



Bay County Board of County Commissioners Agenda Item Summary

Amendments to Chapters 24 and 29 of the Land Development Regulations - First Reading

DEPARTMENT MAKING REQUEST/NAME:

Community Development - Martin J. Jacobson, Director

MEETING DATE: 4/18/2017**REQUESTED MOTION/ACTION:**

Board to conduct a first legislative public hearing to consider a proposal to amend Chapter 24, Drainage/Stormwater Management, and Chapter 29, Subdivisions, of the Bay County Land Development Regulations.

AGENDA

Community Development - Public Hearing

BUDGETED ITEM? N/A**BUDGET ACTION:**

None needed.

FINANCIAL IMPACT SUMMARY STATEMENT:

N/A

BACKGROUND:

Staff is proposing amendments to Chapter 24, Drainage/Stormwater Management, and Chapter 29, Subdivisions, of the Bay County Land Development Regulations (LDRs).

Since the adoption of the LDRs in September 2004, the County has approved only minor amendments to Chapters 24 and 29. And since their original adoption, changes have been made in Florida Statutes, lack of details were recognized, difficulties were identified in administering the ordinances, typographical errors were found, and text that is vague or imprecise identified.

To remedy these issues, text amendments to these chapters are proposed. Our intent in this update is to provide streamlined and customer-friendly language to implement stormwater management and subdivision regulations. In an effort for inclusiveness and to involve those most affected by these changes, staff reached out to the design engineering community who responded with valuable comments and suggestions (**Exhibit 1**). The comments received were addressed by making further changes and additional clarifications.

Amendments to Chapter 24 are generally minor in nature dealing with updated references to the Florida Administrative Code and the addition of improved detailing on stormwater attenuation and dry and wet retention and detention systems.

By contrast, amendments to Chapter 29 are more substantial. These changes include making it clear that subdivision approvals are a two-step process: i) obtaining a Subdivision Development Order, and ii) Platting. The Chapter is also reorganized to illustrate the subdivision process is a linear progression of events. The amendment also includes a section containing the minimum

requirements and standards for Townhouse Subdivisions. Subdivision improvements testing and inspections are consolidated into one section and streamlined.

On March 16, 2017, the Bay County Planning Commission conducted a public hearing to consider these amendments. At the conclusion of that hearing, the Commission voted unanimously to forward a recommendation to your Board to approve the proposed amendments.

For your consideration, the proposed amendments are presented in legislative format with deleted language shown in strikeout and new language in **bold underline** (**Exhibit 2**).

Staff recommends your Commission:

1. Conduct a legislative public hearing, and
2. Continue consideration of this matter to your next regularly scheduled meeting on May 2, 2017.

ATTACHMENTS:

Description	Type
Exhibit 1 - Comments from Design Engineers	Cover Memo
Exhibit 2 - Proposed Text Amendments	Cover Memo

Martin Jacobson

From: Sean McNeil <smcneil@mcneilcarroll.com>
Sent: Thursday, December 08, 2016 1:31 PM
To: Martin Jacobson
Cc: Sklarski, Jonathan; Dexter Gortemoller; mail@buchanan-harper.com; Panhandle Engineering
Subject: RE: Proposed text amendments to the LDRs

Thank you for including design engineers in the proposed amendments. I offer the following comments:

Section 2407. 1. i.: Would prefer not to have the boring location shown on the plans, the drainage report will depict location. My opinion is the design permit/construction plans are for construction; supporting documentation for the plans are found elsewhere.

Section 2407. 1. l.: 'property' should be 'properly'. Insert 'adversely' to read as not 'adversely' impact... Change last sentence to "Pre- and post-construction drainage patterns should be included for the development, including any off-site runoff impacting the project site."

Section 2407. 3. c.: insert 'and/or upstream' to read as downstream 'and/or upstream' flooding

Chapter 29: General comment – townhouse developments should not be required to have rights of way; i.e., townhouses have common area drives that are not platted as rights of way. Townhouse developments are essentially land divisions within common property areas (similar to condominium or multi-family apartments). You could add some language in Section 2904. 4. Remove all references to right of way requirements for townhouse developments.

Section 2905. 2. g.: Add sentence "If a 6-inch curb or curb/gutter is used, then the minimum finished floor elevation should be a minimum of 18-inches above centerline of the roadway."

Section 2905. 4. b.: replace 'to manage the construction and inspection of proposed improvements' with 'to inspect or observe the proposed improvements'. Engineers do not normally 'manage' construction. Also, the 'Engineer of Record' should be replaced with 'Florida licensed Professional Engineer'. Contractors/developers can hire another P.E. to provide certifications/inspections/etc. The EOR could be misconstrued as the design engineer. Continue this change throughout this section.

Section 2908. 1.d.: Increase 15% to 20%. The estimated costs of the construction could be not as accurate as true costs (unforeseen conditions).

Section 2911: Remove rights of way requirement. Similar to townhouse developments, commercial developments may have private drives not needing rights of way.

Section 2915. 7.: Increase 110% to 120%.

Section 2915. 8.: Delete this section, I believe this is not consistent with Florida Statutes. Purchasing a property prior to platting would be a private matter between the purchaser/seller.

Section 2916.5. k.: This may be difficult – suggest change that all adjacent property owners have been notified. Does ‘silence mean consent’?

Again, thank you for including us. Please let my comments be known to the Planning Commission.

v/r

Sean McNeil, P.E.
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From: Martin Jacobson [mailto:mjacobson@baycountyfl.gov]
Sent: Thursday, December 08, 2016 8:06 AM
To: Sean McNeil; Sklarski, Jonathan (JSklarski@Dewberry.com); Dexter Gortemoller (dexterg@gorteng.com);
'mail@buchanan-harper.com'; Panhandle Engineering
Subject: Proposed text amendments to the LDRs

County staff is proposing to amend Chapter 24, Drainage/Stormwater Management, and Chapter 29, Subdivisions, of the Bay County LDRs. Attached for your review are drafts of the two chapters. We have tentatively scheduled a public hearing for the Planning Commission to consider the amendments on January 19, 2017, at 1:30 p.m. Feel free to contact me if you have any questions or comments.

Please feel free to share this material with your colleagues whose email addresses I do not have.

Martin J. Jacobson, AICP
Community Development Director
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Please Note: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Martin Jacobson

From: Richard Zion <rzion@gorteng.com>
Sent: Friday, December 09, 2016 9:16 AM
To: Martin Jacobson
Cc: 'Brad M. Harris'; 'Dexter Gortemoller'
Subject: RE: Proposed text amendments to the LDRs

Mr. Jacobson,

Good morning. Thank you for letting us review the proposed amendments. I offer the following comment.

Section 2407. 4. b. iv.: "Percolation rates" shouldn't solely be obtained by Double Ring Infiltrometer (DRI) testing. Site specific field geotechnical conditions should determine the appropriate methodology for obtaining the soil's hydraulic conductivity properties. DRI data is influenced not only by a soil's gradation properties but also a site's groundwater condition. Test results can be erroneous and inflated (less conservative) under certain types of geotechnical conditions that are common in Bay County.

The FDEP and NFWFMD offer reasonable guidance for collecting field hydraulic conductivity data within the Environmental Resources Permit (ERP) Applicants Handbook Volume II, References and Design Aids. Additional guidance can be found in the FDOT's Soils and Foundations Manual (current edition). I would suggest revising the requirement to meet FDEP/NFWFMD standards. I would also suggest that field hydraulic conductivity (FHC) values should also be supported by minimal geotechnical laboratory soil index/classification testing (i.e. visual-manual classification, #200 wash, grainsize analysis, etc.). Some of the FHC methods are more appropriate to use under certain field conditions and can be more cost effective than a DRI.

Thank you again for the opportunity to review the proposed amendments. Have a good day.

Best Regards,

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From: Sean McNeil [<mailto:smcneil@mcneilcarroll.com>]
Sent: Thursday, December 08, 2016 1:31 PM
To: Martin Jacobson <mjacobson@baycountyfl.gov>
Cc: Sklarski, Jonathan <JSklarski@dewberry.com>; Dexter Gortemoller <dexterg@gorteng.com>; mail@buchanan-harper.com; Panhandle Engineering <mail@panhandleengineering.com>
Subject: RE: Proposed text amendments to the LDRs

Thank you for including design engineers in the proposed amendments. I offer the following comments:

Martin Jacobson

From: Mike Harper <mharper@buchanan-harper.com>
Sent: Saturday, December 10, 2016 8:59 AM
To: Martin Jacobson
Cc: 'Sean McNeil'; JSklarski@Dewberry.com; dexterg@gorteng.com; Jim H. Slonina
Subject: RE: Proposed text amendments to the LDRs

Martin:

Thank you for allowing us to review and comment on the proposed changes. My thoughts and comments are as follows.

Chapter 24 – Drainage/Stormwater Management

1. Section 2402 & 2404: As you are aware, the FDEP ERP permitting requirements now include flood attenuation for certain projects. While the County has all ways required compliance with FDOT requirements, this only occurred on a relatively small percentage of projects and the type of analysis was similar to the County requirements. Consequently, performing the FDOT and County analysis was not a substantial additional burden due to the infrequency. The ERP requirements add an additional requirement for flood attenuation in most cases and the type of analysis differs from the County requirements. As a result, we think it appropriate for the County to consider allowing satisfaction of the FDOT or ERP attenuation requirements to satisfy the County requirements. My recommendation would be that language be added to Section 2404 similar to the following.

Section 2404.8 – For projects that meet the requirements of FAC 62-330 for water quality and FAC 62-330 for flood attenuation and streambank protection or FAC 14-86 for flood attenuation, at the option of the applicant compliance with such may be used in lieu of the requirements of this Chapter. When used, approved permits from the appropriate agency will be required prior to issuance of a final Development Order.

