

TOWN OF WELAKA

REGULAR ZONING BOARD MEETING

AGENDA

January 18, 2024 at 6:00 PM
Honorable Willie Washington, Jr. Town Council Room
400 4th Ave., Welaka, FL 32193

(This meeting will be broadcasted, for view only, on the Town of Welaka Facebook page)

1. **CALL TO ORDER:** by Chairman David Jeltos
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** by Assistant Town Clerk, Ellen Dickason
 - Chairman David Jeltos
 - Lenore Toole
 - Les Thomas
 - Pamela Washington
 - Jennifer Bures
 - Town Attorney Patrick Kennedy
4. **APPROVAL OF CURRENT AGENDA**
5. **APPROVAL OF PREVIOUS MINUTES:** December 21, 2023 Meeting Minutes
6. **REQUEST TO SPEAK**
7. **CORRESPONDENCES**
 1. Chris Kelly – Outback Smoke Shack – 413 Elm Street, Welaka
8. **NEW BUSINESS**
9. **OLD BUSINESS**
 1. Review of the proposed Land Development Code
 - a. Section 4. Accessory Uses and Structures
 - b. Article 5. Subdivisions
10. **PUBLIC COMMENT**
11. **ADJOURN**

**TOWN OF WELAKA
ZONING BOARD MEETING
DECEMBER 21, 2023 @ 6:00 PM**

Honorable Willie Washington, Jr. Council Room
400 4th Avenue, Welaka FL 32193

MINUTES

(This meeting was broadcasted for view only on the Town of Welaka's Facebook page)

1. **CALLED TO ORDER** by Chairman David Jeltos at 6:00 PM
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALLED** by Assistant Town Clerk, Ellen Dickason:
Chairman David Jeltos - present; Lenore Toole - absent; Les Thomas - present; Pamela Washington - present; Jennifer Burres - present, and Town Attorney Patrick Kennedy - present. Four members are present, we have a quorum.
4. **APPROVAL OF CURRENT AGENDA:**
Motion Made by Les Thomas to accept the 12/21/23 Meeting Agenda and seconded by Pamela Washington. Passed 4/0.
5. **APPROVAL OF PREVIOUS MINUTES:**
Motion Made by Pam Washington to accept the 11/16/23 Meeting Minutes and seconded by Jennifer Burres. Passed 4/0.
6. **REQUEST TO SPEAK:** None.
7. **NEW BUSINESS:** None.
8. **OLD BUSINESS:**
Patrick Kennedy – Accessory Uses and Structures – Sec 4 of Article 2, page 36. Members couldn't find so move on to original agenda items
 - a. **Review of the proposed Land Development Code**
 1. **ORD 93-6 Subdivision Requirements -**
 2. **Article 5 – Subdivisions –** Kennedy – You should also have current ordinance 93-6. Tried to put in format we are using and redlined things we should change. We are looking at the meat and potatoes of current ordinance. Towns subdivisions languages just need cleaning up. We get a lot of guidance from state statute. Paragraph 5-102 definitions, some of these are not necessary. Easement is the legal definition. Washington - definition about sums it up. Kennedy – final plat definition read. Kennedy continued to read definitions as shown in Section 5-1. Section 5-2 paragraph a.6. – common areas added Kennedy doesn't think appropriate to put setbacks on plat. It can be messy. Setbacks will be coming in for the River Ridge Cottages. Paragraph a8 – base flood elevation should be on plat. Paragraph a9 – tree survey put in this section and should be reviewed by tree board. Any trees to be removed, Tree Board should be involved. Jeltos – should “be approved” be placed in this area?

Kennedy – yes. A.11. – wetland delineation map should be provided if required. A.12. – remove “showing”. Paragraph b, concurrency management ordinance is not worth referencing here. Not sure if we even have an ordinance. Paragraph c – building officer removed and staff and planning and zoning board to verify application. Staff should be the first to review. Whatever is said here must meet Florida Statutes. Section 5-202 Preliminary Plat approval – can expire changed to 365 days for preliminary plat. Thomas – “may” submit final plat withing 365 days. They have the option to submit. Kennedy – yes, they can decide not to do it. Section 5-203 – moved last sentence to 2nd sentence in paragraph. Paragraph b – took out building office and added staff and this board. Board will do preliminary review and make recommendations. Thomas – asked to change the paper size to 24x36 which would help with margin. Section 5-205 Kennedy thought this needed more explanation. A – discusses the reversion – petition the town council to vacate a plat. Basically, the impact to residents must supply metes and bounds and own the property. B – vacating by the town – must order to metes and bounds, Town can’t hold up progress state and fed agencies as applicable permits shall be secured. f – waterfront replaced riverfront wording, change to protect the river to waterbodies, meeting minimum set back as required, mandatory installation to provide or tie into existing centralized wastewater treatment facility. This will tie into design requirements. Sec 5-302 Floodplains – added to the fullest extent possible. Kennedy – wetland discussion. 5-303 clean up language 5-304 – private wells and septic prohibited. New development shall be required to hook up to the town’s central water system of plat approval. Existing septic tanks in place prior to plat approval shall be required to connect to the central sewage system. 5-305 – no changes, last sentence removed from (b). 5-307 – added in (a) constructed in accordance with town’s design standards etc. less than 5 acres in size, requires pavement of roads. 5 acres or more are not required to be paved. We need a dirt road standard; this will be addressed if it happens. Thomas – under (d) where is says designated to accommodate bicycle and pedestrian traffic, does that mean sidewalks? Kennedy – not necessarily, it could be a bike path, share a road. 5-309 cleaned up language 5-310 – clean up language added simpler language in (a). Section 5-4 cleaned up last line of (a) was removed. Can’t hold back 5% indefinitely. Make a performance bond and a maintenance bond if wanted. Sec 5-5 (b) include wording for town to get costs and fees or lien on property if not received. (b) administrative will be dealt with in another section so that paragraph was removed.

