintain and protect the local economy and natural resources.
- (3) Discourage haphazard, premature, uneconomic or scattered development.
- (4) Ensure safe and convenient traffic control.
- (5) Encourage development and maintenance of economically stable and healthful communities.
- (6) Ensure adequate utilities.

- (7) Prevent periodic and seasonal flooding by providing protective flood control and drainage facilities.
- (8) Provide open space for recreation.
- (9) Ensure land subdivision takes place with installation of adequate and necessary physical improvements.
- (10) Ensure that the citizens and taxpayers of the county will not have to bear the costs resulting from haphazard subdivision and the lack of authority to require installation by the developer of adequate and necessary physical improvements.
- (11) Assure the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.

**Sec. 7-3. Citation of regulations.**

This portion of the Code shall be known, referred to and cited as the "Wakulla County Land Subdivision Regulations."

**Sec. 7-4. Adoption.**

Under the authority of F.S. chs. 125, 163 and 177 these regulations have been duly adopted as part of this Land Development Code, and shall become effective in the manner governing the effective date of the Code.

**Sec. 7-5. Jurisdiction.**

The area subject to these regulations shall be all unincorporated areas of the county, and any other areas provided for by law.

**Sec. 7-6. General rules of interpretation.**

The following rules of interpretation apply to these regulations:

- (1) Except as otherwise provided for herein, all words shall have their customary dictionary meaning.
- (2) The present tense shall include the future tense.
- (3) A singular number includes the plural and a plural number includes the singular.
- (4) The word "person" includes any firm, corporation, association, organization, partnership, trust or other legal entity.
- (5) The masculine form of a word includes the feminine.
- (6) The word "building" includes the word "structure."
- (7) The word "shall" is mandatory and the word "may" is permissive.

**Sec. 7-7 Minor Lot Splits for divisions of land creating less than three parcels.**

- (1) The following shall qualify for review as a Minor Lot Split:

- (a) The division of a parcel of land, not contained within a recorded subdivision plat, with legal access from an existing public or private road and consistent with the property's zoning and land use designation, into not more than two (2) parcels.
- (b) Adjustments to the existing boundaries of parcels not located within a recorded subdivision plat, consistent with the property's zoning and land use designation, without creation of any new parcel of land.

(2) Limitations:

- (a) A Minor Lot Split shall not require the creation of a new street, however, may allow the creation of a private driveway easement containing a minimum width of 30 feet, unless otherwise approved by the Planning Director based on environmental, legal or physical constraints which may exist. In no case shall the easement be less than 20 feet in width.
- (b) A Minor Lot Split shall not be used where extension of public utilities would be required by the County, however, may be approved if the extension of necessary utilities are completed at the expense of the applicant and in accordance with minimum county standards.
- (c) A Minor Lot Split may not be used when any portion of the subject property has been previously involved in any subdivision pursuant to this section.

(3) Application: The applicant shall make application on appropriate forms provided by the Planning and Community Development Department, for the review of a Minor Lot Split. A complete application shall include the following:

- a. The current deed and legal description for the property proposed to be split;
- b. Boundary survey and legal description of the existing parent parcel which is signed and sealed by a professional surveyor licensed in the State of Florida;
- c. Boundary survey and legal description of the proposed parcels which is signed and sealed by a professional surveyor licensed in the State of Florida;
- d. The location of all existing structures and associated infrastructure present on-site, including: driveways, accessory buildings, septic tanks and associated drainfields, wells, parking area(s) and other manmade features;
- e. Location of any wetlands and/or karst features;
- f. Date of preparation;
- g. Total acreage of the parcel to be split and acreage for the newly created parcels;
- h. All easements on the property to be split, with corresponding official record book and page numbers;
- i. Each abutting street;

- j. A statement on the face of the plan stating that any further division of the lot shall be subject to the platting requirements pursuant to Chapter 7 of the Wakulla County Land Development Code and Chapter 177 of the Florida Statutes;
- k. Scale of plan, both written and graphic; and
- l. A complete application form.

(3) Procedure:

(a) Application: The applicant shall submit the required application and materials, in triplicate to the Planning and Community Development Department.

(b) Determination of Completeness:

1. Within ten (10) working days after the receipt of the application for a Minor Lot Split, the Planning official or designee shall determine whether the application contains all required information at the required level of detail and shall advise the applicant of all areas of deficiency. This notification shall specify the additional information and level of detail required in order to meet the requirements of this section.
2. In the event that an applicant fails to submit the required additional information within fifteen (15) calendar days of the date of the notice of deficiency, the Planning official may consider the application to be withdrawn.
3. Upon determination of completeness, the Planning official shall approve, approve with conditions or deny the application within ten (10) working days of receipt of a complete application and shall notify the applicant.
4. Approval of a Minor Lot Split shall be dependent upon a finding by the Planning Official that the application satisfies the following criteria:
  - (a) The application is consistent with the Comprehensive Plan;
  - (b) The application complies with all applicable provisions of the Land Development Code, including zoning, except when the application intends to correct the deficiencies in previously improperly subdivided lands; and,
  - (c) The requirements of this chapter and other applicable regulations and ordinances have been met.

(c) In those instances wherein the application substantially meets these three criteria but, in the determination of reviewing entity, does not completely satisfy these criteria, the entity may approve the application subject to the condition that all deficiencies are corrected; whereupon the applicant shall

thereafter be required to provide documentation demonstrating complete satisfaction with these criteria. No permits for development activity for properties included in such applications shall be issued by the county unless and until the application has been determined to demonstrate complete satisfaction with these criteria.

- (4) Materials required for recording: Upon approval of a Minor Lot Split, the applicant shall provide to the Planning and Community Development Department the following for recording:
- (a) One original eight and one-half by 14-inch copy of the signed and sealed survey, which depicts the approved division and any required revisions which have been made during the course of review;
  - (b) A metes and bounds description of each lot in the approved Minor Lot Split;
  - (c) The required recording fee.
- (5) Recording subsequent to approval: All Minor Lot Splits approved under this section shall be recorded with the Clerk of Court of Wakulla County by the Planning and Community Development Department upon submittal of the approved plan and recording fee by the applicant. If the applicant fails to submit both the approved plan and recording fees within 60 calendar days following the final plan approval, said approval shall be deemed to have been revoked and expired.

**Secs. 7-8, 7-9. Reserved.**

**Sec. 7-10. Planning department to administer chapter.**

The planning department and planning official are designated as the administering office and officer, respectively, for all subdivision applications and coordination, and for the enforcement of these regulations, except that the building official shall whenever possible render assistance to the planning department and the planning commission in the enforcement of this chapter.