Obviously, the ERP exemption could only be used if the project meet the thresholds and includes both flood attenuation and streambank protection. Otherwise, the project would need to meet County requirements. The requirements of each exceeds the County requirements and by allowing such the County would reduce the regulatory burden without any reduction in protection to the public. Additionally, if desired, the County could rely upon the review and approval of the other agencies and would not have to perform an additional stormwater management review unless desired. We understand that even if the exemption was allowed in certain instances the County would probably want to review the project, especially in areas with known problems or for larger projects. However, for routine projects this would alleviate the County's burden to review stormwater.

2. Section 2407.1.i : We believe the requirement to add geotechnical borings and high water table information to the construction plans should be reconsidered. This adds an additional level of information to the plans and the information is contained within the geotechnical reports. In our opinion, the goal should all ways be to limit information on construction plans to only the information needed by the Contractor so that the plans remain as simple and clean as possible.
3. Section 2407.4.b.i : The proposed change modifies the intent of the section and renders it ineffective. When I drafted this provision, the intent was that 10% could be used in lieu of the 3" to cover unusual circumstances not as a means to add a volume safety factor to the requirements. In my opinion, the safety factor is appropriately determined by the 25-year frequency analysis. If this is insufficient, then increase the frequency to a greater storm. By adding additional requirements, we lessen the meaning of the analysis frequency. Consequently, I recommend deletion of the 10% requirement and using an appropriate construction tolerance depth such as 3". The additional advantage is that it makes computation and review simpler.

4. Section 2407.4.b.v: Firstly, the term “breaching” in the 3rd line would need to be replaced with overtopping for the section to be consistent. By using the term breaching in the first sentence and overtopping in the second, one could question whether or not overtopping was allowed if it could be demonstrated that such would not breach the berm. I don’t think this was the intent. While I think this may be appropriate in circumstances where overtopping would have an adverse impact on adjacent properties, I would not have such concern where adjacent properties would not be affected such as a facility adjacent to the Bay. Not sure of the best solution. Perhaps changing to prohibition of overtopping unless overtopping would not adversely affect adjacent properties and the berm crest is consistent with the requirements of Section 6.20 of the US BOR Design of Small Dams, 3rd Edition, or a stability analysis is provided.

Chapter 29 – Subdivisions

1. Section 2902.2.c: Not sure of the intent of adding residential. Why would it matter if it was not residential.

My opinion on the subject of subdivisions, which is consistent in this and the following comments, is based on the historical intent for subdivisions in that they are a convenience for the conveyance of land so that rather than having a long meets and bounds legal description one could use a simple description such as Bay Point Unit 1, Lot 1. For the public, this is more important with regard to residential subdivisions than for non-residential land. Additionally, the adoption of a plat is a costly time consuming process. We are seeing that more and more governmental entities are moving towards platting every division of land. We think this is a dangerous and short sighted position. I don’t believe the County is at this point, but should be considerate of such. In circumstances where every lot split requires a plat, you can wind up with multiple plats on top of plats. This is certainly not a convenience, but a burden for both the public and government as it introduces the possibility for land title error. My recommendation would be that for non-residential land, the County consider that a plat is not all ways the best solution for every circumstance and in some cases is more cumbersome than using meets and bounds descriptions. I would urge the County to consider adding a provision where for non-residential lands the County could allow division by meets and bounds description when in the County’s opinion this was the best alternative. This would add flexibility and not obligate the County to allowing such.
2. Section 2904.2.g: Note that the centerline requirement applies only when a portion of the subdivision is within a flood zone. Not sure that was the intent. I prefer the use of centerline, but the standard could be the edge of pavement or top of curb. Do not recommend mixing. Recommend using one or the other. Suggest adding “adjacent” in front of roadway in the last sentence. Also, is this one foot above the highest adjacent centerline elevation or the lowest adjacent centerline elevation. Additionally, based on the wording, the requirement for 1’ above the centerline of the roadway would apply to residential and commercial property regardless of the distance from the roadway or drainage of the property. My concern is that for commercial lands that have a stormwater management system and do not drain to the road this may not be a reasonable requirement. For example, if the adjacent roadway is substantially higher than the property and the property drains away from the road, this provision may require the addition of a couple of feet of unnecessary fill. My recommendation for rewording the section is as follows.

Section 2904.2.g: When any portion of the subdivision is within a mapped special flood hazard area/zone, identify the finished floor elevation for each lot which shall be a minimum of one (1) foot above the base flood elevation.

Section 2904.2.h: For lots where any portion of the building drains to the street, the finished floor elevation for the lot shall be a minimum of one (1) foot above the lowest adjacent centerline of the roadway.

3. Section 2905.1.l: Recommend adding “Exceptions shall be approved on a case by case basis.” In certain unusual circumstances the only viable alternative to development of a property is a single road in and out that must terminate in a cul-de-sac and that road is longer than 1,000-feet. This is more likely to occur on the coast than inland. In those circumstances it would be preferable if Staff could evaluate the roadway and make a determination that this is the only viable alternative rather than having to apply for a variance.
4. Section 2905.1.m: The section only allows for a cul-de-sac meeting the included specifications. In certain instances, it may be appropriate to consider alternate end treatments such as hammer-heads or plan dead ends

if the road is more of a shared drive that only serves a few lots. To add flexibility, my suggestions would be to add "Exceptions shall be approved on a case by case basis." This would allow the County to consider alternatives for unique circumstances. Also, the referenced AASHTO Green Book contains a section on the requirements for alternate dead end streets so you already have a basis for such in the code.

Section 2907: This section requires showing environmental protection features on the plat. I understand the intent is to advise the public, but the purpose of the plat is for conveyance and dedication of land. By nature the contents of the plat are intended to be perpetual. These environmental features are not perpetual and are subject to change and we don't believe that such should be on the plat. If it is imperative that these features be recorded then our preference would be that an additional sheet be recorded along with the plat that contains these features to keep them separate from the plat. At a minimum, we would recommend allowing the separate sheet that contains the features as an option of the plat process.

Again, thank you for allowing us to comment.

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BUCHANAN  HARPER, INC.

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From: mail@buchanan-harper.com [mailto:mail@buchanan-harper.com]
Sent: Thursday, December 8, 2016 8:19 AM
To: mharper@buchanan-harper.com
Subject: FW: Proposed text amendments to the LDRs

From: Martin Jacobson [mailto:mjacobson@baycountyfl.gov]
Sent: Thursday, December 08, 2016 8:06 AM
To: Sean McNeil; Sklarski, Jonathan (JSklarski@Dewberry.com); Dexter Gortemoller (dexter@gorteng.com); 'mail@buchanan-harper.com'; Panhandle Engineering
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Martin J. Jacobson, AICP
Community Development Director
Bay County, Florida
850-248-8250

Martin Jacobson

From: Sklarski, Jonathan <JSklarski@Dewberry.com>
Sent: Tuesday, January 17, 2017 1:24 PM
To: Martin Jacobson
Subject: RE: Proposed text amendments to the LDRs

Good afternoon Martin,

I hope you are doing well. We appreciate you giving us the opportunity to review the proposed modifications to the Bay County LDR. I do apologize for the delay in providing you our feedback, we had several people involved in the review process. Please note the following comments/suggestions:

Chapter 24

Section 2407 3C – The design storm should be the 100 year critical design storm frequency event

Section 2407 4A – Include the NFWFMD SWERP Applicant's Handbook Volumes I & II as technical references.

Section 2407 4B.ii – Include a runoff coefficient for milled asphalt, which is currently being utilized frequently.

Section 2407 4B.iv – Utilize the word infiltration in lieu of percolation.

Section 2407 4B.vii – A mounding analysis should be an acceptable alternative to providing 2 feet separation from seasonal high water to bottom of pond.

Section 2407 4B – Include a guideline for establishing the permanent pool elevation for wet detention systems (i.e. 1 foot below seasonal high groundwater elevation).

Section 2407 4B – Include a guideline for fencing of stormwater management systems based on side slopes, depth, maximum impoundment.

Section 2407 4B – Include a guideline for minimum berm width at top of bank.

Chapter 29

Section 2905 (new) 1i – Specify whether sidewalks/bikeways are required on both sides of the roadway or just one side.

Section 2905 (new) 1k – All subdivision name signs shall be maintained by the homeowners association. Standard public roadway signage should be maintained by the County.

Section 2905 (new) 1l – In some instances this criteria cannot be met, should include "or reviewed on a case by case basis".

Section 2905 (new) 4b.i – Should use the word administer in lieu of manage. Construction Management is much different than Construction Administration.

Section 2905 (new) 4b.i – The owner/developer single point of contact may not be the Engineer of Record in most cases, please remove this language.

Section 2905 (new) 4b.i – Please revise Engineer of Record to read a Licensed Florida Professional Engineer or Professional Engineer Licensed in the State of Florida.

Section 2905 (new) 4b.iv.b – Consider including a list of specific items to be shown on the as built survey.

Section 2905 (new) 4b.iv.e – Specify what pipes need to be videoed (i.e. gravity sewer, RCP, etc.)
Section 2905 (new) 4b.iv.h – Should read copies of all permit certifications.
Section 2905 (new) 4b.v – Revise Engineer of Record to read a Licensed Florida Professional Engineer or Professional Engineer Licensed in the State of Florida and specify what department to contact to request a final inspection.
Section 2910 (new) – Specify required roadway elevations within floodplains.
I have provided the proposed LDR modifications regarding final plats to my surveying department and will provide any comments/feedback that I receive.

Again, thank you for the opportunity to provide our comments/recommendations regarding the proposed modifications.

Have a great day.