b. Mobile food trucks discussion Kennedy stated a person wanted to do the mobile food in C1 zoning. He stated we had no provision for these, and it was determined that nowhere in town is this allowed. Jeltres – voiced concern about brick-and-mortar places and hurting their business. Should we have an open forum to discuss this? We are going to have different perspectives. He doesn’t feel educated enough to decide currently. Kennedy – Town council needs to make this a priority. Thomas – stated Outback Smoke Shack would support mobile. Jeltres – Bomba was against it, and she owns the building. Washington – stated we need to look at surrounding towns/cities. How can we allow for special events if no ordinance. Kennedy – not appropriate comparison. Those are special events, not every day. Washington – I get that but that’s the argument out there among everyday citizens. Kennedy – Crescent City didn’t allow it, he helped write the ordinance. Jeltres – need to have guidance from council for this item prioritization. Thomas – have the town council tell us if they want us to discuss this item. Kennedy – went through a list of items that may want to allow with special conditional use permit. Let’s see if they want us to tackle this before we do tackle it. Thomas – does Crescent City have a mobile truck ordinance and what about Putnam County? Washington - yes they do and the state has guidelines also. Kennedy – state looks at sanitation. Burrese – is there a max allowed for trucks, lots of questions. Kennedy – that’s part of the questions we need to ask. Developed property, parking lot, facilities in reach. Thomas – ST AUG beach has a food truck

center. Parking, bathrooms and food trucks. Private property that charges the trucks. Thomas – thinks the restaurants will not want the trucks. Kennedy – will let the council know and ask for guidance.

9. PUBLIC COMMENT:

10. ADJOURNED: Jelts adjourned at 7:18 PM.

Town Clerk

From: Town Clerk
Sent: Tuesday, January 16, 2024 12:32 PM
To: Jamie Watts
Subject: FW: ORDINANCE 2023-10 - Rezoning C1 to C2 - 413 Elm Street

Good Morning,

Please find the correspondence from Mr. Kelly below.

Very Best Regards,

Meghan E. Allmon

Town Clerk
Town of Welaka
400 4th Avenue
Welaka, FL 32193
(386) 467-9800 ext. 102
TownClerk@welaka-fl.gov
www.Welaka-fl.gov



Welaka, FL
River of Lakes

From: Chris Kelly <cpeterkelly@gmail.com>
Sent: Sunday, January 14, 2024 11:03 PM
To: Town Clerk <townclerk@welaka-fl.gov>
Subject: ORDINANCE 2023-10 - Rezoning C1 to C2 - 413 Elm Street

Dear Mayor Watts and Council Members,

My name is Chris Kelly, my wife and I reside at 410 Palmetto Street, Welaka FL 32193. Our home is within the postal notification requirement of the rezoning request for 413 Elm Street and we were notified prior to the Zoning Hearing pertaining to this property.

In relation to this property and request, I encourage you to view the one minute video I've uploaded to Youtube at <https://youtu.be/PGE33N4aK0s> as it provides documentation of Ingress/Egress and parking conditions during a lunchtime rush at Elm Street and 5th Avenue in Welaka, Florida, the site of Welaka Smoke Shack.

Don't get me wrong, I love Welaka Smoke Shack and think they're a welcome restaurant offering and addition to our local business community. Award winning Barbecue always wins my respect and

support. But as we encourage heightened utilization of underperforming commercial sites that don't conform to current codes, we're going to need to establish parking rules for town right of way, and develop a process to allow provision of paving, drainage and sidewalks.

Owners of commercially zoned properties look for rents that meet the requirements of the current real estate and interest rate markets, and there will be additional applications for rezoning and conditional uses that don't meet current parking and drainage requirements. If we permit first owners to proceed regardless, or turn a blind eye, we hinder the growth and health of the remainder and the neighborhoods surrounding. Allowing parking to spill into neighboring roads and right of way will leave us with fractured relationships, erosion, destroyed utility meters, unsightly and unsafe muddy paths and turn private gain into public liability.

I'm of the opinion that the subject property is large enough to allow parking and retention of stormwater in the rear of the business, and will encourage the Zoning Board to that finding at the appropriate time.

Today I encourage the rezoning of the subject property knowing that this is but one step towards the goal of the Smoke Shack and property owner M. Bomba. The Zoning Board in the November 16 meeting minutes clearly voted after the oral representation from our town attorney that approval was predicated on "*Limited drinking to the **interior** of the building and only beer and wine. Parking needs to be **addressed for storm water issues** also.*"

Yours,

Chris Kelly

1 SECTION 4. ACCESSORY USES AND STRUCTURES

2
3 2-401. Purpose.

4
5 It is the purpose of this section to regulate the installation, configuration, and use of accessory
6 structures, and the conduct of accessory uses, in order to protect the health, safety and general
7 welfare and to ensure that such structures and uses do not have a harmful physical or visual
8 impact on residents and surrounding areas.

9
10 2-402. Relationship to other requirements of this code.

11
12 (a) Unless otherwise provided for in this code, the general regulations in this section apply to
13 accessory uses and structures.

14
15 (b) The standards provided in other parts of this code apply for height, location, setbacks, lot
16 coverage and floor area unless specifically addressed otherwise in this article.

17
18 2-403. Consistency with zoning requirements.

19
20 (a) Accessory uses and structures are permitted in the various zoning districts provided such uses
21 and structures are of a nature customarily incidental and clearly subordinate to a permitted
22 principal use or structure. They are used to serve the principle use rather than support a separate
23 and distinct land use.

24 (b) Accessory uses shall not involve or be used for operations or structures not in keeping with
25 the character of the district.

26
27 2-404. Location of uses and structures.

28
29 (a) Accessory uses and structures must be located on the same lot or parcel as the principal use,
30 or a contiguous lot or parcel in the same ownership. Accessory uses or structures cannot be
31 located on any parcel adjoining the parcel developed with the principal use unless the zoning of
32 the adjoining parcel also allows the principal use.

33
34 (b) In order to place an accessory structure on a lot or parcel separated by a public or private
35 street from the principal use or structure, the property owner must obtain a variance from the
36 Planning and Zoning Board pursuant to the variance procedures and criteria established by this
37 Code.

38
39 2-405. Required Yards or Setbacks.

40
41 (a) Setback distances for accessory structures will be measured from the exterior wall of the
42 structure.

43
44 (b) Where the Florida law specifies a specific setback or design requirement, the more restrictive
45 of Florida law or this code shall apply.