**Sec. 7-11. Subdivision application and approval required.**

No person shall subdivide land within the county unless and until an application for such subdivision has been submitted and approved in accordance with the provisions in this chapter. Violation of this section shall be punished as provided in section 7-28 of this chapter.

**Sec. 7-12. Standards for approval of subdivisions generally.**

- (1) Conformity with comprehensive plan. All proposed subdivisions in the county shall conform to the Wakulla County comprehensive plan, as it is amended from time to time.
- (2) Consistent with chapter intent and regulations. No proposed preliminary plat shall be approved which is inconsistent with either the intent of this chapter, expressed in section 7-2, or the other provisions in this chapter, including the design and construction standards contained in article III of this chapter.

**Sec. 7-13. Preapplication conference.**

Any owner or owner's agent of land in the unincorporated area of the county who is contemplating subdividing the land for any lawful purpose may request an informal preapplication conference with the planning official on behalf of the planning commission. At such conference the owner or owner agent may present tentative proposals with a view toward learning what would be required to properly evaluate the proposal within the limits of these regulations. No fee or formal application shall be required for this conference, and no binding determination of the acceptability of the proposal shall be made.

**Sec. 7-14. Application for approval of plan and preliminary plat.**

- (1) Place of filing; fee. Any person intending to subdivide land within the county shall submit to the planning official an application for approval of a preliminary plat for such land on a form to be provided by that department, accompanied by information and drawings prepared in accordance with section 7-15 and an application fee for advertising and other administrative costs in an amount set by resolution of the board of commissioners.
- (2) Conditions on acceptance; complete application required. No application shall be processed which does not contain the drawings and information listed in section 7-15.
- (3) Number of copies. Three sets of the items listed in section 7-15 shall be submitted at the time of application, in addition to at least one digital copy.

**Sec. 7-15. Contents of a preliminary plat.**

- (1) Complete application required. A complete application for a preliminary plat shall include the following information:
  - (a) In general. In order to ensure compliance with this chapter and the Code, and to avoid wherever possible additional expenses imposed on an applicant in connection with required subsequent revisions to a proposed plat, the applicant shall submit a preliminary plat for the property to be subdivided showing in textual and graphic form, at a scale not smaller than one inch equals 100 feet, the information and drawings listed in this section.
  - (b) Name. The subdivision name, the name and address of the owners, and the designer of the plat.
  - (c) Date, scale and acreage. Date of preparation of the preliminary plat, north point, graphic scale and total acreage of the site to be subdivided, and the acreage of each plot and other area within the subdivision.
  - (d) Existing. The location of existing property lines, roads and streets, buildings, watercourses or bodies, wetlands, karst features, railroads, sewers, bridges, culverts, drainpipes, water mains and any public utility easements, both on the land to be subdivided and on the immediately

adjoining land, and the proposed phases of development. The width of all roads, streets, and easements shall be noted by reference to the numerical width followed by word "wide."

- (e) Adjacent lands. The names of adjacent subdivisions of record of contiguous parcels of land as they appear in the current tax records of the county.
- (f) Proposed street and building lines. The name, location, width, composition and other dimensions of proposed streets, alleys, easements, lot lines, building and setback lines, fire lanes, bridges and rights-of-way. The width of all roads, streets, and easements shall be noted by reference to the numerical width followed by word "wide."
- (g) Topography. Topography of the parcel or parcels to be subdivided, showing contour lines at one-foot intervals. The most recent LiDAR data available through the Wakulla County Property Appraiser's office may be utilized.
- (h) Utilities. Conceptual layout of proposed utility plan (sewer, water, electricity and gas)
- (i) Land use. The zoning and land use designation for the site, as well as the proposed use or uses, number of commercial or residential units which the subdivision is designed for and density.
- (j) Soil and vegetation map. General soil and vegetation maps with tables of interpretation, and vegetation key and index.
- (k) Flood areas. Flood hazard designations assigned to the property by the federal emergency management agency or other applicable federal authority.
- (l) Reserved areas. Map showing lands to be reserved or dedicated for public uses, including schools, parks, open spaces, roads and utilities.
- (m) Additional items. Copies of all deed restrictions, property owners association documents and plans for enforcement of same, and such additional information as is required in other parts of this Code or as is necessary for the planning commission to properly implement this chapter and other parts of this Code.
- (n) Written approval from the E911 coordinator of all newly proposed street names for any proposed public or private street in accordance with Section 25.035 of the Code of Ordinances.
- (o) Vicinity map showing relationship of site to surrounding streets at a scale of not less than one inch equals 2,000 feet.
- (p) Documentation showing the record owners of all lands and all mortgages on the property to be included within the preliminary plat. An opinion of title or a certification by an abstractor is not required at this stage and the County will accept an ownership and encumbrance report or other similar documentation.
- (q) All preliminary plat drawings shall be on trim line sheet size 24 inches by 36 inches. A one-inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided.

**Sec. 7-16. Placement on planning commission agenda.**

The Planning official shall place the application on the agenda for the next practicable monthly meeting of the planning commission, following technical review and completion of the application file.

**Sec. 7-17. Transmission to other agencies.**

The planning official shall also promptly forward a copy of all or a portion of the application materials to all appropriate county or municipal departments for technical review and recommendation.

**Sec. 7-18. Planning commission review and action.**

- (1) *In general.* The planning commission shall review the preliminary plat for compliance with this chapter and the Code at the public hearing set for the application. If the plat contains the materials required to be submitted and meets the substantive regulations in this chapter and the rest of the Code, the preliminary plat may be approved.
- (2) *Planning commission action.* The planning commission may approve, approve with conditions or disapprove the application for acceptance of the preliminary plat.
- (3) *Conditional approval.* If the application for the plat is approved subject to conditions to be fulfilled by the applicant, such approval shall not become effective until such time as the applicant has submitted an amended plat reflecting the fulfillment of said conditions, and the planning commission has approved the amended plat at a public hearing with due public notice.
- (4) *Written reasons for disapproval.* If the application for preliminary approval is denied, the planning commission shall state its reasons for doing so on the record and written notice containing such reasons shall be provided to the applicant.
- (5) *Commencement of Construction.* Prior to the commencement of any infrastructure related to or associated with any approved preliminary plat, the applicant must first obtain all required federal, state, and local permits, including a Development Permit Application.

**Sec. 7-19. Effect of approval of preliminary plat.**

- (1) *Approval.* The approval of the preliminary plat by the planning commission or by the county commission on appeal shall not be deemed final acceptance of the plat for recording, but rather an expression of approval of the layout of the proposed subdivision as submitted on the preliminary plat. One copy of the preliminary plat approved by the planning commission or county commission on appeal shall be retained in the planning department files.