Sincerely,

Jonathan M. Sklarski, P.E.
Senior Associate, Branch Manager
203 Aberdeen Parkway
Panama City, FL 32405
Direct Line 850.571.1200
Cell Phone 850.819.7094

From: Martin Jacobson [<mailto:mjacobson@baycountyfl.gov>]
Sent: Thursday, December 08, 2016 8:06 AM
To: Sean McNeil <smcneil@MCNEILCARROLL.COM>; Sklarski, Jonathan <JSklarski@Dewberry.com>; Dexter Gortemoller (dexterg@gorteng.com) <dexterg@gorteng.com>; 'mail@buchanan-harper.com' <mail@buchanan-harper.com>; Panhandle Engineering <mail@panhandleengineering.com>
Subject: Proposed text amendments to the LDRs

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Martin J. Jacobson, AICP
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Bay County, Florida
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SECTION 2401. Purpose. The purpose of this Chapter is to provide standards that will: reduce and/or prevent flood damage; protect surface waters from contamination caused by stormwater runoff; provide criteria for adequate drainage and stormwater management, and; promote established policies of the State relative to stormwater management and flood damage prevention.

SECTION 2402. Applicable State Requirements. In addition to meeting the requirements of this Chapter all development projects must comply with the provisions of Chapter 62-25, "~~Stormwater Discharge~~" 62-330, "Environmental Resource Permitting (ERP)" and Chapter 14-86, "Drainage Connections" as found in the Florida Administrative Code (FAC). ~~No final Development Order may be issued until such time as applicable state permits have been obtained.~~

SECTION 2403. Applicable Federal Requirements. In addition to meeting the requirements of this Chapter, all development projects which result in land disturbance of equal to or greater than one acre must comply with the provisions of the National Pollutant Discharge Elimination Systems (NPDES) from the Environmental Protection Agency as found in 40 CFR Parts 122 and 123.

SECTION 2404. Exemptions. A development may be exempt from the requirements of this Chapter if the development qualifies under the following exemptions: Note: In no instances shall any development be exempt from Section 2405, "Obstruction of Drainage-Ways" and Section 2406, "Uncontrolled Stormwater Runoff".

1. Construction of a single-family, duplex, triplex, or quadraplex residential dwelling when such dwellings are not part of a larger, common plan of development (see Section 1803).
2. Construction of customary accessory structures to dwellings listed in paragraph 1 above creating 600 square feet or less of new impervious surface.
3. Development that discharges directly into a regional facility that included sufficient reserve for quality and quantity capacity for the new development as part of the original regional development plan.
4. Development that discharges directly into gulf or bay waters or estuaries will not require flood attenuation; however, compliance with water quality standards and siltation controls shall be required.
5. Performance of maintenance work on existing drainage, utilities, ditches, mosquito control canals or transportation systems, provided that such maintenance work does not alter the purpose, historical utilization and intent of the drainage system as constructed.

6. Agriculture activities, including and forestry that are exempt from Chapter 40A-44, FAC, when best management practices are used.
7. Emergencies requiring immediate action to prevent substantial and immediate harm and danger to the public or environment. A report of any emergency action shall be made to the County as soon as possible.

SECTION 2405. Obstruction of Drainage-Ways. To the extent practicable, all development shall conform to the natural contours of the land with natural or man-made drainage-ways left unobstructed. The obstruction of natural or man-made drainage-ways is strictly prohibited.

SECTION 2406. Uncontrolled Stormwater Runoff. Except for historical drainage it shall be unlawful to discharge undirected or uncontrolled stormwater runoff caused by buildings, parking lots, roof overhangs, gutters, downspouts or other means from one property to another across any property line. No structure, building, parking lot, roof overhang, or other development shall be designed, constructed or maintained so as to discharge stormwater across or over any property line unless such discharge is part of an approved stormwater management or drainage system (e.g. ditches, swales, retention pond, etc.). Grading of lots, sites, or parcels shall be as specified in Section 2302 3.

SECTION 2407. Drainage and Stormwater Management Plan. All development projects except for those listed in Section 2404 shall provide for adequate drainage and stormwater management. The term "adequate drainage and stormwater management" means the design and construction of drainage systems that will not cause flood damage to the property involved or surrounding properties, and will meet the criteria specified in Chapter 62-25 62-330, FAC and the criteria specified herein. Specifically, drainage and stormwater management systems shall provide for maintenance of surface water quality and flood attenuation.

1. Drainage and Stormwater Management Plan Submittal. Owners or developers shall submit a proposed drainage and stormwater management plan signed and sealed by a Professional Engineer registered in the State of Florida. The Plan shall consist of engineering drawings, calculations, narrative etc., as necessary to provide the information required below.
 - a. Name, address, and telephone number of the applicant.
 - b. Location map and/or aerial photo of the development site, which clearly outlines project boundaries.

- c. Boundary and topographic survey, including the location of all easements, rights of way, and Coastal Setback Line or Coastal Construction Control Line as appropriate.
- d. Flood zone determination from the Flood Insurance Rate Maps.
- e. Elevations of any flood zone along with the flood hazard boundaries shall be delineated on the drainage plans.
- f. A description of pre-development hydrologic and environmental conditions.
- g. Proposed stormwater management system features including the locations of inlets, swales, ponds, conveyance systems, easements, interconnection of wetlands and water flow to include the necessary elevations, etc.
- h. The grading and drainage plan shall include existing and proposed finished grade contours at one (1) foot elevation intervals.
- i. The location of each geotechnical boring shall be shown on the existing conditions and proposed grading/drainage plans along with the seasonal high-water table elevation.
- ~~h~~ j. Post development basin and sub-basin boundaries, including all on-site and off-site areas contributing to the site and the breakdown of the sub-areas contributing to each drainage structure in the internal stormwater collection system, where applicable.
- ~~i~~ k. Projected post-development stormwater runoff direction, volume, and flow rate, and before-and-after charts reflecting the volume and flow rate.
- l. It shall be demonstrated in the stormwater analysis that all historical off-site drainage coming to the development site is being properly conveyed and/or managed across the development site so as to not adversely impact adjacent properties. Watershed maps are required to indicate pre- and post-construction drainage patterns for the development including any off-site runoff impacting the project site.
- ~~j~~ m. Design storm frequency/intensity calculations. Calculations shall consider the effects of tailwater and seasonal high

ground water elevation. The calculations shall provide a narrative on the determination of each.

2. Water Quality Protection Standards. The discharge of untreated stormwater can reasonably be expected to create a source of pollution to waters of the state and is therefore, subject to state regulations. All nonexempt development projects must be permitted as follows:
 - a. Stormwater Treatment Requirements. Except as described in paragraph b, all drainage and stormwater management systems shall comply with requirements set forth in Chapter 62-25, FAC 62-330, "Environmental Resource Permitting (ERP)."
 - b. Ecosystem Management Areas: Deer Point Reservoir Protection Zone, Outstanding Florida Waters. Drainage and stormwater management systems which directly discharge to surface waters within Ecosystem Management Areas, Deer Point Reservoir Protection Zone, or Outstanding Florida Waters (OFW) shall include an additional 50% of treatment criteria specified in ~~Section 62-25.035(1)(b) or Section 62-25.040 or Section 62-25.042, FAC~~ (OFW standards).
3. Flood Attenuation (Water Quantity) Protection Standards. The potential for flood damage caused by development shall be attenuated as follows:
 - a. At a minimum, all drainage and stormwater management systems shall provide facilities to attenuate a 25-year frequency storm event of a critical duration so that the post development stormwater peak discharge rate from all events shall not be greater than the predevelopment discharge rate for the critical duration event. The critical duration shall be defined as the storm event that when routed through the proposed facility results in the greatest post development discharge. The FDOT 1 hour, 2 hour, 4 hour, 8 hour, and 24 hour rainfall distribution shall be used to determine the critical duration.
 - b. In addition to the above requirements, for those developments located within the basin of a regional stormwater plan, the stormwater facility shall consider the critical duration for the regional stormwater plan basin. The post development discharge for the stormwater facility shall

not exceed the predevelopment rate for the event equal in duration to the critical event for the regional stormwater plan basin.

- c. Attenuation of a 100-year critical design storm frequency event is required by the County if downstream and/or upstream flooding was previously identified or the facility discharges within a basin without positive outfall.

4. Stormwater Management System Minimum Design Standards and Criteria. The purpose of this section is to provide approved methods that are available to the Engineer of Record for stormwater management system design.

- a. Technical References. Standard and guidelines, which are found in the FDOT Drainage Manual, applicable FDOT Handbooks, FDOT Roadway and Traffic Design Standards, or other references accepted by the County Engineer, shall be considered part of this document. In addition, the following shall supersede or supplement the above-mentioned references.

- b. Detention and Retention Ponds General Design Criteria. The purpose of the detention and retention ponds is to serve as a buffer to attenuate peak flows and/or excessive runoff volume from developed areas. Minimum criteria for detention/retention ponds shall be as follows.

- i. A minimum of three (3) inches ~~or ten (10) percent of the total volume~~ will be provided as freeboard.

- ii. Coefficient of runoff used shall be as follows: Roofed and paved areas = 0.95. Bodies of water and retention and detention ponds = 1.0. Swale and recharge areas = 0.7. Gravel = 0.6.