47 (c) Unless expressly stated otherwise in this Code, accessory structures or uses shall not be
48 permitted inside the required front yard for the primary structure within a given zoning district,
49 regardless of the size of the accessory structure, unless an exception is expressly stated elsewhere
50 in this code. [Define front yard]

51
52 (d) Accessory structures or uses in all zoning districts where the property abuts waterfront or
53 wetlands shall be subject to the standard setback requirements from the waterfront or wetlands
54 established for the primary use or structure in the given zoning district, unless such accessory
55 structures or uses are customarily incidental to use of the waterfront or wetlands (i.e., piers,
56 docks, boardwalks, unenclosed boat houses, etc.) or an exception is expressly stated elsewhere in
57 this code. Nothing in this section shall serve to waive or authorize a variances to any other
58 requirements of this code as it relates to development on or adjacent to waterfront or wetlands.

59
60 ~~(d) In SR-1, SR-1A, AG zoning districts, accessory structures or uses greater than _____~~
61 ~~square feet shall meet the setback requirements for the zoning district in which the structure or~~
62 ~~use is located and shall be separated by no less than six feet from any other structure.~~

63
64 (ed) In SR-1, SR-1A, AG zoning districts, accessory structures not used for habitation ~~that are~~
65 ~~_____ square feet or less in size~~ shall meet the front yard, waterfront setback and wetland
66 setback requirements for the primary use or structure for zoning district in which the structure is
67 located; however, an accessory structure not used for habitation may be set four feet from any
68 side or rear (non-waterfront) lot line. Accessory structures used for habitation shall meet the
69 requirement of paragraph (gf) below, regardless of size, and shall still be separated by no less
70 than six feet from any other structure, with the following exceptions:

71
72 (1) Carports in residential zoning may be located less than 6 feet from a principal
73 structure, subject to the design requirements of the Florida Building Code, provided the
74 carport shall be required to meet standard setback requirements from the property lines
75 for the principal use or structure as provided in section 3 of this Article.

76 (2) Docks and unenclosed boathouses may be located in any required waterfront setback.

77 (3) A single gazebo, pergola or detached screen room may be located within the required
78 waterfront setback provided that the structure is no greater than 300 square feet in area.

79
80 (ef) In the multi-family, commercial and industrial zoning districts, all accessory structures or
81 uses shall meet the standard front yard, waterfront and wetland setback requirements established
82 for the primary structures or uses within the zoning district in which the structure is located.
83 Accessory structures not intended for habitation must be setback no less than 4 feet from the side
84 and rear property lines and 6 feet from all other structures. Accessory structures used for
85 habitation shall meet the requirement of paragraph (gf) below.

86
87 (gf) In all zoning districts, accessory structures used for habitation shall meet the standard
88 setback requirements for the primary structures or uses for the zoning district in which the
89 structure is located, and where more than one structure meant for habitation is permitted, an
90 accessory structure used for habitation must be set back ten feet from any other structure used for
91 habitation and six feet from any other structure that is not for habitation.

93 (~~gh~~) Accessory structures are not allowed in a street right-of-way, unless expressly authorized by
94 the owner of the right-of-way, and in any event, such structures shall be limited to structures that
95 support authorized utilities or mail pickup and delivery.

96
97 2-406. Use of structures.

98
99 (a) A structure that is attached to a principal structure shall be considered part of the principal
100 structure and shall not be considered an accessory structure.

101
102 (b) In all zoning districts, an accessory structure may not be placed on the property and used
103 prior to establishment of a principal use or structure unless the property owner has submitted a
104 development permit application that includes plans for the principal structure, a site plan
105 showing the location of the proposed principal structure in relation to all property lines and other
106 structures is submitted with the permit application, and the principal structure is established
107 within 12 months of said permit being issued. Failure to establish the principal use or structure
108 within 12 months of establishing the accessory use or structure shall subject the property owner
109 to code enforcement action for violation of this provision.

110
111 (c) In the Agricultural (AG) zoning district, an accessory structure may be placed on the property
112 prior to a principal structure as follows:

113 (1) The property established a bona fide ~~farm as the~~ primary use ~~in accordance~~
114 ~~with~~ allowed under the AG zoning.

115 (2) The property is greater than 5 acres in size and the accessory structure serves the
116 primary purpose of housing equipment necessary to maintain the property.

117
118 2-407. Size and number of structures.

119
120 (1) In all zoning districts the size of structures is limited by the standard floor area ratio,
121 impervious surface area, lot coverage, and height standards of the applicable zoning district.

122
123 (2) Total square footage and floor area ratio of the accessory use or structure are the primary
124 considerations when determining whether an accessory use or structure is subordinate to the
125 primary use or structure. If the proposed use or structure exceeds the square footage or floor area
126 ration of the primary use or structure, it shall not be permitted unless approved by a variance
127 under the process and criteria established in this code.

128
129 (3) In the single family and multi-family zoning districts, if there is more than one accessory use
130 or structure proposed, the uses and structures shall be considered cumulatively for purposes of
131 determining whether the accessory use or structure or use is clearly subordinate to the primary
132 use or structure.

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134 2-408. Permits required.

135
136 Building permits are required for accessory structures in accordance with the applicable building
137 codes as adopted and implemented by the Town.

138 Exception for sheds under 151 sq ft

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2-409. Supplemental regulations for accessory uses and structures.

This section provides definitions and supplemental regulations for certain the accessory uses. These supplemental regulations should be read in conjunction with all other site development standards found in this code.

(a) **Accessory equipment.** In all zoning districts, equipment designed to serve the main structure, including air conditioning compressors, solar panels, propane tanks, water softeners, generators and other similar equipment may be located in any required side or rear set back, but no closer than four feet to any lot line. No such equipment shall be located within the required front setback. In all cases, a site plan shall be submitted demonstrating compliance with this section. Any storage of propane which equals or exceeds a total of 2,000 gallons shall be deemed to be bulk storage of a toxic and/or flammable substance and require a special use permit where allowed and additional screening and buffering may be required.