- (2) Minor revisions of preliminary plat. Minor extensions, alterations, or modifications of the approved preliminary plat may be permitted after review and approval by the Planning official, provided they are substantially consistent with the purposes and intent of the approved preliminary plat, do not affect the overall character of the approved preliminary plat and do not increase density or intensity, decrease open space or change the alignment, location, direction or length of local streets.
- (3) Substantial revisions of preliminary plat. Substantial changes in the approved preliminary plat may be permitted following the filing of a new application for preliminary plat, pursuant to Section 7-15 of this Code, with the Planning and Community Development Department along with additional materials demonstrating the effect of the changes on each element within the original preliminary plat. Following the consideration of technical review and the Planning Department determining consistency with applicable sections of the Code and Comprehensive Plan and the completion of the file, the Planning official will publish due public notice of the application in accordance with section 3-2 of this Code and place it on the agenda for the next practicable monthly meeting of the planning commission. Substantial revisions include, but are not limited to, any increases in density or intensity, any decreases in open space and changes in alignment, location, direction or length of local streets.

#### **Sec. 7-20. Review of Development Plans.**

It is the intent that the development plan reflect compliance with standards and procedures for installation and maintenance of required improvements so that services and facilities are provided in such a manner as to insure health and safety of the public. These requirements are intended to provide that all improvements are installed in a timely and efficient manner and that, where improvements will be retained in private ownership, the improvements will be maintained permanently.

- 1) All plans for the construction of roads, utilities and all other infrastructure as required by this Code, shall be reviewed and approved by the Public Works Department following the approval of a preliminary plat. At a minimum, development plans shall be submitted in triplicate and contain the following information:
  - a) Name, address and telephone number of the property owner(s).
  - b) Name, address and telephone number of all individuals responsible for preparation of the drawings. All drawings must contain the original signature and seal of the project engineer and project surveyor licensed in the state.
  - c) The cover page shall include: the name of the subdivision, the approval date of the preliminary plat, a vicinity map and a statement certifying that the development plan meets or exceeds the minimum requirements of the Wakulla County Code.
  - d) The development plan shall be drawn at the same scale on the same sheet size as the approved preliminary plat.
  - e) Each sheet of the development plan shall contain a title block showing the subdivision name, stated and graphic scale, a north arrow, date, legend and number of sheets.
  - f) Details shall be shown in plan elevation or section. Pictorial or isometric presentations shall not be used.

- g) A drainage map showing the complete drainage system including, but not limited to: closed drainage areas, design high water, acreage, the effect on and compatibility with drainage or surface waters, the effect on adjacent lands and existing outfall systems, and the complete calculations used to design the system. This information shall be shown on a master drainage plan at a scale not smaller than one inch equals 100 feet. It is the specific intent of this requirement that rights-of-way for all drainage improvements for both on-site and off-site improvements shall be provided including, but not limited to: retention ponds, ditches, culverts, channels and the like required for drainage of the site.
- h) Soil map and soil infiltration test location and results of test borings and subsurface conditions (at least one per drainage retention/detention area) of the tract to be developed.
- i) Paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved and open areas including size, location and type of drainage facilities and proposed first floor elevations of all lots created within the plat.
- j) Water distribution and wastewater collection plans and proposed profiles.
- k) Typical and special roadway drainage sections, and a summary of quantities to include a driveway apron and culvert schedule with typical sections.
- l) Construction details showing compliance with construction and design standards.
- m) Profile sheet showing special or unique situations such as intersections or waterways.
- n) Plans showing existing and proposed improvements, if any, to waterways, lakes, streams, channels or ditches, bridges, culverts, seawalls, bulkheads, docks, retaining walls, and any other proposed structure.
- o) If street lighting is proposed, plans shall bear approval of the appropriate utility authority.
- 2) Upon approval of a preliminary plat, the developer shall submit proposed development plans to the Public Works Department for review. Review shall be complete within 30 days of the submittal of such development plans. The developer will be notified in writing of any deficiencies the development plans may contain. Upon receipt of a complete and satisfactory development plan and receipt of the review and inspection fee, set by resolution of the Board of County Commissioners, the Public Works Director may approve the development plan.
- 3) Upon presentation of an approval of development plans certified by Public Works, to the Planning Department, the developer will be eligible to obtain a Development Permit Application to commence construction.
- 4) Any modification or deviation of the approved development plans shall be brought to the immediate attention of the Public Works Director for approval.

**Sec. 7-21. Application for approval of final plat.**

- (1) *In general.* Any person who wishes to record a final subdivision plat in the public records of the county shall, upon the completion of all improvements contained in the approved preliminary plat or the posting of a bond as required in section 7-23, submit an application for approval of the proposed final plat in the form described below to the Planning official with an application fee for advertising and other administrative expenses in an amount set by resolution of the board of commissioners.
- (2) *Time limit for submission.* Unless the proposed final plat is submitted within 18 months of the planning commission's initial approval of the preliminary plat, such approval shall be deemed to have lapsed and a new application for preliminary

plat approval must be filed; however, extensions of time in which to submit a final plat shall normally be granted by the planning commission upon request and for good cause shown.

- (3) If the construction of the approved development plan is not complete at the time of application for final plat, a performance agreement and bond, pursuant to the requirements of this Code, will be required.

**Sec. 7-21.1. Form and contents of final plat and replat.**

- (1) Form. The final plat or replat shall be submitted in triplicate, including the original reproducible drawing drawn on Mylar or velum, and shall be at a scale of one inch equals 100 feet or greater detail. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

- (2) Contents; complete application required. To be considered complete, the final plat or replat shall be certified by a qualified Florida licensed land surveyor and include information or drawings showing the following:

- (a) Primary control points, or descriptions and ties to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (b) Tract boundary lines; right-of-way lines of streets, easements and other rights-of-way; property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles and radii, arcs, and central angles of all curves and block corners.
- (c) Location, center line, name and right-of-way width of each street or other right-of-way, including location and width of sidewalks, if any; location, width and names of all waterways, wetlands and karst features. The width of all features shall be noted by reference to the numerical width followed by word "wide."
- (d) Location, dimensions (including width) and purpose of any easements.
- (e) Number or letter to identify each separate lot, plot or site.
- (f) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (g) Minimum building setback line on all lots and other sites.
- (h) Location and description of survey monuments.
- (i) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated.
- (j) Certification by registered surveyor or registered engineer certifying to accuracy of survey and plat and certificate of title or title opinion submitted with Mylar prepared not more than 30 days prior to submittal for signatures and final recording.
- (k) Certification of title showing that applicant is the land owner.