- iii. ~~Percolation rates utilized in stormwater calculations shall be factored rates obtained by field testing at an elevation near the bottom of the facility or as contained in the Bay County Soil Survey.~~

~~The preferred method of testing is the Double Ring Infiltrometer (DRI) using ASTM Standard Method D3385-75. The standard factor of safety applied to percolation rates shall be 2 for DRI tests, 3 for other field testing, and 4 for percolation rates as contained~~

~~in the Bay County Soil Survey. The use of different factors of safety shall be justified in the stormwater report and approved on a case by case basis by the County.~~

- ~~iii.~~ A minimum of one (1) geotechnical boring is required with estimated seasonal high water table at each boring.
- ~~iv.~~ For dry retention systems, infiltration rates shall be obtained by the Double Ring Infiltrometer (DRI) test, ASTM Standard Method D 3385. A minimum of one (1) DRI test is required per each retention pond. Each test shall be performed at or below the bottom of proposed ponds. The standard factor of safety applied to DRI percolation rates is 2.
- ~~v.~~ The outfall structure of all stormwater facilities shall be capable of discharging the 100-year critical storm event without overtopping the pond banks; this is not a pre- versus post-attenuation requirement. The design engineer shall model the outfall structure and demonstrate that the stormwater facility will not be overtopped during each of these storm events.
- ~~iv~~ vi. Detention with filtration drains (i.e. side drains, etc.) may be used in special applications when approved by the County and shall use a factor of safety of three.
- ~~v~~ vii. The pond bottom for all dry ponds shall be a minimum of two feet above the seasonal high ground-water table.
- ~~vii~~ viii. Vegetated buffers may serve as water retention areas provided that the designated buffer area can accommodate the volume needed to attenuate stormwater run-off and meet other requirements.
- ~~ix.~~ For wet detention systems, the control elevation shall be set at or above the normal on-site groundwater table elevation. This elevation may be determined by calculating the average of the seasonal high and season low groundwater table elevation. In areas where the seasonal low water is not determinable, using the seasonal high water table elevation minus one (1) foot is acceptable.

SECTION 2408. Drainage and Stormwater Management Plan Adherence, Dedication and Maintenance. Once approved, an applicant shall adhere to the drainage and stormwater management plan. Any amendments to the plan must be approved by the County.

1. Certifications. After completion of the project, the Florida Registered Engineer acting as an agent of the developer shall certify that control measures which make up the development's drainage and stormwater management system plan meet the water quality, flood attenuation, and erosion and siltation standards outlined in the plan prior to issuance of Certificate of Occupancy for Site Development Projects or Acceptance of Subdivision Project. If project requires an ~~FDEP stormwater~~ ERP permit, a copy of the completion certificate must also be provided.
2. Maintenance by an Acceptable Entity. If the storm-water management system is not dedicated to the County, the stormwater system shall be maintained by the owner or entity that has legal right to ensure that the drainage system performs so that the recovery rates and discharge quantity and quality standards remain the same as designed. Adequate drainage easements and rights-of-way access shall be provided to ensure maintenance.
3. Dedication and Maintenance by the County. If a stormwater management system approved under this Code will function as an integral part of the County maintained system, as determined by the County Engineer, the facilities shall be dedicated to and maintained by the County.
4. Drainage Easement Criteria. For stormwater systems dedicated to the County as defined in 3. above, all necessary drainage easements and rights-of-way shall be furnished at no expense to the Board of County Commissioners. Said easements shall be a width of not less than the surface width required of the drainage ditch plus a fifteen (15) foot berm to lie wholly along one side of the ditch. In the case of storm sewer, a minimum width of twenty (20) feet is required, and for a one-pipe system, a minimum width of fifteen (15) feet is required.

SECTION 2409. Connection Permit. Any development, except those exempt in Section 2404, which discharges stormwater into the County stormwater system, shall require a Bay County Stormwater Connection Permit. The development that generates the stormwater discharge must conform to the standards of this Chapter. Stormwater connection permits shall be obtained from

the Public Works Engineering Division at a fee as prescribed by the Board of County Commissioners.

SECTION 2410. Illicit Discharge. As required by the County NPDES Stormwater Permit, no person shall discharge into the County's municipal storm drain system or watercourses any materials or water containing any pollutants that cause a violation of applicable Federal or State water quality standards.

The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

The following discharges are exempt from discharge prohibitions: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

SECTION 2901. Purpose. To provide minimum requirements and standards of the two-step subdivision and platting of land process; to promote the adequate installation and/or construction of road, drainage, utilities and related improvements; to ensure that all improvements are designed and constructed in accordance with minimum standards; to promote the orderly and efficient transfer of title for subdivided lands; to ensure that all subdivided lands are properly recorded in the public records of Bay County; to protect investments in land and property values; to promote orderly growth patterns and the general good order and appearance of the County, and; to generally safeguard the public health, safety, and welfare relative to the subdivision of land.

SECTION 2902. Applicability. The requirements of this Chapter shall apply to all subdivisions created after the adoption of this code.

1. The term "subdivision" means the division of land into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units, and any other division of land (hereinafter referred to as a "lot"); and may include the creation 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.
2. The following shall not be considered subdivisions for the purpose of this Chapter.
 - a. The division of a family homestead when the subdivided lots are conveyed to a member of the immediate family of the owner. Immediate family means grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild of the landowner. Any land subdivided and conveyed in this manner must be used by the recipient family member as a bona-fide homestead and must be formally conveyed to such family member by a recorded deed. This provision shall apply only once to any recipient family member.
 - b. The division of land into parcels greater than twenty (20) acres in size.
 - c. The division of land into residential lots that are ten (10) acres or larger in size provided each lot created has a minimum of fifty (50) feet of frontage on an existing street or road. This exception only applies to physically existing streets and is not intended to apply to any unconstructed "paper" right-of-ways that may be shown on a recorded plat, survey, deed or other such drawing. For purposes of this Section, the term road or street means any public or private vehicular way that provides access to more than two (2) lots.
 - d. The division of land resulting from court order, including but not limited to, judgements or foreclosures.

- e. Conveyances intended to combine several smaller lots into one larger lot.
- f. The division of land for a governmental or public purpose.
- 3. The requirements of this Chapter shall apply to all subdivisions regardless of whether or not the subdivision is created adjacent to an existing street, or whether or not the improvements required herein are to be dedicated to the County.
- 4. The requirements of this Chapter shall apply to all residential, commercial, manufactured housing, or any other subdivision within which lots or parcels are created with the intent to be offered for sale or otherwise conveyed to another person by the developer.
- 5. ~~Subdivisions created where well and septic tank regulations require 1/2 acre lots or other State Health Department regulations may be platted into "future lot subdivisions". This concept involves a plat showing 1/4 or 1/3 acre lots that are sold in 1/2 acre parcels that may be further sub-divided into building lots as water and/or sewer service becomes available. Houses must be located on these parcels so as to accommodate future building lots. These types of subdivisions will be reviewed and approved on a case by case basis.~~

SECTION 2903. Restrictive Covenants and Deed Restrictions. ~~Nothing in this Chapter shall diminish, abrogate or otherwise restrict a developer from imposing deed restrictions, restrictive covenants, or other such limitations on the sale and use of property within a subdivision. All such restrictions shall be recorded in the records of the Clerk of the Circuit Court. The County shall have no responsibility for ensuring compliance with, or enforcement of, any such privately imposed restrictions, unless included as part of an enforceable development agreement.~~

Note: Moved to Section 2913.

SECTION 2904. Plats and Recording Required. ~~The term "plat" means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with applicable Florida law and the requirements of this Section and may include the terms "replat", "amended plat", or "revised plat."~~

- 1. ~~Prior to final approval and recording, all subdivisions shall be shown in the form of a plat which conforms to the requirements of Chapter 177, Part I, F.S. and this Chapter.~~
- 2. ~~All plats shall be filed with the Clerk of Circuit Court after approval and acceptance of dedications (if any) by the Board of County Commissioners.~~

~~No plat shall be recorded by the Clerk until such time as the provisions of this Chapter are met and all applicable fees are paid.~~

- ~~3. No developer shall sell or otherwise transfer any interest in any land in a subdivision prior to final recording of the plat, except as authorized by Chapter 498, F.S.~~
- ~~4. All final plats shall be certified and sealed by a professional surveyor or mapper registered in the State of Florida, or as otherwise specified by law.~~

Note: Moved to Section 2915.

SECTION 2903 5. Conceptual Pre-Application Review and Approval. ~~Conceptual review and approval of subdivision projects may be conducted as specified herein.~~

- ~~1. Conceptual Review. Any person wanting to create a subdivision is strongly encouraged to participate in a pre-application conceptual review of the proposed project with Bay County Planning and Zoning staff. The purpose of the conceptual review is to provide an opportunity for a potential developer to become familiar with the requirements of this Chapter. Conceptual review does not constitute formal action by either County staff or the potential developer and in no way implies any obligation on the part of either party. There will be no fees or charges for a conceptual review.~~
- ~~2. Conceptual Approval. In those cases where a large subdivision (over 100 lots) is anticipated to be developed over time, in phases, the developer may request conceptual approval. Any such approval must be based upon a "Master Plan" of development which clearly shows roadway configurations, lot layouts, land uses, phasing, utility providers and other such information as may be necessary to determine whether or not the proposed project would generally comply with this Code. Conceptual approval of a Master Plan may be issued by the Planning Official. and the Planning Official may, upon sufficient information having first been provided, make written notes on the face of the Master Plan, or prepare a checklist, which address any requirement of this Code.~~

~~Conceptual Approval of a Master Plan shall be valid for a period not to exceed (60) sixty months from the date of issuance and shall automatically terminate unless a development order is rendered consistent with this section within (36) thirty-six months of the date of issuance of the conceptual approval.~~

~~Conceptual approval does not represent authority to begin any development or construction activities, including land clearing. A Development Order must be issued for each phase of the proposed development prior to start of construction. Conceptual approval may be~~

~~used only for marketing or financing purposes consistent with applicable law. Conceptual approval does not represent final action by the County and in no way implies any obligation on the part of the County or the developer, except that Development Orders for each phase may be submitted and approved in accordance with the Conceptual approval, provided a Development Order for the first phase is issued within 1 year of the Conceptual approval and the work authorized by said Development Order and subsequent Development Order are not suspended or abandoned for a period not to exceed 6 months after work is commenced. Conceptual approval does not constitute a reservation of concurrency.~~

SECTION 2904 6. Subdivision Approval Review Procedures. All subdivision plans shall be reviewed in the form and manner herein described.