(b) **Boathouses, over the water shade structures and docks.**

(1) The term "boathouse" means a structure where a personal, recreational watercraft is stored, and includes the term boat shelter. An "over the water shade structure" ("shade structure" for purposes of this subparagraph) means a roof structure over a dock to provide shade. ~~to~~ A "dock" means a pier or boardwalk type structure that extends over water to allow direct access to the water for fishing, swimming or boating, and may include a boathouse.

(2) A boathouse, shade structure or dock cannot be enclosed with walls or used as a habitable structure. The boathouse must remain open on all sides and a shade structure shall either be open on all sides or it may be screened, but in no instance shall it be enclosed with solid materials.

(3) The boathouse, shade structure or dock structure, including any electrical or plumbing services, must be in compliance with all other regulatory agencies' requirements, including, but not limited to, the permitting and design requirements of Florida Department of Environmental Protection, the Army Corps of Engineers and the Federal Emergency Management Agency.

(4) The boathouse, shade structure or dock cannot be used as a revenue generating or income related activity unless such activity is permitted in the zoning district in which the property is located.

(5) The boathouse or shade structure shall not exceed a cumulative total of 600 square feet under roof unless a conditional use permit is obtained from the Planning and Zoning Board in accordance with the processes and criteria established in the code.

(6) A lot or parcel may have a boathouse, shade structure and a dock as part of single structure, but more than one boathouse, shade structure or dock shall not be allowed unless s approved pursuant to conditional use permit or development agreement approved by the Town Council.

(c) **Fences.** Fences are allowed to be located inside any required yard or setback area subject to the requirements set forth below. For purposes of this section, privacy, buffer and decorative walls are considered fences.

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(1) Location and Orientation of Fences. All fences shall be located entirely on the applicant's property with the finished side of such fences facing outward toward the abutting property or right of way, and all posts and supports being placed facing the property upon which they are constructed.

a. Fencing of Easements. Fences may be installed inside a drainage or utility easement if the fencing prevents the proper function of the easement and can be removed, if necessary, by the requesting utility agency needing to make use of the easement. The property owner shall be solely responsible for the replacement of the fence if needs to be removed.

b. Boundary Survey and Site Plan Required. To ensure proper location of a newly constructed fence, the applicant for a fence permit may be required to provide a boundary survey, in addition to requiring three (3) copies of a site plan that shows the location of all structures currently on the property and the location of the proposed fence in relation to these structures and the property boundaries.

(2) Street, Corner Visibility. No fence shall be erected, altered or located in any way that violates the clear sight triangle of a roadway or intersection. Note: In no case shall any fence be located so as to cause a hazard to the movement of vehicles or pedestrian as determined by the Police Department.

(3) Height Limitations.

a. The fence height for all locations on a property being used for a residential purpose, other than in the front yard, shall not exceed six (6) feet in height measured vertically between the ground and the top of the fence. A front yard fence cannot be more than 48" (4 Ft.) in height. For purposes of these fencing height standards, a front yard is defined as the area between the street and the front setback line.

b. The fence height standards for property being used for commercial or industrial purposes shall generally follow the standards for property serving a residential purpose but may be permitted or required to install a fence up 8 feet in height if necessary to address extraordinary safety or security concerns, as determined by the Planning and Zoning Board.

(4) Materials. Fences for residential, commercial, or industrial zoned properties or uses shall be constructed from standardized fencing materials made of either wood, chain-link, vinyl, concrete masonry wall design, brick, wrought or ornamental iron or decorative wire.

a. Agricultural fencing materials are permitted in the AG zoning district, only (i.e. hog wire or barbed wire and wooden posts), such fencing shall otherwise be prohibited in all other zoning districts.

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b. Barbed Wire and Electrically Charged Fences. Barbed wire and electrically charged fences are generally prohibited, except that barbed wire fences may be constructed in agriculture districts as described in paragraph a., above, without need of Planning and Zoning Board approval. Barbed wire may also be used in commercial, industrial and conservation zoning districts with the approval of the Planning and Zoning Board. Barbed wire fences may also be used on fences more than six feet in height around retention ponds, commercial pools, lift stations, substations and any local, state and federal land uses where applicable, with the approval of the Planning and Zoning Board. Any person proposing to use barbed wire as provided for herein may be required to demonstrate that it is necessary to address extraordinary security or safety concerns and such barbed wire may be limited to the top 1 foot of the fence. Barbed wire shall be calculated against the total fence height.

(5) Swimming Pools. All pools must be fenced in with a gate and a lock in accordance with the Florida Building code.

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1 **ARTICLE 5. SUBDIVISIONS**

2
3 **SECTION 5-1. – GENERAL PROVISIONS**

4
5 5-101 Declaration of Intent and Purpose

6
7 ~~The public~~Public health, safety, comfort, economy, order, appearance, convenience, morals, and
8 general welfare require the harmonious, orderly, and progressive development of land within
9 Welaka. These regulations for the subdivision of land are intended to:

- 10
11 (a) Aid in the coordination of land development in accordance with orderly physical patterns;
12 (b) Discourage haphazard, premature, uneconomic, or scattered land development;
13 (c) Ensure that the citizens and taxpayers will not have to bear the costs resulting from
14 haphazard subdivision of land and the lack of authority to require installation by the
15 developer of adequate and necessary physical improvements;
16 (d) Ensure to the purchaser of land in a subdivision that necessary improvements of lasting
17 quality have been installed; and
18 (e) Serve as one of the several instruments of comprehensive plan implementation.

19
20 5-102 Definitions.

21
22 When applied in this Article 5, the following terms shall have the meaning indicated:

- 23
24 ~~(a) Building setback line – a line within a lot or other parcel of land, so designated on the~~
25 ~~plat of the proposed subdivision, between which and the adjacent boundary of the street~~
26 ~~upon which the lot abuts, the direction of an enclosed structure or portion thereof is~~
27 ~~prohibited.~~
28
29 ~~(b) Building Site – that portion of a lot or parcel embracing a building foundation.~~
30
31 ~~(c) Concurrency – availability of infrastructure with the schedule of development.~~
32
33 ~~(d) County – Putnam County.~~
34
35 ~~(e)(a) Easement -An easement is a benefit based in land ownership, other than the~~
36 ~~sharing of profits, that gives someone the right of use or enjoyment of another person's~~
37 ~~land for a special purpose not inconsistent with the general property rights of the owner.~~
38 ~~Examples include but are not limited to, easements for water, sewer, stormwater and~~
39 ~~electric utilities, as well as communications utilities such as internet and telephone, and~~
40 ~~easements for ingress and egress. -the quantity of land set aside or over which a liberty,~~
41 ~~privilege, or advantage in land without profit, existing distinct the ownership of the land,~~
42 ~~is granted to the public or some particular person or part of the public.~~
43
44 ~~(f)(b) Final plat - a map or ~~chart~~delineated representation of ~~a~~the subdivision of lands~~
45 ~~being an exact representation of the subdivision and other information required herein~~
46 ~~and in Chapter 177, Florida Statutes, which has been accurately surveyed, and such~~

47 survey marked on the ground so that streets, alleys, blocks, lots and other divisions
48 thereof can be identified.