- (l) Statement by owner dedicating streets, rights-of-way, and any sites for public use, and identification of those areas on the plat.
- (m) Subdivision name, scale, north point, legend and date; section, township and range.
- (n) Certificate of approval and signature lines for the board of county commission chairperson, planning commission chairperson, planning official, and county attorney.
- (o) Certificate for recording by the clerk of the court.
- (p) Executed dedication of all mortgagees of record, if any.
- (q) If required by the county commission, a statement of review by the Appalachian Regional Planning Council.
- (r) Vicinity map showing relationship of site to surrounding streets.
- (s) The plat shall contain a note that states all such duly recorded subdivision lots shall not be divided or resubdivided in the future without complying with the platting requirements of the Land Development Code, and the prior written approval from the homeowner's or property owner's association.
- (t) Statement by property owner regarding dedication of roadways, stormwater facilities, tracts, easements or rights-of-way being dedicated to public or private use, which corresponds to such areas identified on the plat. Homeowner or property owner associations may be created and identified prior to recordation of the plat or sale of newly created lots. In the event any roads, easements, or rights-of-way are not dedicated to the public, creation of a homeowner or property owner association shall be mandatory. Such homeowner or property owner association shall be responsible for maintenance of the roads, easements, and/or rights-of-way not dedicated to the public, and a statement establishing the maintenance responsibility of the homeowner or property owner association shall be included in the dedication. Membership in the homeowners' association shall be mandatory when an association is responsible for the ownership or maintenance of roadways, easements or tracts, common area, stormwater facilities or any other improvements not dedicated to the use of the public.
- (u) Written approval from the E911 coordinator of all newly proposed street names for any proposed public or private street in accordance with Section 25.035 of the Code of Ordinances, if such approval was not granted during the preliminary plat stage of development.
- (v) All final plats shall be on trim line sheet size 24 inches by 36 inches. A one-inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided.

(3) Other requirements. In addition to the above requirements, any additional requirements found in Chapter 177, Florida Statutes, shall be included in the plat which is

submitted for final approval to the planning commission and Board of County Commissioners.

**Sec. 7-21.2. Short form subdivision.**

- (1) Intent and purpose. It is the county's intent to provide a short form subdivision process, consistent with ch. 163, F.S., and the platting of large lot subdivisions. A large lot subdivision is the division of a large parcel of land into lots each of which contain a minimum of ten acres and where county expenditure for infrastructure to support the development is not required and for those lots approved under the family homestead provisions of this chapter.
- (2) Form. The short form subdivision submittals shall be on Mylar with three paper copies, in addition to at least one digital copy, for review and processing by the planning department. The Mylar shall be drawn at the scale acceptable to the planning department with one inch to 400 feet established as a suggested minimum scale. Where necessary, the plat may be drawn on more than one Mylar accompanied by the appropriate legend and index sheet.
- (3) Contents of a complete application. To be considered complete, a short form subdivision shall be submitted in the form of a final plat submittal and shall be certified by a registered land surveyor or a professional engineer and shall include the following information, documentation or drawings:
  - (a) Subdivision name, north arrow, scale, date, section, township, and range, legend and all information as required for subdivision plats pursuant to ch. 177, F.S.
  - (b) Tract boundary lines; right-of-way lines of streets, easements, and other rights-of-way; property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles and radii, arcs, and central angles of all curves and block corners.
  - (c) Stormwater retention or detention facilities (if any) shall be identified as tracts.
  - (d) Location, centerline, name, and right-of-way width of any street or other right-of-way; location, width, and names of all waterways, wetlands, and karst features and purpose of any easements. Ownership and maintenance responsibility shall be identified in any related documentation.
  - (e) Lots shall be numbered sequentially. Tracts may be designated as tract A, tract B, etc.
  - (f) Identify the purpose of nonresidential sites or tracts.
  - (g) Location and description of survey monuments.
  - (h) Minimum building setback line on all lots and other sites.
  - (i) Identification of adjoining recorded subdivisions or plats.
  - (j) Registered land surveyor's or professional engineer's seal on Mylar.
  - (k) Certification of title showing that applicant is the land owner.

- (l) Certification of title or title opinion submitted with Mylar prepared not more than 30 days prior to submittal for signatures and final recording.
- (m) Statement by property owner regarding dedication of roadways, stormwater facilities, tracts, easements or rights-of-way being dedicated to public or private use, which corresponds to such areas identified on the plat. Homeowner or property owner associations may be created and identified prior to recordation of the plat or sale of newly created lots. Membership in the homeowners' association shall be mandatory when an association is responsible for the ownership or maintenance of roadways, easements or tracts, common area, stormwater facilities or any other improvements not dedicated to the use of the public.
- (n) Certificate of approval and signature lines for the board of county commission chairperson, planning commission chairperson, planning official, and county attorney.
- (o) Certificate for recording of plat by clerk of the circuit court.
- (p) The plat and all deeds shall contain a note that states all such duly recorded subdivision lots shall not be divided or resubdivided in the future without complying with the platting requirements of section 7-22.1 of this Land Development Code, and approval of the planning department, including written approval from the mandatory homeowner's or property owner's association.
- (q) Vicinity map showing relationship of site to surrounding streets.
- (r) Written approval from the E911 coordinator of all newly proposed street names for any proposed public or private street in accordance with Section 25.035 of the Code of Ordinances.
- (s) All short form final plats shall be on trim line sheet size 24 inches by 36 inches. A one-inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided.

(4) *Review by county commission.* Upon receipt of a complete application, an application for short form subdivision shall be reviewed by the county commission pursuant to the provisions of section 7-23.

**Sec. 7-22. Certified completion of improvements and filing of bond.**

- (1) *In general.* The planning commission shall not approve a final plat unless and until, in addition to all other requirements for approval contained in this Code, the applicant has submitted along with the proposed final plat, one of the following certificates.
- (2) *Certificate of completion.* A certificate under penalty of perjury from an engineer licensed in the state identifying all improvements on the site and certifying that all

improvements have been installed in accordance with this chapter as shown on the approved preliminary plat and development plans and in compliance with any additional conditions of approval of the preliminary plat imposed by the planning commission.