1. Any person wanting to create a subdivision must submit an ~~“Application for Subdivision Review”~~ a Development Order application on forms to be provided by the Planning and Zoning Division. Any such application must be accompanied by a general development plan as described in this subsection which will be considered part of the application.
2. At a minimum, the general development plan shall include the following information, and be drawn to a scale deemed acceptable by the Planning Official.
 - a. Vicinity Map. A map showing the proposed location of the subdivision in relation to the surrounding area. This map shall depict physical references such as streets, railroads, shorelines, and other significant features in a manner which clearly shows the location of the proposed subdivision.
 - b. Preliminary Plan Map. A preliminary plan map and boundary survey which depicts the information required by this Section.
 - c. Streets and Roads. A street layout plan which shows the names, locations, pavement widths, right-of-way widths, and other relevant information required by Chapter 26.
 - d. Utilities. A utilities plan which shows the type, dimensions, locations, easements, and other relevant information for all utilities including sanitary sewer, potable water, and wherever possible electric, telephone, and natural gas as specified in Chapter 27. All utilities shall be installed prior to the paving of proposed roadways.
 - e. Stormwater Control. A stormwater control plan including pre- and post-topographic elevations, all retention or detention facilities, applicable runoff calculations, and erosion/sedimentation control

measures both during and after construction as specified in Chapter 24.

- f. Environmental Protection Plan. An environmental protection plan providing information consistent with Federal and State permit requirements which shows the location and extent of environmentally significant resources including shorelines, flood zones, wetlands, and populations of protected or endangered species. The plan must include measures to protect or otherwise minimize damage to these resources pursuant to State and Federal requirements.
 - g. When any portion of the subdivision is within a mapped special flood hazard area/zone, identify the finished floor elevation for each lot which shall be a minimum of one (1) foot above the base flood elevation.
3. Responsibility for review and disposition of subdivision applications shall be the same as for Development Orders, as set forth in Chapter 18, Development Review.
- a. ~~Preliminary Plat Approval.~~ The purpose of the ~~preliminary plat~~ subdivision approval is to demonstrate conformance with the Comprehensive Plan and these regulations, compatibility of land use and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to the approval of a final plat. ~~Preliminary plat~~ Subdivision applications deemed complete shall be approved or denied by the Planning Official within thirty (30) days. Any such approval or denial will be supported by relevant findings, which shall become part of the permanent record in the matter. The applicant shall be notified in writing as to the disposition of the application and the completed findings. If the application is deemed incomplete, the applicant shall be notified within ~~ten (10)~~ fifteen (15) days of the submittal. ~~Public notice of intent to issue a Development Order shall be provided by advertisement in a newspaper of general circulation at least seven (7) days prior to issuance.~~ Preliminary plat Subdivision Development Order approval must be obtained prior to submission of the final subdivision plat. All subdivisions plats shall conform to existing zoning and subdivision regulations applicable at the time of preliminary approval. Permits for construction of streets, site grading, excavation and other improvements, may be issued as part of a Development Order, provided that the work authorized by such permits comply in all respects with the approved subdivision preliminary plat and construction plans.

4. Townhouse Subdivisions. The following are the minimum requirements and standards for townhouse subdivisions:

a. A townhouse subdivision shall apply to those townhouse developments in which it is proposed to subdivide land into lots that may be individually owned through survey monumentation and platting and where the minimum lot frontages are to be less than those required by Tables 4.1, 5.1, and 6.1 of this Code.

b. Dwelling units in a townhouse subdivision may be either detached or attached (zero lot line subdivision or row houses).

c. There is no minimum lot area requirement for an individual townhouse lot.

d. The minimum side yard setbacks for the end units in a townhouse subdivision shall be those specified by the zone district in which the subdivision is located.

e. The maximum impervious surface ratio in a townhouse subdivision shall be that specified by the zone district in which the subdivision is located.

f. A minimum of two (2) on-site parking spaces shall be provided for each dwelling unit.

g. A homeowners association, comprised of each townhouse owner, shall be formed to assume the responsibility for the ownership, maintenance, and repair of all exterior improvements of the townhouses, landscaping, open spaces, vehicular access routes, stormwater systems, and all other improvements within the commonly owned areas. The homeowners association recorded documents may contain codes, covenants, and deed restrictions which Bay County shall have no responsibility for enforcement or ensuring compliance.

Note: These paragraphs added to address townhouse subdivisions.

~~4. All plats shall be considered "Preliminary Plats" during the review process. A plat shall only become a "Final Plat" after approval and acceptance of dedications (if any) by the Board of County Commissioners, and recording in the Official Records by the Clerk of Circuit Court. All preliminary plats will be submitted to the Engineering Division for review prior to submission to the Board of County Commissioners.~~

~~5. No preliminary plat may be considered for final approval by the Board of County Commissioners until such time as all required improvements are in~~

~~place and have been inspected and approved by the County. In lieu of actual construction of all required, the developer may provide a surety equal to 110% of the cost of constructing such improvements, as verified by the Engineering Section. Such surety shall be in the form of an escrow account, irrevocable letter of credit, or performance bond. If a performance bond is used any such bond must be Best rated at "A VII" or better.~~

Note: Moved to Section 2915 and amended.

SECTION 2905 7. On-Site Improvement Standards for Residential Subdivisions.

All residential subdivisions, including those for townhouses, mobile homes or manufactured housing, shall be designed and constructed in accordance with the following standards. ~~Substitution of alternative methods or materials upon demonstration of the following:~~

- a. ~~The improvements remain private, and~~
 - b. ~~There exists a private means to maintain and replace the improvements, if necessary, and~~
 - c. ~~The improvements are of equal quality to those required herein.~~
1. ~~Streets and Roads.~~ Roadway. For purposes of this subsection, the term "streets and roads" "roadway" means a vehicular way, which provides access to more than two lots. Access must be provided for each lot within a subdivision from a street or road.
- a. Names Required. All streets and roads shall be named. Street names must be approved by the U.S. Postal Service and the Address Numbering Section.
 - b. Addresses Required. Each lot within the subdivision must have a street address. Addresses are to be assigned only by the County. Addresses must be assigned and fees paid prior to final plat approval. The Address Numbering Section is hereby authorized to assign addresses to lots in subdivisions as a whole rather than on a lot by lot basis.
 - c. Paving Required. All streets and roads roadways providing access to any lots in any subdivision, including existing public or private roads, shall be paved. Paving must be completed according to the criteria specified in this Section regardless of whether the streets and roads roadways will be dedicated to the County or not (public or private). All underground utilities shall be installed prior to the required paving.

- d. Paving Roadway Criteria. All streets and roads improvements within the roadway shall be paved designed and constructed in conformance with specifications found in AASHTO Guide for Design of Pavement Structures, latest edition, and FDOT Standard Specifications for Road and Bridge Construction, latest edition and FDOT flexible pavement design manual. Development plans must include a typical roadway section with minimum/maximum requirements for the following:
 - i. 60 foot minimum width of right-of-way;
 - ii. Acceptable base types and thickness' based on site-specific geotechnical reports. Sand clay shall not be considered an acceptable base type;
 - iii. Cross slopes;
 - iv. Minimum roadway width shall be 22 feet;
 - v. Minimum shoulder width and cross slope; and,
 - vi. Required stabilization along the edges of pavement.
- e. Signage. The developer shall be responsible for providing all required signage of proposed public roads (i.e., street name, stop sign, speed limit, etc.) in a manner acceptable to the County.
- f. Design Criteria. Reference should be made for design to the FDOT Manual or Uniform Manual of Minimum Standards for Design, Construction and Maintenance for Streets and Highways (the Greenbook) and AASHTO Geometric Design of Highways and Streets, latest edition.
- g. Minimum Pavement and Right-of-Way. ~~Paved driving lanes shall be a minimum of eleven (11) feet in width. All right-of-ways, whether dedicated to the County or not, shall be a minimum of sixty (60) feet in width. The se minimum widths~~ specified in Section 2905.1.d., may be reduced in instances where strict adherence would conflict with other County objectives such as protection of environmentally significant resources or the provision of affordable housing. Any such reduction must provide for adequate distance and space for utilities and drainage. Reductions in ROW or pavement width must be approved by concurrent agreement of the County Engineer and Planning Official.

Note: Stricken language is redundant with paragraph "d.", above.

- h. Access. All subdivisions shall be designed and constructed so as to provide adequate access to the subdivision as a whole and to each subdivided lot within the subdivision. Access and driveway connections to subdivisions shall be provided as specified in Chapter 26 and shall also include the following requirements.
 - i. In no case shall access be provided to a new subdivision through a residential lot in an existing, recorded subdivision.
 - ii. The direct connection of individual, residential lot driveways onto collector or arterial roadways is prohibited. All subdivisions located adjacent to collector or arterial roadways shall be designed and constructed so that driveway access to each lot is from an internal, local street.
 - iii. Right-of-way stub-outs may be constructed to provide access to future phases of a subdivision or to provide access for future roads or streets provided turn-around provisions are made in the interim.
 - i. Sidewalks and Bikeways. The County shall require the installation of sidewalks and/or bikeways in the Urban and Suburban Service Areas as a condition of approval for Development Orders when sidewalks and/or bikeways provide or complete a "link" in an existing or planned sidewalk or bikeway system.
 - j. Right-of-Way Encroachments. Permanent structures are prohibited in County right-of-way unless a right-of-way use permit is obtained from the County.
 - k. Signage. Names of subdivisions may be shown on a sign located at the entranceway to the subdivision. All signs shall be installed or constructed as specified in Chapter 30 of this Code. All subdivision entrance name signs shall be maintained by the homeowners association.
 - l. The maximum length of a roadway ending with a cul-de-sac shall be 1,000 feet. The Public Works Director may approve exceptions when traffic calming measures are implemented.
 - m. The minimum radius for a cul-de-sac shall be 40-feet for pavement and 50-feet for the right-of-way. The Public Works Director may approve exceptions.
2. Utilities. Developers shall be responsible for ensuring that utilities will be available for every subdivision as specified herein, regardless of whether such utilities will be dedicated to the County or not. As used in this

Chapter, the term “utilities” means facilities for the provision of electric, telephone, natural gas (where available), sewage disposal, and potable water.