49
50 ~~(g) Lot width - the width of the lot measured along the minimum building setback line,~~
51 ~~except for lots which front on the concave side of a curving street, where the width of lot~~
52 ~~shall be measured 60 feet back from the front lot line.~~

53
54 ~~(h)~~(c) Owner - includes the plural as well as the singular and may mean either a natural
55 person, firm, association, partnership, private corporation, public or quasi-public
56 corporation or any combination of any of them, or such Owner's authorized agent or
57 designated representative.

58
59 ~~(i)~~(d) Preliminary plat - a map or plan of a proposed division or subdivision that
60 includes all the required information to meet the minimum requirements outlined in this
61 Chapter to allow the town to assess the proposed subdivision of land for compliance with
62 the town's comprehensive plan and land development code.

63
64 ~~(j)~~(e) Street - a public or private thoroughfare which affords primary access by
65 pedestrians and vehicles to abutting property.

66
67 ~~(k)~~(f) Subdivision - a division of a lot, tract, parcel of land or other real property into
68 three or more lots, ~~or other divisions, parcels or tracts~~ of land, for the purpose, whether
69 immediate or future, of (a) transfer of ownership, (b) building development, or (c)
70 redevelopment, including all changes in street or lot lines. This definition shall not
71 apply to gifts or devise within a family unit, except that any such gift or devise within a
72 family unit must still result in creating lots, parcels or tracts of land that meet the
73 minimum zoning, road frontage and access to utility requirements of the town's land
74 development code. nor to any approved PUD subdivision as defined in the Welaka
75 Zoning Ordinance.

76
77 ~~(l) Notice to adjacent landowners shall be provided and the requirements for platting shall be~~
78 ~~met in accordance with Florida Statute 177.091.~~

79
80 ~~(m) Town - Welaka.~~

81
82 SECTION 5-2. Procedures for Preliminary and Final Plat Review

83
84 5-201 The procedure for obtaining Preliminary Plat approval is as follows:

- 85
86 (a) Submit a Preliminary Plat at a scale no less than 100 feet to 1 inch to the ~~Town Building~~
87 ~~Officer-town~~ for review. At a minimum, the Preliminary Plat shall contain the following
88 information in accordance with Chapter 177, F.S.:
89 (1) Title Certification;
90 (2) Name by which the subdivision shall be legally known;
91 (3) Name of owner of tract or authorized agent;
92 (4) Qualification of person making survey and plat certification;

- 93 (5) Survey data;
- 94 (6) Plan of the development, showing the location of all proposed streets, roads, parks,
- 95 playgrounds, and other public or common areas; proposed front, rear, and side yards
- 96 for each lot, if proposed to deviate from the applicable zoning requirements; proposed
- 97 lot lines and ~~approximate~~ dimensions of lots; lot numbers and/or block numbers in
- 98 consecutive order; and all streets and other areas designed for public facilities, public
- 99 uses, or proposed to be dedicated or reserved;
- 100 (7) Proposed street names;
- 101 (8) The boundaries of any areas of special flood hazard located inside the proposed
- 102 subdivision of land, including the Base flood elevation data shall be provided for
- 103 those portions of the proposed subdivision located in an area of special flood hazard
- 104 Flood Hazard Zone;
- 105 ~~(8)~~(9) A tree survey completed and reviewed by the town's Tree Board in accordance the
- 106 town's Tree Ordinance.
- 107 (10) A detailed Soil Surveysoil survey map of the proposed subdivision;
- 108 ~~(9)~~(11) A wetland delineation map; including wetland zoning or other wetland
- 109 determinant information; and
- 110 ~~(10)~~(12) A contour map of the parcel to be developed showing .

111

112 (b) ~~In accordance with the Town's adopted Concurrency Management Ordinance, p~~Provide

113 the ~~Building Officialtown~~ with general details of the proposed development sufficient to

114 permit the ~~Building Official~~ staff and the ~~Planning and Zoning Board~~ to make a

115 preliminary determination of concurrency for project demand on available infrastructure.

116

117 (c) The Preliminary Plat, upon being certified by the Building Officer staff and the Planning

118 and Zoning Board verifying the application as being complete with and necessary

119 infrastructure having the capacity to serve the proposed subdivision generally available,

120 shall be forwarded to the Towntown Councilcouncil for Public Hearing. The Preliminary

121 Plat shall be considered for approval at the next regular scheduled public meeting of the

122 Town Council. At that time the Councilcouncil may approve the Preliminary Plat,

123 approve the Preliminary Plat with conditions, defer final determination to a later date

124 pending the need for additional information, or reject the Preliminary Plat.

125

126 (d) Notice to adjacent landowners shall be provided prior to the Planning and Zoning Board

127 review and the subsequent town council hearing.

128

129 ~~(e)~~(e) In all cases, the minimum requirements for platting set forth in Chapter 177,

130 Florida Statutes, shall be met.

131

132 5-202 Expiration of Preliminary Plat Approval; Period of ValidationExtensions of Time.

133

134 Preliminary Plat approval shall expire and be of no further effect unless a final plat based thereon

135 is submitted within ~~three years~~365 days from the date of such approval. Extension time may be

136 applied for by the subdivider, subject to a preliminary consideration by the Planning and Zoning

137 Board for a nonbinding recommendation to the town council. After a properly noticed public

138 hearing, the town council may approve the requested extension, approve a shorter extension or
139 deny the extension.