- (3) *Certificate of partial completion and performance bond.* A certificate under penalty of perjury from an engineer licensed in the state identifying all improvements on the site and certifying that all utility and roadway improvements have been installed in accordance with this chapter as shown on the approved preliminary plat and development plans. A certificate from the clerk of court that a bond available to the county has been posted in an amount determined by the county to be sufficient to complete the other required improvements.
- (4) *Performance Bond.* A performance bond may be approved by the Board of County Commissioners for completion of the final lift of asphalt and all non-primary infrastructure, including sidewalks, parks and other amenities. The bond shall be in the amount of 125% of the cost to complete the unfinished infrastructure. To be eligible for approval to bond incomplete improvements, all primary infrastructure must be complete, including roadway, water, sewer, utility, and stormwater infrastructure as required by the approved preliminary plat and development plans and this Code. A developer must also execute a development agreement to include at least the following:
- (a) All improvements depicted on the approved preliminary plat and approved development plan shall be constructed in accordance with the standards and provisions of this Code.
  - (b) The term of the agreement which indicates that all required improvements shall be satisfactory constructed within the period stipulated. The term shall not exceed five years from the recording of the plat or 30% occupancy of the subdivision, whichever comes first.
  - (c) The cost of construction estimate prepared by an engineer licensed in the state.
  - (d) Specification of public improvements to be made and dedicated together with a timetable for making improvements.
  - (e) Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements the County shall utilize the security provided under this agreement.
  - (f) Provision of the amount and type of security provided to insure performance.
- (5) *Maintenance Bond.* Upon completion of the required infrastructure improvements, including amenities, the developer shall post surety in the amount of 25% of the cost estimate to complete the required infrastructure and amenities, prepared and certified under penalty of perjury by a professional engineer licensed in the state. A maintenance bond shall be posted for a two year period.
- (6) *Amount and type of Security.* The amount of the security shall be approved by the Director of Public Works.
- (a) Acceptable forms of security may include the following:
    - (1) Cashier's Check.
    - (2) Certified Check.
    - (3) Interest bearing certificate of deposit.

(4) Surety bond written by an insurance company or surety company licensed to do business in the State of Florida and having a AAAA (4A) or better rating as listed in the Best's Insurance Guide. Any security in excess of \$500,000 must provide a surety bond.

(b) The County will not accept a letter of credit.

**Sec. 7-23. Review and platting procedures for final plats, short form subdivisions, replats, and family homestead subdivisions.**

(1) The planning and community development department shall accept applications for final plats, short form subdivisions, replats, and family homestead subdivisions.

(2) *Planning commission.* The planning commission shall review all final plats, and replats which are not solely for the purpose of boundary adjustment in accordance with subsection (4), for compliance with this Code and, if found to be in compliance, the plat or replat shall be approved and transmitted for final review by the county commission. If the final plat or replat is disapproved, the reasons therefor shall be stated in the planning commission minutes and written notice containing such reasons shall be provided to the applicant.

(3) *County commission.* The Planning official shall promptly place the final plat, short form subdivision, replat, or family homestead subdivision on the county commission agenda for the next regular meeting. The county commission shall review all final plats, short form subdivisions, replats or family homestead subdivisions for compliance with this Code and, if found to be in compliance, the final plat, short form subdivision, replat or family homestead subdivision shall be approved. If the final plat, short form subdivision, replat, or family homestead subdivision is disapproved, the reasons therefor shall be stated in the county commission minutes and written notice containing such reasons shall be provided to the applicant.

(4) *Replats solely for purpose of boundary adjustment.* Where the sole effect of a replat is to reconfigure the boundaries of existing lots in a platted subdivision, and where such replat, in the opinion of the planning official, does not alter existing access to lots, result in the creation of new lots, cause an increase in density, or affect any area reserved for public use, a replat satisfying such criteria shall not be reviewed by the planning commission and shall proceed directly to the county commission for review. The county commission shall have final approval authority of a replat satisfying the criteria of this subsection.

**Sec. 7-24. Effect of final plat, short form subdivision, replat, or family homestead subdivision approval.**

(1) *Copies of plat.* Upon approval of the plat, the original reproducible drawings shall be returned to the subdivider and one copy retained in the files of the planning department.



- (2) Dedications. The approval of any subdivision plat by the planning commission and the board of county commissioners shall not constitute an acceptance of the dedication of any street or any other land or improvement shown upon the plat. The authority to accept such dedications for whatever purposes shall be exercised exclusively by the county commission by adoption of a resolution evidencing said acceptance in accordance with County policies. The developer shall be responsible for the maintenance of the roads during all phases of construction required prior to acceptance or upon which acceptance of the dedication by the county is contingent.
- (3) Recording. Upon approval of the final plat, short form subdivision, replat, or family homestead subdivision by the county commission, the plat may be recorded in the public records of the county as provided by law.
- (4) Amendments to recorded plats. Any change in a recorded plat, including changes that effect any street layout as shown on the plat, areas reserved or dedicated for public use or common area, or any change in the lot lines shall constitute a replat, and shall comply with the procedures set forth in this chapter, including due public notice.

**Sec. 7-25. Developments of regional impact.**

In the event a proposed subdivision is also a development of regional impact, as defined in the Florida Administrative Code, the procedures for review and approval of the plat of such subdivision shall be in accordance with F.S. § 380.06 as applied to this Code.

**Sec. 7-26. Variance.**

If strict compliance with the provisions of this chapter causes undue hardship concerning a subdivision regulated hereunder, the planning commission may recommend and the county commission may approve modification of these requirements requested by the applicant. Such variances shall apply only to a specific hardship and shall not be detrimental to the intent of this chapter and the Code.

**Sec. 7-27. Violations; penalties.**

- (1) Subdividing or recording of plats prohibited without compliance. No person shall subdivide any land before such subdivision is approved as provided in this chapter. No plat of a subdivision shall be filed or recorded by the clerk until the plat is submitted to and approved by the planning commission and the county commission and such approval has been entered in writing on the plat by the chairman of the planning commission and the county commission.
- (2) Sale or transfer of platted land without approval. No person shall sell or transfer land in a subdivision before the subdivision plat is approved and recorded as provided in this chapter. It is unlawful for any owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a subdivision plat of such land without gaining the approval of such plat as provided in this chapter, and recording such approval of the subdivision plat as required by law. If any owner or agent of an owner

unlawfully uses a subdivision plat in violation of this subsection (2) before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and shall be punished as provided by law.

- (3) Metes and bounds description no exception. The description by metes and bounds in any instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties, unless roads and other improvements on the site are planned, constructed, and dedicated in accordance with this chapter.
- (4) Misrepresentation a misdemeanor. Any owner or agent of an owner who falsely represents to a prospective purchaser or real estate agent that roads and streets, sewers, water systems, or drainage facilities will be built, constructed, or maintained by the county shall be deemed guilty of a misdemeanor and shall be punishable as provided by law.
- (5) Contract voidable. Any contract to sell land in violation of this chapter shall be voidable at the option of the purchaser and the purchaser may recover from such owner or agent of an owner any damages he may have by reason of the violation of any of these regulations. Suit for such damages may be tried in any court of competent jurisdiction.
- (6) General enforcement. Violation of this section, or of any rules or regulations of this chapter, shall be deemed a misdemeanor, punishable as provided by law.