- a. Location, Installation, and Maintenance Standards. All utilities shall be located, installed, and maintained as specified in Chapter 27 of this Code, and the Bay County Utility Accommodation Guide, and the Bay County Manual of Standards and Specifications for Wastewater and Water Construction, latest revision, including all applicable references or standards contained therein. Developers are encouraged to install wires and cables underground when feasible.
- b. Connection to Central or Public Systems. Subdivisions for which a central or public water and/or sewer system is available must provide facilities so that each lot can be connected onto such system(s). The term “available” has the same meaning as specified in Chapter 27 of this Code.
- c. Use of On-Site Sewage Disposal System (OSDS) and Water Wells. In areas where central or public water and/or sewer systems are not available, lots within all subdivisions shall be sized in accordance with Bay County Health Department, Environmental Health Division standards, to accommodate the use of on-site sewage disposal systems and, if applicable, private potable water wells.
- d. Developers shall be required to install water lines, sewer lines, and fire hydrants even though central water and sewer service is not immediately available when:
 - i. The subdivision will be located in an area in which water and sewer lines are under construction, and construction is imminent as evidenced by pending bids for construction or contract for construction; ~~or,~~
 - ii. The subdivision will be located in an area in which the availability of central water and sewer service is imminent as evidenced by final approval of construction financing instruments such as loans, bonds, or other similar instruments; ~~or,~~
 - iii. The subdivision will be located within the Deer Point Reservoir Protection Zone or within 500-feet of Outstanding Florida Waters.

- e. Fire Hydrants Required. Developers of subdivisions which are required to connect onto a central or public water system or install dry lines shall provide fire hydrants with adequate fire-flow capacity. Spacing for fire hydrants shall be as specified in the Florida Building Code National Fire Protection Association Codes and Standards, latest edition.
3. Stormwater Control. All subdivisions must provide for adequate control of stormwater runoff. In addition, ~~to the requirements of Chapter 62-25, Florida Administrative Code~~ all stormwater control facilities shall be designed, constructed, and maintained as specified in Chapter 24 of this Code.
4. Inspection and Acceptance. The following requirements must be met prior to final plat approval.
 - a. Subdivision plans must be reviewed and approved by the Engineering Division and the Bay County Utility Services Department. The developer shall be informed that any significant changes or deviations from approved plans may require additional review.
 - b. Construction Management Requirements.
 - i. It shall be the owner/developer's responsibility to retain an engineering firm to inspect the proposed improvements. Prior to the start of construction, the owner/developer will identify a single point of contact (Engineer of Record for Inspection) with whom the Engineering Division will conduct all communications. The Engineer of Record for Inspection will be responsible for establishing and certifying all infrastructure improvements are built in accordance with the plans and in accordance with FDOT standards, to include testing schedules and test result reviews.
 - ii. During all phases of construction, the Developer must insure that a set of the approved construction plans and approved Development Order is available on site.
 - iii. All testing shall be accomplished by an FDOT certified materials testing laboratory in accordance with FDOT standards.
 - iv. Prior to final inspection and acceptance, the Engineer of Record shall provide to the Engineering Division and the Utility Services Department an inspection report which shall include the following:

- e. Fire Hydrants Required. Developers of subdivisions which are required to connect onto a central or public water system or install dry lines shall provide fire hydrants with adequate fire-flow capacity. Spacing for fire hydrants shall be as specified in the Florida Building Code National Fire Protection Association Codes and Standards, latest edition.
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 - b. Construction Management Requirements.
 - i. It shall be the owner/developer's responsibility to retain an engineering firm to inspect the proposed improvements. Prior to the start of construction, the owner/developer will identify a single point of contact (Engineer of Record for Inspection) with whom the Engineering Division will conduct all communications. The Engineer of Record will be responsible for establishing and certifying all infrastructure improvements are built in accordance with the plans and in accordance with FDOT standards, to include testing schedules and test result reviews.
 - ii. During all phases of construction, the Developer must insure that a set of the approved construction plans and approved Development Order is available on site.
 - iii. All testing shall be accomplished by an FDOT certified materials testing laboratory in accordance with FDOT standards.
 - iv. Prior to final inspection and acceptance, the Engineer of Record shall provide to the Engineering Division and the Utility Services Department an inspection report which shall include the following:

- a. Stormwater as-built certification.
- b. As-built drawings showing all subdivision improvements certified by a registered surveyor and mapper in accordance with S. 5J-17.052, F.A.C..
- c. Engineer of Record letter certifying that he/she has reviewed all material certifications, testing, as-builts, and that all improvements were built in accordance with the approved plans, permits, and FDOT standards.
- d. All material certifications.
- e. Copies of stormwater pipe videos.
- f. All testing results.
- g. Design mix.
- h. Copies of all permit and permit certifications.
- v. The Engineer of Record shall request a final inspection to ensure that the subdivision was constructed in accordance with approved plans.
- vi. Spot inspections by the County Engineer or designee may be conducted without notice on all construction to ensure compliance with the approved construction plans. Should work not meet with construction plans or procedures, work will be stopped until resolved.
- vii. Maintenance Inspection. At the end of the applicant's maintenance guarantee period, the engineering division and utility services department shall perform maintenance inspection. A list detailing any deficiencies shall be provided to the developer/owner. Any deficiencies shall be addressed by the owner/developer prior to release of the maintenance guarantee.
- viii. Failure to provide all required FDOT testing in accordance with FDOT Standard Specifications with the Engineers of Record's certification can result in the subdivision having to remain private.

Note: The above amendments replace paragraphs c. through h., below.

- ~~c. Mandatory construction inspection milestones are listed below. Construction shall not proceed to the next phase until the previous milestone inspection is completed by County staff and approval is documented on inspection card posted at the job site. Contractors shall request inspections a minimum of twenty four (24) hours in advance of desired inspections and sampling/testing time. County staff will make every effort to meet requested time and date, provided notice is timely. However, inspections will not be scheduled on Saturdays, Sundays or holidays. Because of limited staff and potential conflict with previously scheduled inspections there may be occasions when the County cannot respond as requested. In such instances an attempt will be made to establish a mutually agreeable time and date. If a mutually agreeable time and date cannot be established, the contractor may proceed with the work provided certification is provided by a Professional Engineer, duly registered in the State of Florida, that the project has been inspected and that construction is in conformance with approved plans and specifications.~~

Inspection Milestones

- ~~i. Drainage structures and piping;~~
 - ~~ii. Sub base construction;~~
 - ~~iii. Base course construction;~~
 - ~~iv. Final inspection.~~
- ~~d. Base and surface testing will be accomplished by an FDOT certified materials testing laboratory. The required test results for sub base, base and surface shall be provided to the County within forty eight (48) hours of receipt from the testing laboratory.~~
- ~~e. A final inspection will be required to ensure subdivisions are constructed in accordance with approved plans. Inspected items will include all roads, drainage, sod/grass, street lights, traffic control signage and location of utilities and utility easements.~~
- ~~f. Prior to final acceptance a professional engineer shall certify that the stormwater system has been constructed in accordance with the approved DEP permit. If a swale exemption was used in lieu of a permit a similar certification will be required.~~
- ~~g. Prior to final acceptance a set of as built drawing disks in a format acceptable to the County, shall be turned into appropriate County Officials. The as built drawings shall include all subdivision~~

~~improvements and be certified by a registered surveyor and mapper.~~

~~h. The maximum length of a roadway ending with a cul-de-sac shall be 1,000 feet.~~

5. Phasing. The ~~Technical Review Committee~~ County must approve all phases and timelines of the subdivision. The improvements in each phase need to be able to operate independently of any unconstructed phase with respect to access, utilities, drainage, and other required improvements.

SECTION 2906 8. Off-Site Improvements. Developers may be required to install or construct improvements off-site and away from the subdivision being developed when such improvements are considered necessary for public safety to maintain the functional integrity of roads, drainage, or utilities systems, or adopted level of service to mitigate for impacts of the development. Any such off-site improvements shall be determined on a case-by-case basis in conjunction with the subdivision review process. However, the cost to the developer for such improvements shall not exceed the development's proportionate share of the total costs of the improvements. If additional improvements are to the mutual benefit to the County and to the applicant, the County may provide impact fee credit up to the amount of the additional improvement costs.

SECTION 2907 9. Environmental Protection. Developers of subdivisions shall make all required efforts to conserve and protect environmentally significant resources during the design and development of subdivisions as specified in Section Policy 6.2.1 of the Bay County Comprehensive Plan.

1. Developers shall incorporate preservation of significant natural resources in proposed subdivisions as required in Policy 6.2.1 of the Bay County Comprehensive Plan. Planning and Zoning Division staff will provide assistance to developers for this purpose. Developers may use "cluster" design as a means to protect environmentally significant resources. This design technique involves the development of smaller lots with buildings closer together on the developable areas of the site while preserving the environmentally sensitive areas of the site. Areas preserved in this manner must be in the form of a dedication, easement, title, development agreement or other legal instrument.
2. The location and extent of significant natural resources and wetland buffers shall be shown on the boundary survey or subdivision plan as follows:
 - a. Wetlands. The location and extent of all federal and state jurisdictional wetlands as confirmed by the Corp of Engineers and/or Florida Department of Environmental Protection.