141 5-203 Procedures for Final Plat Submission and Approval.

142
143 (a) Upon approval of the Preliminary Plat under section 5-201~~(e)~~, the ~~developer~~Owner may
144 submit for review a Final Plat of the proposed development. The final plat shall, at a
145 minimum, be prepared by a land surveyor in accordance with Chapter 177, Florida
146 Statutes, and The final plat shall be at a scale no smaller than 100 feet to one inch and
147 will be drawn on a sheet 24 inches by 30 inches in width, leaving a margin on one end of
148 three inches for binding purposes and one-half inch margin on the other three sides. The
149 final plat shall constitute only that portion of the approved preliminary plat which the
150 subdivider proposed to record and develop at the time; provided however, that such
151 portion conforms to all requirements of the Land Development Code and the
152 requirements of Florida law. If the final plat is drawn in two or more sections, it shall be
153 accompanied by a key map showing the location of the several sections. ~~The final plat~~
154 ~~shall be prepared by a land surveyor and shall be in accordance with Florida Statutes (FS)~~
155 ~~177.091.~~

156
157 (b) At this point in the process, the applicant shall provide a full disclosure of all potential
158 infrastructure demand in the ~~Town~~town based upon the details for development provided
159 in the Final Plat. The ~~Building Official~~staff and the Planning and Zoning Board at
160 ~~this time shall review this final disclosure and~~ shall make a determination of concurrency
161 based upon the requirements this Code and the established available capacity of the
162 relevant level of service infrastructure, adopted Concurrency Management Ordinance. If
163 concurrency is met, the ~~Building Official~~Planning and Zoning Board, after a properly
164 noticed public hearing, shall issue a Certificate of Concurrency for the proposed project.
165 If it is determined that the capacity is not available in any one or all of the relevant
166 infrastructure items, the Owner may propose amendments to the plan to achieve
167 concurrency.

168
169 (c) The Final Plat, upon certification by the ~~Building Officer~~Planning and Zoning Board as
170 being complete, ~~and its accompanying Certificate of Concurrency~~ shall be forwarded to
171 the ~~Town~~town Council for Public Hearing. The Final Plat shall be considered for
172 approval at the next regularly scheduled public meeting of the ~~Town~~town Council.
173 At that time the ~~Council~~council may approve the Final Plat, approve the Final Plat with
174 conditions, defer determination to a later date pending the need for additional
175 information, or reject the Final Plat.

176
177 ~~(e)~~(d) Notice to adjacent landowners shall be provided as required by Chapter 177,
178 Florida Statutes, as well as providing the minimum public notice required for land use
179 decisions prior to the Planning and Zoning Board review and the subsequent town
180 council hearing.

181
182 5-204 Re-subdivision of Plats.

183 For any replating or re-subdivision of land, the same procedure, rules, and regulations shall apply
184 as prescribed herein for an original subdivision. ~~except that lot sizes may be varied on an~~
185 ~~approved plat after recording.~~

186
187 5-205 Reversion of Subdivided Land to Acreage.
188

189 (a) Reversion by an Owner - The Owner of any land subdivided into lots may petition the
190 town council to vacate ~~file for record~~ a plat for the purpose of showing such land as
191 metes and bounds acreage, subject to the requirements of Chapter 177, Florida Statutes.
192 Before adopting any resolution vacating any plat either in whole or in part shall be
193 entered by the town council, it must be shown that the persons making application for
194 said vacation own the fee simple title to the whole or that part of the tract covered by the
195 plat sought to be vacated, and it must be further shown that the vacation by the town will
196 not affect the ownership or right of convenient access of persons owning other parts of
197 the subdivision. The applicant should also present a surveyed metes and bounds
198 description as part of the application submittal.

199
200 (b) ~~Revision-Vacating~~ by the ~~Governing Body~~town - The ~~governing body~~town may, on its
201 own motion, order the vacation and reversion to metes and bounds acreage of all or any
202 part of a subdivision within its jurisdiction, including the vacation of streets, easements
203 or other parcels of land ~~dedicated~~dedicated for public purposes or any of such streets or
204 parcels if each of the following criteria are met:
205

206 (1) The plat of the subdivision was recorded as provided by law and sufficient activity
207 has not occurred at the site over a three (3) year period to support the reservation of
208 concurrency credits granted to the developer under a "Certificate of Concurrency";
209 and
210

211 (2) In the subdivision or part thereof, not more than 10 percent of the total subdivision
212 area has been sold as lots by the original subdivider or his successor in title; and
213

214 (3) The subdivision's Certificate of Concurrency shall be cancelled upon the reversion of
215 subdivided parcels to acreage. The infrastructure reserved under the Certificate shall
216 become available for other proposed development.
217

218 SECTION 5-3. Minimum Standards of Design.
219

220 5-301 General Requirements.
221

222 (a) Each subdivision shall contain improvements designed and constructed according to the
223 requirements and specifications of the approved plat, the development and design
224 requirements of the town's land development codes and ordinances, as well as this
225 ~~ordinance and the applicable policies, resolutions, regulations, and ordinances of the~~
226 Welaka's Comprehensive Plan and the laws of the state of Florida.
227