**Sec. 7-29. Family homestead exemption.**

(1) Applicability. A family homestead exemption may be granted to the density standards of the comprehensive plan future land use map designation and to the applicable zoning district, by the planning official in accordance with the provisions of this section. Such exemption shall also apply to the minimum lot area and lot width and depth standards under the applicable zoning category. Once a family homestead exemption is granted by the planning official, the division of land may then occur in accordance with the requirements of this Code, including subdivision under chapter 7, if applicable.

(2) Application requirements. Any person intending to divide or subdivide land as a family homestead shall submit the following to the planning and community development department:

- (a) Completed application for approval on a form provided by the planning and community development department;
- (b) Application and recording fees;
- (c) Survey of the parent parcel;
- (d) Deed and legal description of the parent parcel;
- (e) Scaled drawing of the proposed division with legal description of the proposed lots and any proposed easements;

(f) An affidavit made jointly by the applicant/owner and the immediate family member(s) to whom a portion of the property is intended to be conveyed, devised, or transferred, on a form provided by the planning and community development department, and verifying the following:

(i) For parcels 20 acres or larger, the subject property;

(ii) For parcels smaller than 20 acres but no smaller than two acres, the subject property a portion of which is proposed for use as a homestead by an immediate family member, has been in fee simple ownership in its current size and configuration by the owner since at least November 30, 1995, or has been inherited upon intestate death or passed through testate succession from an immediate family member who owned the property in its current size and configuration since at least November 30, 1995; and

(iii) The intended recipient of the land is an immediate family member of the person from whom the parcel is conveyed, devised, or transferred, as defined in Policy 1.10 of the Future Land Use Element, Wakulla County Comprehensive Plan, and section 7-7 of this Code, and is legally eligible to own fee simple title to homestead property under Florida law; and

(g) The covenants and restrictions provided by subsection 4, executed by the applicant.

(3) Requirements for approval of a family homestead exemption. The planning official is granted the authority to approve, approve with conditions, or deny an application for family homestead exemption. Approval shall be based on the following requirements:

(a) The existing parcel is a legal lot of record and either:

(i) Twenty acres or larger; or

(ii) At least two acres but less than 20 acres, and owned by the owner since at least November 30, 1995, in its current size and configuration, or must have been inherited upon intestate death or passed through testate succession from an immediate family member who owned the property in its current size and configuration since at least November 30, 1995.

(b) The parcel or parcels to be created by the proposed division shall only be conveyed to an immediate family member, as defined by Policy 1.10 of the Future Land Use Element, Wakulla County Comprehensive Plan, and section 7-7 of this Code.

(c) Any person who is conveyed a parcel created by a family homestead exemption may not be conveyed any other parcels created under such an exemption.

(d) All parcels to be created by this section, including the remaining parent parcel, shall be a minimum of one-half acre of buildable area.

(e) The parcel proposed for division shall not be located in a platted subdivision.

(f) A parcel that has previously been divided or created pursuant to a family homestead exemption may not be further divided under this section except upon submittal of a new application and review fee and subject to all standards of this

section and the Wakulla County Comprehensive Plan. Properties of at least two acres but less than 20 acres which were previously divided pursuant to this section are not eligible for further division under this section.

(g) All parcels to be created by this section, including the remaining parent parcel, must have legal access to the public street system. Legal access shall include direct frontage on the public street system or a street connected to the public street system, or by recorded easement in compliance with Florida law.

(4) *Limits on transferability.*

(a) The parcel or parcels to be created by the proposed division shall be used solely as the homestead of an immediate family member of the person who conveyed the parcel to said individual for ten years from the date a certificate of occupancy is issued for the residence, and shall not be transferable before the expiration of that ten-year period;

(b) The applicant shall provide covenants and restrictions to be executed by the applicant and the planning official, on behalf of Wakulla County, which shall be recorded in the clerk of the court's records at the applicant's expense, restricting transfer and regulating the development of the property to comply with the limitations of this section. The covenants and restrictions shall be enforceable by Wakulla County. The covenants and restrictions may be amended by the board of county commissioners, as necessary, to otherwise provide for the transfer or permitting in the case of the death or institutionalization of the originally intended immediate family member.

(5) *Recording of family homestead exemption approval.*

(a) If the planning official approves or approves with conditions the application for family homestead exemption, a written approval shall be issued in the name of the applicant.

(b) The family homestead exemption approval shall be recorded in the clerk of the court's records at the applicant's expense, along with the executed covenants and restrictions required by subsection 4. For those lots that are not required to be platted, a legal description of the lots created by the family homestead exemption must also be recorded. Proof that the required documents have been recorded must be submitted with any application for a building permit on a family homestead lot prior to approval by the county.

(6) *Compliance with other requirements.*

(a) The parent parcel and all parcels created pursuant to this section shall comply with these and all other applicable comprehensive plan policies, and federal, state, and county regulations, including the requirements of this Code.

(b) Demonstration of compliance with the requirements for a family homestead exemption shall not itself constitute a basis for the granting of a variance from any other applicable provisions of this Code.

**Secs. 7-30—7-39. Reserved.**

**Sec. 7-40. Minimal standards; promulgated standards.**

The standards for subdivision improvements contained in this article shall be considered as minimal standards for all subdivisions in the county. Any standards promulgated and adopted pursuant to section 3-4 of this Code shall take precedence over any different standards contained in this article.

**Sec. 7-41. Design standards for streets.**

(1) *Relation to adjoining street system.* Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the planning official and/or road superintendent for reasons of topography or design. Where, in the opinion of the planning official and/or road superintendent, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property.

(2) *Half streets.* Half streets or half alleys along the boundary of land proposed for subdivision will not be permitted. A half street or half alley is defined as a street or alley for which insufficient easement is obtained to allow for future upgrading to the full necessary right-of-way widths.

(3) *Right of way widths.* The minimum width of proposed right of way for local streets measured from lot line to lot line shall be shown on the street plan provided by the developer. The right of way widths shall be not less than 60 feet for all rights-of-way, with the exception of those streets designed in accordance with Policy 2.1 set forth in the Transportation Element of the Comprehensive Plan. Local streets ending in cul-de-sacs may have a minimum right-of-way of 50 feet. Alleys serving business lots shall be at least 20 feet in width.

(4) *Pavement widths.* Arterial streets shall have a minimum pavement width of 12 feet for each traffic lane. Collector and local streets shall have a minimum pavement width of 20 feet. Bifurcated roads shall have a minimum pavement width of 14 feet for each traffic lane. Cul-de-sac pavement diameter will be a minimum of 80 feet.