Wetland areas shall be conspicuously shown and marked as: "Wetland Area - Development Limitations May Apply."

- b. Coastal Setback Line. The location of the Department of Environmental Protection Coastal Setback Line or Construction Control Line, as may be applicable, referenced to monuments established by the State.
- c. Buffer and Setback Areas. The location and extent of any buffer zones or setback areas required by this Code including: wetland and shoreline buffers (see Section 1904.4), any applicable on-site sewage disposal system setback areas, and/or any building setback areas.
- d. Flood Zones. The location and extent of any A-zone or V-zone or equivalent designations on a FIRM along with applicable base flood elevations.

Features required by this paragraph shall be shown on a boundary survey, or subdivision plan ~~provided such survey is submitted with the preliminary plat and final plat~~. The delineation of boundary lines for wetlands, buffer and setback areas, flood zones, and coastal setback lines, shall be accompanied by a statement to read substantially as follows.

IMPORTANT: THE LOCATION AND EXTENT OF ENVIRONMENTAL FEATURES SHOWN ON THIS DRAWING IS BASED UPON LAWS AND REGULATIONS IN EFFECT AT THE TIME THIS PLAT WAS RECORDED. ALL PERSONS ARE ADVISED TO DETERMINE WHETHER OR NOT CHANGES HAVE OCCURRED TO THESE LAWS OR REGULATIONS THAT WOULD AFFECT THE DELINEATION SHOWN.

The preceding statement shall be displayed in a prominent and conspicuous location on the boundary survey and final plat and shall be no less than 14-point type. The disclosure statement for private maintenance of utilities required in Section 2914 shall also be displayed in the same manner.

SECTION 2908 10. Maintenance of Improvements. Developers of subdivisions shall provide for the continued maintenance of improvements for sanitary sewer, potable water, stormwater control, and streets and roads. This will be accomplished by either: 1) providing for public maintenance of improvements through dedications to the County, or; 2) providing for private maintenance of improvements.

- 1. The County may, at the discretion of the Board of County Commissioners, accept the dedication of privately constructed water and sewer systems, roads and streets, easements, and stormwater control systems. Any such dedications will be predicated upon:

- a. The developer actually constructing or installing the required improvements consistent with the provisions of this Section prior to final plat approval;
 - b. Inspection of the improvements (both during and after construction) and a recommendation for acceptance by the Engineering Division and the Bay County Utility Services Department;
 - c. Clear designation of the location, dimensions, and type of dedication depicted on the final plat;
 - d. Improvements dedicated to the County require the posting of a maintenance guarantee by the developer. The guarantee must be an amount equal to fifteen percent (15%) of the cost of constructing or installing the all improvements, as calculated by the Engineering Division and Utility Services Department. The guarantee will be held by the County for a period of three (3) years from the date the plat is accepted by the Board of County Commissioners. Maintenance guarantees may be in the form of irrevocable letter of credit, ~~escrow account~~, or surety bond with Best rating of "A VII" or better and must be received by the County prior to recording of the final plat, and;
 - e. The constructed improvements being free of all liens and encumbrances.
2. Developers of subdivisions may provide for the private maintenance of water and sewer systems, roads and streets, easements, and stormwater control systems. This can be accomplished through ownership of the facilities by the developer, creation of a homeowner association, creation of a residential cooperative, or other legally binding means which will ensure that improvements are adequately maintained through time. Any such means for private maintenance of improvements must:
 - a. Be established and legally recorded before any lots are sold;
 - b. Ensure that each lot owner and any successive buyers participate in the maintenance programs;
 - c. Be a permanent means of providing for maintenance;
 - d. Require that each lot owner pay a pro rata share of cost, and that the pro rata assessment become a lien on a lot if not paid; and,
 - e. Provide a method for adjusting assessments as may be necessary.
3. All gated communities and wet retention ponds shall remain private.

SECTION 2909 11. Site Clearing. Requirements for site clearing are as follows.

1. There shall be no clearing of any site until such time as an inspection of the site has been completed by Community Development Services staff.
2. Trees shall be protected as specified in Chapter 19 of this Code. Developers are encouraged to preserve as many trees as possible during site development.
3. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris must be removed from the subdivision site. No such debris may be buried on any part of the subdivision. As an alternative, developers may burn combustible debris on-site provided all such debris is reduced completely to ash and mixed with the soil.

SECTION 2910 2. Development in Floodplains. The criteria for development in floodplains pertain to those areas of special flood hazard, which have been identified by FEMA with the Flood Insurance Rate Maps (FIRM). All new subdivisions must identify the flood hazard areas and base flood elevation on the site plan and provide minimum finish floor elevations for proposed buildings within flood hazard area. Minimum finish floor elevations for the special flood hazard areas shall be a minimum of 12 inches above the base flood elevation reflected on the most recent FEMA Flood Insurance Rate Map and shall be shown on the final plat.

The developer shall be responsible for determining base flood elevations in unnumbered flood zones in all subdivisions when such elevations are not shown on Flood Insurance Rate Maps. County Staff shall provide the developer with all available data and shall review the base flood elevation determination.

SECTION 2911 3. Commercial Subdivisions. The following additional requirements shall apply to all commercial and industrial subdivisions.

1. The term "commercial subdivision" means a subdivision located within a commercial land use district for which the intended purpose is the sale of wholesale or retail goods and services as generally specified in the North American Industry Classification System, U.S. Office of Management and Budget, latest edition.
2. In addition to the other provisions of this Section, the following general requirements shall apply to all new commercial subdivisions.
 - a. Roads and Streets. Roads and streets shall be designed and constructed to provide for tandem axle truck traffic. Paved driving lanes shall be a minimum of 24 feet in width. All rights-of-way shall be a minimum of 60 feet in width. All corners and turnarounds shall provide for a minimum 40 foot turning radius. The minimum turning

radius for cul-de-sacs shall be 50 feet. The maximum length of a roadway ending with a cul-de-sac shall be 1,000 feet.

- b. Landscaping and Buffers. Landscaping and buffers shall be as specified in Chapter 28 of this Code.

SECTION 2912.4. Disclosure Required for Privately Maintained Subdivisions.

Any person or his authorized agent who has created a subdivision and who has not had the water and sewer systems, roads, easements, streetlights and stormwater control system serving the subdivision accepted for maintenance at County Expense by the Board, shall disclose the following to the prospective purchaser of land in such subdivision prior to the completion of the sale the following information, which shall be substantially in the following form, and which shall be affixed to the deed, final plat, or other instrument of transfer.

IMPORTANT: The streets, drainage easements, water and sewer lines, streetlights or storm water control facilities serving, or which may in the future serve, the land being purchased has not been dedicated for maintenance at the expense of Bay County by the Board of County Commissioners of Bay County, Florida. All roads, drainage, water and sewer lines, streetlights, and other related public facilities have been constructed to County standards regardless of whether or not maintenance will be performed by Bay County or by a private entity.

SECTION 2913. Restrictive Covenants and Deed Restrictions. Nothing in this Chapter shall diminish, abrogate or otherwise restrict a developer from imposing deed restrictions, restrictive covenants, or other such limitations on the sale and use of property within a subdivision. All such restrictions shall be recorded in the records of the Circuit Court Clerk. The County shall have no responsibility for ensuring compliance with, or enforcement of, any such privately-imposed restrictions, unless included as part of an enforceable development agreement.

SECTION 2915. Features to be Shown on Final Plat. The following features shall be shown on, and become part of, the final plat as recorded and filed with the Clerk of the Circuit Court. No plat will be taken to the Board of County Commissioners for final approval until all of the following features are shown.

1. All features required by Chapter 177, F.S.
2. The location and extent of all jurisdictional wetlands depicted by direction and distance and any buffer or setback lines associated with wetland and shoreline buffers.
3. The size of each lot as calculated and shown to one hundredths of an acre.
4. The County Engineer's signature

Note: Moved to Section 2915 and amended.

SECTION 2914 6. Relationship to S.H.I.P. Program. The requirements of this Chapter may be subject to variance by the Planning Commission to promote the objectives of the County's State Housing Initiatives Partnership (S.H.I.P.) Program. The granting of any such variance shall be guided by the County's adopted housing assistance plan and shall be acknowledged in a Developers Agreement between the developer and Bay County Board of County Commissioners.

SECTION 2915. Plat Approval. The term "plat" means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with applicable Florida law and the requirements of this Chapter and may include the terms "replat", "amended plat", or "revised plat." All plats shall be reviewed in the form and manner herein described.

1. Prior to final approval and recording, all subdivisions shall be shown in the form of a plat which conforms to the requirements of Chapter 177, Part I, F.S. and this Chapter.
2. The plat shall be in substantial compliance with the approved subdivision Development Order.
3. All plats shall be submitted to the Engineering Division of Public Works for review prior to submission to the Board of County Commissioners. In addition, a digital copy of the plat with state plane coordinate data shall be provided.
4. The minimum finished floor elevation for each lot shall be identified on all lots when any portion of the plat is within a special flood hazard area/zone.
5. The size of each lot, shown to one-hundredths of an acre, shall be identified.
6. The location and extent of all jurisdictional wetlands depicted by direction and distance and any buffer or setback lines associated with wetland and shoreline buffers shall be identified.
7. The plat shall bear the signature of the County Engineer.
8. The recording information (Book and Page Numbers from the Clerk of the Court), of any Homeowner's Association documents, if any, shall be shown on the plat.
9. A subdivision shall only become a plat after approval and acceptance of dedications (if any) by the Board of County Commissioners and recording in the Official Records of the Circuit Court Clerk. No plat shall be

recorded by the Clerk until such time as the provisions of this Chapter are met and all applicable fees are paid.