- 228 (b) In addition to obtaining the necessary development approvals and permits from the town,
229 A Hall required permits shall be secured from the appropriate state and federal agencies,
230 as applicable, such as The St. Johns River Water Management District, Florida
231 Department of Environmental Protection, and the U. S. Corps of Engineers prior to
232 commencing the work, before a building permit or other development order is issued.
233 Where state law may require issuance of local permits if all local requirements are met,
234 this will not serve to supersede or alleviate the need to meet any state or federal
235 permitting requirements. The town shall include these agencies in the development
236 review process when relevant and shall ensure that such agencies are at least on notice
237 that a subdivision development is being proposed.
238
- 239 (c) The land proposed for subdivision shall be suitable for development and upon completion
240 of the drainage construction described in the drainage plan, shall not be subject to
241 damaging floods, poor drainage, erosion, or other conditions detrimental to the health,
242 safety and general welfare of the public.
243
- 244 (d) A S subdivisions may be designed pursuant to an approved as-Planned Unit Developments
245 (PUDs) so that flexibility and efficiency in site design will act to reduce infrastructure
246 costs, improve interior circulation patterns, and promote open space. The layout of a PUD
247 may be in a manner that digresses from the standard grid subdivision plat in order to
248 increase density through clustering for more efficient sewer/potable water distribution,
249 and to ensure that development is adapted to natural features in the landscape, and which
250 avoids the disruption of natural drainage patterns.
251
- 252 (e) Planned Unit Developments may be used to protect environmentally sensitive areas but
253 also may be used to increase the potential for developing water/sewer systems and more
254 effective drainage systems. PUDs may also benefit from the potential of receiving
255 "density bonuses" for incorporating benefits which serve the public good in the
256 development.
257
- 258 (f) Riverfront-Waterfront development shall be designed so as not to affect the water quality
259 of adjacent waters. Design standards to protect the river shall include: limitation of
260 density; meeting the minimum set back of buildings from waterfront as required by the
261 town's comprehensive plan and land development code; and set-back-of-a-mandatory
262 installation of infrastructure necessary to provide or tie into an existing centralized
263 wastewater treatment facility. sanitary sewer drain field (septic tank) from water's edge as
264 permitted by the County Department of Health (if sewer is not available).
265
- 266 (g) Final Plat approval is not the equivalent of a development approval. It isIt serves only to
267 represent an approved pattern of development that will require a development permit to
268 proceed prior to any development activity commences.
269

270 5-302 Floodplains and Wetlands.
271

272 Land located within the 100-year floodplain or wetlands shall require that streets be designed so
273 that the permitted development will, to the fullest extent possible, be clustered on the upland

274 portion of the site so that a minimum number of housing units will be located within or have an
275 impact on the floodplain or wetland. All subdivisions shall meet the requirements of the
276 Town's adopted "Floodplain" and "Wetland" ordinances.

277
278 5-303 Control of Erosion and Surface Water Run Off.

- 279
280 (a) Control of stormwater runoff shall meet the requirements of the Town's "Interim
281 Stormwater Management" and "Wetlands
282 Protection" Ordinances and policies. At a minimum, stormwater
283 runoff at a development site at post development shall be equal to or less than the level of
284 run off at pre-development and shall meet the Level of Service as required
285 in the Town of Welaka's Comprehensive Plan.
- 286
287 (b) All areas of subdivision disturbed through the process of construction (roadways,
288 drainage facilities, utility features, or other structures) shall be stabilized
289 during construction through the use of: straw, haybale obstructions in drainage swales or
290 other temporary coverings, in order to reduce soil erosion from wind and water during the
291 construction phase of development in accordance with generally accepted practices.
292

293 5-304 Potable Water and Sanitary Sewage Disposal

- 294
295 (a) Use of private wells and septic tanks will be restricted as specified by the County
296 Department of Health, other regulating agencies, and Town regulations shall generally be
297 prohibited.
- 298
299 (b) Development New development within 200 feet of an available service shall be required
300 to hook up to the Town's central water system as a condition of development plat
301 approval. in accordance with Town regulations and Rules 100-6.041(2) and 100-6.
302 042(a),(b) and (c), F.A. C.
- 303
304 (c) All existing septic tanks and other private sewage disposal systems in place prior to plat
305 approval shall be required to connect to central sewage systems. when system collection
306 lines are within 200 feet of the subject property and as otherwise may be required by state
307 law.

308
309 5-305 Recreation and Open Space Requirements.

310
311 Areas reserved in subdivision plats for recreation and open space uses must be compatible with
312 or buffered from surrounding land use, provide for the use of drought resistant native/natural
313 plants, and shall be determined as required to meet the level of service standards for recreation
314 and open space needs in the Welaka Comprehensive Plan.

315
316 5-306 Compatibility with and Buffering from Adjacent Land Use

- 317
318 (a) Buffering and separation shall be required between the subdivision and existing adjacent
319 land uses of differing densities or intensities of use sufficient to ensure compatibility

320 between uses. Issues of compatibility shall include considerations for noise, sight, and
321 level of traffic generation.

- 322
- 323 (b) Screens separating residential subdivisions from adjacent incompatible uses or influences
324 or abutting arterial streets may be in the form of maintenance-free walls, landscaping or
325 planted earth mounds. Such screens shall be at least six (6) feet in height and at least
326 eighty (80) percent opaque. When landscaping is used for screening, it must consist of at
327 least 50 percent of vegetation native to north Florida and must attain the height and
328 opacity requirements of this section within eighteen months of planting. ~~Such walls,
329 landscaping, or planted earth mounds shall be located no nearer than one (1) foot to an
330 arterial right-of-way being screened.~~
- 331
- 332 (c) A 25-foot set back from the actual building site from the riverfront will be required for all
333 new construction adjacent to the St. Johns River.
- 334
- 335 (d) A 25-foot vegetative buffer is required between the actual building site and a water body.
336
- 337 (e) A 50-foot buffer of vegetation, native to the site, shall be required for developments
338 located adjacent to defined wetland areas.
- 339

340 5-307 Streets.

341
342 All street blocks shall not exceed 1500 feet in length.

- 343
- 344 (a) All streets within a subdivision containing lots of less than five acres shall be paved and
345 constructed in accordance with ~~Town~~town's ~~D~~design ~~S~~standards, and in the absence of
346 applicable local design standards, shall follow the Florida Department of Transportation
347 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for
348 Streets and Highways. The arrangement, character, extent, width, grade, and location of
349 all streets shall be designed with consideration of their relation to the following: existing
350 and planned streets, topographical conditions, storm drainage and water quality, public
351 convenience and safety, and their appropriate relation to the proposed uses of land to be
352 served by such streets. Where such is not shown in the Comprehensive Plan, the
353 arrangements of streets in a subdivision shall provide for the continuation of appropriate
354 projection of existing principal streets in surrounding areas.
- 355
- 356 (b) All streets within a subdivision containing lots of five or more acres ~~shall not carry~~are not
357 required to be paved. ~~the requirement of paving.~~ However, the roads within such a
358 subdivision containing lots of five or more acres must be constructed in conformance
359 with Towntown standards.
- 360
- 361 (c) All streets within the subdivision shall be required to have a street name marker. Such
362 markers shall be in place showing plainly the names of the streets. Where such markers
363 are placed at intersections, the name of each intersecting street shall be displayed on said
364 marker.
- 365

366 (d) All streets within a subdivision shall be designed to accommodate bicycle and pedestrian
367 traffic.