(5) *Conformance to topographic conditions and street grades.* Streets shall be planned to conform to existing topographic conditions. The maximum vertical grade on all streets may not exceed eight percent except where, in the opinion of the road superintendent, the best subdivision is thereby secured. Street grades along the edges shall not be less than one-half of one percent.

(6) Street intersections. Insofar as practical, acute angles at intersections shall be avoided. Unaligned intersections shall be separated by a minimum of 125 feet between center lines.

(7) Curves. Where a deflection angle of more than ten degrees in alignment of a street occurs, a curve of reasonably long radius shall be introduced. On all streets, except local service streets, the center line radius of curvature shall not be less than 100 feet.

(8) Dead-end streets. Streets designed to have one end permanently closed (cul-de-sacs) shall provide at the closed end a turnaround with a minimum right-of-way radius of 100 feet, and a minimum driving surface radius of 80 feet. A cul-de-sac shall not be used unless approved by the planning official and/or road superintendent for specific reasons of topography or design.

(9) Street names. Proposed streets obviously in alignment with existing named streets shall bear the names of existing streets. In no other case shall the names of the proposed streets duplicate existing street names, regardless of any suffix used to attempt to separate the names. New road names shall be approved, in writing by the E911 coordinator in accordance with Chapter 25 of the County Code of Ordinances.

(10) Alleys. Alleys shall be provided along the rear of all lots to be used for business purposes, unless otherwise approved by the road superintendent for specific reasons of topography or design.

(11) Paved Roads. Paved road access is required for all newly constructed public or private roadways providing direct access to lots less than 10 acres in size and shall meet all standards contained within this Code and the Transportation Element of the Comprehensive Plan, with the exception of lots created under the Section 7-29 of this Code.

#### **Sec. 7-42. Construction standards for streets.**

(1) In general. Streets shall be cleared, grubbed, graded, drained, stabilized, and paved in any subdivision or subdivisions within which any one parcel is less than ten acres, with the exception of lots created under a family homestead exemption pursuant to section 7-29, to the specifications established by the road superintendent and adopted pursuant to section 3-4. These specifications shall be based upon generally accepted engineering standards set forth in section 6-21

(2) Certification of street improvements. Upon substantial completion of construction, the developer shall notify the county road superintendent in writing that the street improvements are ready for county inspection to certify that they were constructed in accordance with accepted engineering principles and county standards. Within 14 days of written notification from the developer, the county road superintendent shall inspect the

street improvements and provide the developer with a checklist of any noted deficiencies. Within ten days of the correction of all noted deficiencies as verified through a reinspection by the road superintendent, the road superintendent shall issue a written certification to the developer that the street improvements were constructed in accordance with accepted engineering principles and county standards. Certification of such street improvements does not imply acceptance for maintenance or ownership by the county.

(3) *Street signs.* Street name signs shall be installed at all street intersections. Street names as well as the design and placement of such signs shall be subject to approval by the road superintendent.

(4) *Regulatory safety signs.* All necessary regulatory safety signs (traffic signs) shall be provided by the subdivider as recommended by the road superintendent. No final plat shall be approved unless and until all street signs have been installed, inspected and approved in writing by the road superintendent in a letter to the county commission, and the developer or owner has agreed in writing to provide all additional regulatory safety signs recommended by the road superintendent. The developer of a proposed subdivision shall be responsible for the installation of all signs required on new roadway construction or reconstruction of existing facilities that are necessary for improved access to the proposed development. The developer shall be responsible for installing all pavement markings, including centerline and edge striping and stop bars on new roadway construction or reconstruction of existing facilities that are necessary for improved access to the proposed development. The final determination as to which pavement markings and signage are needed shall be by the county road and bridge department. All pavement markings shall be thermoplastic material as identified in the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD) or as described in the latest FDOT standards for road and bridge construction.

(5) *Dedication of streets to the county.* The following dedication procedures shall apply for any street improvement that will be dedicated to the county for public ownership and maintenance:

(a) Except as provided in paragraph (b) below, for street improvements within subdivisions for which a preliminary plat, or final plat is approved subsequent to the effective date of this section:

(i) Upon reaching either 50 percent buildout or four years after certification of the street improvements as provided in paragraph (2) above, whichever occurs first (collectively referred to as the "acceptance prerequisites"), but not sooner than two years after the certification of the street improvements as provided in paragraph (2) above, the developer, owner, homeowners' association, or other entity with ownership and maintenance responsibility for the street improvements of the subdivision may file a petition with the county public works department requesting that the county accept ownership and maintenance of the street improvements. For purposes of this subsection, "50 percent buildout" shall

mean that the subdivision has reached a point where at least 50 percent of all developable lots and 50 percent of all developable parcels within the subdivision have been developed with the construction of a residential or non-residential building or structure which is developed in accordance with the approved final plat. A "developable lot" or "developable parcel" is a lot or parcel of land which is not intended to remain in its natural state, but is contemplated that it will be developed to include buildings and other structures pursuant to an approved plat or subdivision plan.

(ii) The road superintendent shall review the petition, inspect the street improvements to confirm that they meet all required specifications, and shall also confirm with the Wakulla County Planning and Community Development Department that the subdivision has satisfied one of the acceptance prerequisites. If the road superintendent determines that the street improvements contain any deficiencies or do not meet the required specifications, it shall inform the applicant that the road is deficient and requires correction before proceeding with review of the petition.

(iii) Once all deficiencies have been corrected and the street improvements have been approved by the road superintendent, he or she shall make a recommendation to the board of county commissioners as to whether the street improvements should be accepted by the county for ownership and maintenance.

(iv) The board of county commissioners shall review the petition for acceptance of the street improvements and the recommendation from the road superintendent, and shall either approve or deny the petition. If the board approves acceptance of the street improvements, the applicant shall provide the county with a fee interest in the right-of-way for the street improvements.

(v) If the county accepts the street improvements, such acceptance shall be evidenced by a resolution approved by the board, which resolution shall also accept an offer of dedication for the right-of-way on which the street improvements are situated, if not already owned by the county.

(b) The acceptance prerequisites provided in paragraph (5)(a) of this section shall not apply to subdivisions for which either a preliminary plat or final plat has been approved prior to the original effective date of this section, August 20, 2012. For such subdivisions, the entity responsible for ownership and maintenance of the street improvements may petition the county to accept the street improvements for ownership and maintenance purposes after completion and certification of the improvements by the road superintendent in the same manner and pursuant to the same requirements as set forth in paragraph (5)(a) of this section, with the exception of the acceptance prerequisites.