10. No plat may be considered for approval by the Board of County Commissioners until such time as all required improvements are in place and have been inspected and approved by the County. In lieu of actual construction of all required improvements, the developer may provide a surety equal to 110% of the cost of constructing such improvements, including utilities, as verified by the Engineering Section and the Bay County Utility Services Department. Such surety shall be in the form of irrevocable letter of credit or performance bond. If a performance bond is used any such bond must be Best rated at "A VII" or better.
11. No developer shall sell or otherwise transfer any interest in any land in a subdivision prior to the recording of the plat.

SECTION 2916 7. Plat Vacation and Right-of-Way Abandonment. Any dedication or conveyance of real property for the purpose of streets, rights-of-way, access, ingress and egress, utilities and drainage which has been made on or by a plat, easement, deed, or other instrument of any kind which instruments have been approved by the Board of County Commissioners for filing of record in the Official Records of Bay County or which instruments conveys any interest in real property to the Board of County Commissioners is hereby deemed to be under the jurisdiction and control of the Board of County Commissioners for the purposes of the vacation, annulment, and/or abandonment of plats, or portions thereof, rights-of-way, and easements for access, utility and drainage purposes. The provisions of this Section shall apply to all plats, rights-of-way and easements under the jurisdiction and control of the Board of County Commissioners.

The procedures set forth in this Section shall apply to applications pursuant to Section 177.101(1) and (2), F.S., and to all applications for vacating plats, or any portions thereof, including public easements, pursuant to Section 177.101(3), F.S. Any petition to vacate a plat, or portion thereof, which plat, or portion thereof, contains private rights-of-way, shall not require a public hearing; provided, however, that a public hearing shall be required if the petition site includes a County right-of-way or public easement for drainage purposes which services a County right-of-way.

1. Petitioners.
 - a. Abandonment of Plats. Any person, governmental entity or business entity desiring to abandon a plat, or any portion thereof, including public easements, shall be required to make application to the County pursuant to Section 177.101, F.S., and the provisions of this Section. The application shall be on a ~~petition~~ form prescribed by the County Surveyor and the information contained therein shall be verified by the petitioner under oath notarized. Unless initiated

by the County, the ~~petition~~ application shall be signed by all owners of any portion of the ~~petition~~ proposed abandonment site.

- b. Abandonment of Rights-of-Way. Any person, governmental entity or business entity desiring to abandon the public's interest in and to any right-of-way shall be required to make application to the County pursuant to this Section. The application shall be on the petition form prescribed by the County Surveyor and the information contained therein shall be ~~verified by the petitioner under oath~~ notarized. Unless initiated by the County, any ~~petition~~ application for abandonment of rights-of-way shall be signed by all owners of abutting property.
2. Access to Water. No right-of-way, road, street, or public accessway giving access any publicly accessible waters in the County, shall be closed, vacated or abandoned except in those instances wherein the petitioner(s) offers to trade or give to the County comparable land or lands for a right-of-way, road, street or public accessway to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the Board of County Commissioners.
3. Notice of Intent to File Petition to Vacate a Plat. Immediately prior to filing the petition to vacate a plat with the County Surveyor, the petitioner shall cause to be published a notice of intent in a newspaper of general circulation in the County once weekly for two (2) consecutive weeks. Such notice of intent shall state the intent of the petitioner to file a petition pursuant to this Section and in Chapter 177, F.S.
4. Petition Application Procedures. In addition to any other information, the petition shall contain the following:
 - a. Legal Description of Petition Site. A complete and accurate legal description and sketch of the petition site prepared by a registered surveyor.
 - b. Type of Petition. A statement identifying the type of petition, the source of the County's or public's interest, together with a reference to the recording information for the petition site. The type of petition may be for abandonment of.
 - i. A plat;
 - ii. A portion of a plat;
 - iii. A County right-of-way;

- iv. The public's interest in a private right-of-way; or
- v. A public easement.
- c. Location Map. A drawing measuring not less than eight (8) inches by fourteen (14) inches and not larger than eleven (11) inches by seventeen (17) inches which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way, excluding the petition site, and all affected properties. The location map may be located on the survey in a separate block prepared by a registered surveyor along with a legal description.
- d. Access to Affected Property. The petition shall contain a statement that to the best of the petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parts of the subdivision.
- e. Federal or State Highway Statement. The petitioner shall certify that the petition site, or any portion thereof, is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes.
- f. Evidence of Title. The petition shall state the source of petitioner's ownership or interest in and to the petition site, and a reference to the recording information for same. A copy of the source instrument shall be certified by the Circuit Court Clerk and attached to the petition.
- g. Evidence of Taxes Paid. The petition shall state that all state, municipal, and County taxes on the petition site have been paid. The certificate(s) of the Tax Collectors Office showing payment of same (as payment is defined in Section 177.101.4, F.S.) shall be attached to the petition. If the petition site or any portion thereof is tax-exempt, the petition shall so state and a copy of the tax roll from the Tax Collector's Office which shows such exemption shall be attached to the petition.
- h. Municipal Resolution. The petition shall state whether the petition site lies within the corporate limits of a municipality, within the unincorporated area, or both. If any portion of the petition site lies within the corporate limits of a municipality, the municipality shall first abandon its interest in the petition site by appropriate resolution, and a certified copy of the municipal resolution shall be attached to the petition.

- i. Fees. The petition shall state whether the petition site is subject to the application fee, the amount of the fee, and that the fee is submitted herewith.
 - j. Justification. The petition shall detail the relevant reasons in support of the request and granting of the petition.
 - k. Abutting Property Owners. The petitioner shall provide letters from property owners abutting the proposed abandonment stating that they are in agreement with the proposed abandonment.
5. Review of Petition.
 - a. Review and Notification. Each petition application shall be reviewed by the County Surveyor and any governmental agency or affected County Department. Upon receipt, the County Surveyor shall distribute the petition application to the reviewing departments and agencies. Within twenty (20) days of receipt of the petition application, the reviewing departments and agencies shall submit a written report containing its ~~their~~ findings and recommendations to the County Surveyor. Upon receipt of all written reports, the County Surveyor shall review the petition and reports application and shall notify the petitioner in writing of findings or any reasonable conditions to be performed prior to forwarding the petition and reports pursuant to paragraph (b) below setting a public hearing date. Within sixty (60) days of receipt of the County Surveyor's notification, the petitioner shall either comply with, agree and commit in writing to the conditions, or disagree in writing to the conditions. Failure to respond to the County Surveyor's notification may result in a recommendation to deny the petition by the County Surveyor.
 - b. Review by Board of County Commissioners. After expiration of the sixty-day period above or sooner, if conditions are not imposed, or if imposed, are responded to by the petitioner in the manner set forth above, the County Surveyor shall forward the petition together with his/her findings and recommendations of same to the Board of County Commissioners for their review in accordance with this Section. The County Surveyor shall set the petition for public hearing unless the petition is not subject to a public hearing. If a public hearing is not required, upon its review, the Board shall adopt a resolution either approving or denying the petition. The Board may reject a petition if a petition covering the same lands had been considered at any time with six (6) months of the date the later petition is submitted.

6. Public Hearing of Petitions for Abandonment of County Rights-of-Way and Public Easements for Drainage of County Rights-of-Way. Pursuant to Section 336.10, F.S., a public hearing shall be held for any petition for abandonment which affects County right-of-way and public easements for drainage which service a County right-of-way.
 - a. Time and Place Hearing. The Board of County Commissioners hereby exercises their authority, as set forth in Section 336.09 F.S., by authorizing and directing the County Surveyor to establish a definite time and place to hold the public hearing required by Section 336.10, F.S. and this Section and to publish the notice of the hearing.
 - b. Publication of Notice of Public Hearing. Advertisement of such public hearing shall be placed in a newspaper of general circulation.
 - c. Posting of Notice of Public Hearing. The County Surveyor shall notify the petitioner of the date and time of the public hearing and shall ~~direct the petitioner to~~ post the property with a notice of petition to vacate. The ~~petitioner~~ County shall place the notice in a conspicuous and easily visible location, abutting a public thoroughfare when possible, on the subject property at least ten (10) days prior to the public hearing.
 - d. Mailing of Notice of Public Hearing. The County Surveyor shall mail a copy of the notice of public hearing to all affected property owners.
 - e. Notice of Adoption of Resolution. If the County Commission shall, by resolution, grant the petition, notice thereof shall be published one (1) time within thirty (30) days following the date of adoption of such resolution in a newspaper of general circulation published in the County.

The proof of publication of the notice of public hearing, and the proof of publication of the notice of the adoption of the resolution, and a copy of the resolution shall be recorded in the Public/Official Records.
7. Recordation of Resolution. Upon adoption of a resolution approving a petition, a certified copy of same shall be filed in the Public Records in accordance with Section 177,101 or Section 336.10, F.S., whichever is applicable.
8. Effect of Recording Resolution of Abandonment. For County rights-of-way, upon the recordation of the proof of publication of notice of public

hearing, proof of publication of the notice of adoption of the resolution, and a copy of the resolution in the Public Records, the interest of the right-of-way so closed shall be vested in accordance with provisions of Section 336.12, F.S.

For plats, or portions thereof, recordation in the Public Records of resolutions approving abandonment of a plat or a portion thereof shall have the effect of vacating all streets and alleys in accordance with Section 177.101(5), F.S., and shall either return the vacated property to the status of unplatted acreage or shall vacate the first plat in accordance with Section 177.101(2) or (3), F.S., as applicable.

SECTION 2917 8. Replat A replat is required prior to the sale of lots, parcels, tracts, tiers, blocks, sites, or units that do not conform to an existing subdivision plat. A replat shall follow the procedures for plat approval set forth in this Section Chapter and those of Abandonment.