368
369 5-308 On-Site Traffic Circulation.

370
371 On-site traffic circulation shall meet the requirements of the ~~Town~~town's adopted "Access and
372 Internal Circulation" Ordinance.

373
374 5-309 Lot Design Standards.

- 375
376 (a) The minimum building setbacks required are those stipulated in the ~~zoning~~
377 ~~ordinance~~town's ~~land development regulations~~ land development regulations for the pertinent zoning district.
378
379 (b) Lots shall have the minimum area and a minimum width ~~as stipulated~~required by ~~in the~~
380 ~~zoning ordinance~~ for the pertinent zoning district.
381
382 (c) Corner lots shall have dimensions sufficient to permit the establishment of front building
383 lines on each side of the lots having street frontage.
384
385 (d) The arrangement and design shall be such that all lots will provide satisfactory and
386 desirable building sites properly related to topography and the character of the
387 surrounding development.
388
389 (e) Restrictions requiring buildings to be set back to ~~such~~ building lines other than the
390 standard setbacks established in the applicable zoning district shall be shown on the plat.
391
392 (f) All side lines of lots shall be at right angles to straight street lines and radial to curved
393 street lines, except where a variation to this rule will provide a better street and lot layout.
394
395 (g) Where ~~in~~ the specifications of this subsection may conflict with any other~~the zone~~
396 requirements of the town's land development regulations~~the regulations and restrictions~~
397 stipulated in the zoning ordinance, the more restrictive shall prevail.
398
399 (h) The size and dimensions of lots for industrial or commercial use will vary and shall be
400 consistent with the requirements stipulated in the ~~zoning ordinance~~land development
401 regulations for that particular use.
402
403 (i) Lots shall not, in general, derive access from an arterial street. Where driveway access
404 from an arterial street may be the only possible access for several adjoining lots, it may
405 be required that such lots be served by two (2) combined access drives in order to limit
406 possible traffic hazards from multiple access to such streets. Where possible, driveways
407 should be designed and arranged so as to avoid requiring vehicles to back into traffic on
408 arterial roads.

409
410 5-310 Easements.

411

- 412 (a) Easements at least seven and one-half (7 1/2) feet in width shall be provided on each side
413 of all back lot lines, and five (5) feet in width on each side of side lot lines where they are
414 determined to be necessary for ~~poles, wires, conduits, sewers, gas, water or~~ the provision
415 water, sewer, stormwater, electric or telecommunication drainage swales. Easements of
416 greater width may be required along or across lots where necessary for proper ~~drainage~~
417 stormwater management of for streets and rights-of-way.
- 418
- 419 (b) Wherever any street or important surface drainage course is located in any area being
420 subdivided, the subdivider shall provide an adequate easement along the street for the
421 provision water, sewer, stormwater, electric or telecommunication sanitary sewer
422 installations and for the purpose of widening, deepening, or improving the street ~~for~~
423 drainage use.
- 424
- 425 (c) Easement dedicated for ingress and egress to provide access to property not having direct
426 access on a state, county, local or approved private roadway, shall be in conformance with
427 this Article ~~5~~ and the ~~Towntown's of Welaka~~ land development regulations. The
428 ~~Towntown~~ may accept a plat for recording purposes for lots utilizing easements for
429 ingress and egress based upon the ~~Building Official's~~ Planning and Zoning Board's
430 approval and recommendation.
- 431

432 SECTION 5-4. Performance Bond or Certified Check.

433

- 434 (a) If the ~~subdivider-Owner~~ does not wish to construct and install any required public or
435 private improvements ~~as stated herein~~ prior to submitting the subdivision plan to the
436 ~~Towntown Council~~ council for final approval, a performance bond shall be required, such
437 bond being equal to the estimated cost of construction of all such improvements. A
438 certified check may be placed in escrow with the ~~appropriate agency~~ town in lieu of
439 performance bonds. When the work has been completed satisfactorily, the ~~appropriate~~
440 ~~agency~~ town shall release ~~95 percent of~~ the funds in escrow with a letter of approval to the
441 subdivider. ~~The remaining five percent shall remain in escrow for maintenance purposes.~~
- 442
- 443 (b) The ~~subdivider-Owner~~ shall also guarantee all materials, workmanship, and equipment
444 for such required improvements for a period of one year from the date of final acceptance
445 by the ~~Towntown~~. Should any such defect or damage due to the above be shown within
446 one year, the subdivider shall replace and/or repair the same at no cost to the ~~Towntown~~.
447 ~~(This guarantee shall be secured by an acceptable bond in the amount of 110 percent of~~
448 ~~the~~ actual contract cost of all bonded improvements. ~~the project.)~~
- 449

450 Section 5-5 Penalty for Violation of this ~~Ordinance Article~~ and Appeal Process.

451

- 452 (a) In addition to standard code enforcement actions authorized under Chapter 162, Florida
453 Statutes, Any person violating any of the provisions of this ~~Ordinance Article~~ shall, upon
454 conviction thereof in a court of law, be punished by a fine not exceeding \$500.00 or
455 imprisonment for a term not to exceed 60 days, or both, for each violation. ~~Each day~~ the a
456 violation exists shall be considered a separate violation.

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(a)(b) Any person ~~convicted of violating this ordinance~~ determined to have violated this Article shall be responsible to the Town of Welaka for any money expended by ~~said~~ The town as a result of said violation of this ~~Ordinance~~ Article, including administrative costs, attorney fees and court costs, if any, as well as actual costs associated with abating or finishing work commenced in violation of this Article.

~~(b) Any party aggrieved by the administrative interpretation or administrative enforcement of any section of this Ordinance may appeal the subject specification to the Town Council in a public hearing.~~

(c) In addition to the enforcement actions and penalties outlined above, Anyan party proceeding with a development without the approval of a Final Plat and the appropriate development permits shall be subject to the aforementioned fine and/or requirement may be required to demolish or remove any unapproved developed structures development or subject to any other relief afforded the town at law or equity.