**Sec. 7-43. Standards for blocks and lots.**

- (1) Length. Blocks shall not be so unduly long as to preclude easy access for residents and emergency vehicles.
- (2) Lot lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- (3) Frontage on 60-foot-wide street required.
  - (a) With the exception of lots created under a family homestead exemption pursuant to section 7-29 and Policy 2.1 set forth in the Transportation Element of the Comprehensive Plan, each lot in any subdivision in the county shall front upon a street not less than 60 feet in width which is connected to the public street system.
  - (b) No residential lot in any subdivision in the county shall front upon any arterial or major collector street as established by the comprehensive plan or department of transportation designation.
- (4) Minimum lot size. With the exception of lots created under a family homestead exemption pursuant to section 7-29, the size and shape of residential and other lots shall be such as is established in chapter 5 of this Code. However, in no case shall lot sizes and widths at the building line be less than the minimum standards established by law for health and safety.
- (5) Corner lots. Corner lots shall have extra width sufficient to permit establishment of a building line at least 20 feet from the side street property line. The distance from the side street line shall be measured from the street right-of-way parallel to the long dimension of the lot.

**Sec. 7-44. Standards for water and sewer systems.**

- (1) In general. Water and sewer systems shall meet any minimum specifications adopted pursuant to section 3-4; however, in any event, such systems shall meet the minimum standards established by local, state, or federal law to protect the public health and safety.
- (2) Fire hydrants. Where the density or other characteristics of a proposed subdivision require that fire hydrants be installed to protect lives and property, as determined by the county commission upon recommendation of the planning commission, water mains shall be installed of sufficient size, and carrying sufficient water pressure, to meet local utility requirements and applicable building and fire safety rules.
- (3) Septic tanks. Where septic tanks will be used in a subdivision, the minimum lot size preferred shall be one acre. In no case, however, shall lot sizes and widths at the

building lines be less than the minimum standards established by local, state, or federal law to protect the public health and safety.

**Sec. 7-45. Standards for stormwater management systems.**

The stormwater management or drainage system for any subdivision shall provide for drainage of lots, streets, roads and other public areas within the subdivision, as well as containing any runoff from adjacent areas that naturally flows into the subject area. Runoff coefficients shall be based on completed projects. All culverts, pipes or bridges installed shall have headwalls on both sides or ends of reinforced concrete or riprap at a 5:1 ratio in bags meeting Florida DOT standards for riprap.

**Sec. 7-46. Standards for flood areas and use of fill.**

(1) *Restrictions on subdivision.* Land subject to periodic flooding or other hazards to human life, health, and safety shall not be subdivided, unless adequately addressed through acceptable design practices.

(2) *Restrictions on use of fill.* Natural stormwater retention areas and areas subject to poor drainage or erosion shall not be altered through the use of fill operations without specific prior approval by the county commission.

(3) *Use of fill in general.* Other lands within a proposed subdivision may be brought to minimum elevations. The type of fill shall meet standards adopted under section 3-4 of this Code. Soil tests of the fill and underlying material may be required in those specific areas in which public facilities, including streets, are to be located. The fill for the balance of the subdivision may be certified by an engineer as to type and method of placement.

**Sec. 7-47. Reservation of land for public uses.**

Where a park, neighborhood, recreational open space area, school site, buffer zone, or other area for public use is shown on an official map or on a plan or plat adopted by the planning commission, or is designated for such use in the comprehensive plan, the planning commission shall seek to secure the reservation of the necessary land for such use.

**Sec. 7-48. Easements for utilities.**

Except where proposed alleys provide areas for utility services, the owner or developer shall provide easements for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and other utility lines on each side of the common rear lot lines and alongside lot lines.

**Sec. 7-49. Standards for sidewalks.**

- (1) Crawfordville Area District. New subdivisions within the Crawfordville Area District shall provide public access sidewalks in accordance with Section 5-62(9) of this Code.
- (2) Outside of the Crawfordville Area District. New subdivisions located outside of the Crawfordville Area District shall provide public access sidewalks on at least one side of the street when the average lot size is less than 1 acre in size.
- (3) Minimum width. All sidewalks shall conform to Florida Department of Transportation requirements and the Americans with Disability Act accessibility guidelines. Sidewalks constructed along arterial and collector roadways shall be a minimum of five feet in width. Sidewalks along all other roadways and internal to sites shall be a minimum of four feet in width.
- (4) Maintenance. Sidewalks located within right-of-ways dedicated to the perpetual use of the public may be dedicated and maintained by the County, upon acceptance of such dedication by the Board of County Commissioners. Sidewalks located within private right-of-ways shall be dedicated and maintained by the established property owners association.

**Sec. 7-50. Completion of Development and Maintenance.**

- 1) When all improvements depicted within the approved preliminary plat and approved development plan are completely constructed, the developer shall submit to the Public Works Department in writing requesting final inspection and presenting a certificate of completion as provided for in Section 7-22, along with a copy of all test results and a final set of signed and sealed "as-built" plans. Upon receipt of such, Public Works will complete a final inspection. Any corrections that are required shall be made by the developer prior to recommendation for maintenance bond.
- 2) Upon recommendation of the Public Works Director, execution of a maintenance agreement and presentation of security as provided for in Section 7-22, the Board of County Commissioners shall consider acceptance of the maintenance bond.
- 3) Prior to the expiration of the maintenance bond, Public Works shall inspect the improvements and shall require the developer correct any deficiencies prior to the expiration of the maintenance bond. Failure to correct deficiencies and maintain infrastructure during this period may result in requiring an extension of the bond and maintenance agreement or calling upon the bonding source.
- 4) Following the successful completion of construction and maintenance a developer may seek acceptance from the Board of County Commissioners for final dedication as provided for by Section 7-42.

**Sec. 7-51. Construction of Model Homes.**

- 1) Permits may be issued for the construction of no more than three model homes within any phase of an approved preliminary plat and approved development plan, if all of the following requirements have been met:
  - (a) All required primary infrastructure needed to serve the model home is in place prior to the issuance of a model home permit.

- (b) The developer provides "as-built" survey which demonstrates that all required primary infrastructure that is needed to serve the model home is in place.
- (c) All approvals for model homes shall be conditioned upon receipt of a certificate of completion pursuant to Section 7-22.

**ARTICLE 4. CODIFICATION IN THE CODE OF ORDINANCES.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wakulla County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**ARTICLE 5. SEVERABILITY.** Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

**ARTICLE 6. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this \_\_\_ day of \_\_\_\_\_, 2015.

**BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA**

By: \_\_\_\_\_  
RALPH THOMAS, Chair

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
HEATHER J. ENCINOSA, ESQ.  
County Attorney

