

TOWN OF WELAKA

REGULAR ZONING BOARD MEETING

AGENDA

December 21, 2023 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 Burren
 - Town Attorney Patrick Kennedy
4. **APPROVAL OF CURRENT AGENDA**
5. **APPROVAL OF PREVIOUS MINUTES:** November 16, 2023 Meeting Minutes
6. **REQUEST TO SPEAK**
7. **NEW BUSINESS** – None.
8. **OLD BUSINESS**
 - a. Review of the proposed Land Development Code
 1. ORD 93-6 Subdivision Requirements
 2. Article 5 - Subdivisions
 - b. Mobile food trucks discussion
9. **PUBLIC COMMENT**
10. **ADJOURN**

**TOWN OF WELAKA
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November 16, 2023 @ 6:00 PM**

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

MINUTES

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1. **CALLED TO ORDER** by Chairman David Jeltos at 6:00 PM
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALLED** by Town Clerk, Meghan Allmon:
Chairman David Jeltos - present; Lenore Toole - present; Les Thomas - present; Pamela Washington - present; Jennifer Burres - absent, and Town Attorney Patrick Kennedy - present. Four members are present, we have a quorum.
4. **APPROVAL OF CURRENT AGENDA:**
Motion Made by Toole to accept the 11/16/23 Meeting Agenda and seconded by Washington. Passed 4/0.
5. **APPROVAL OF PREVIOUS MINUTES:**
Motion Made by Toole to accept the 10/19/23 Meeting Minutes with corrections and seconded by Thomas. Passed 4/0.
6. **REQUEST TO SPEAK:**
 - a. **Melissa Clemons - Zoning Interpretation Request to allow a mobile food vendor in C-1 zoning**
She resides at 601 Oak Street. She has family property at 2000 Elm Street in Welaka. Wants to sell food with mobile food truck and won't be a full-time location. She has a F/T job.
Kennedy – someone wanted to do a mobile food truck business in Town earlier but was denied. C1 allows for restaurants and when you look at drive through places, this is different. A drive-through requires a C2 zoning and a CUP (Conditional Use Permit). It's not allowed even in C2 and Melissa is asking the Zoning Board for this. Kennedy said he cannot authorize this without her bringing it to the Zoning Board for their review.
Toole – agrees with Kennedy and denied someone before.
Clemmons – can we have food truck at the special event?
Toole – we're only doing that 5 times a year for 3 hours each.
Clemmons – the Long Cabin can do this though?
Washington – to do this, it's less expensive and people in the county allow this to bring new business her.
Clemmons – Pomona Park says as long as she's on owner-approved property, it's allowed. Same with Crescent City along with s \$35 fee.
Kennedy – we don't' allow this, not yet anyhow.
Jeltos – as we're developing the code, possibly. As of today though, it's not allowed.
Kennedy – is this something that we'd want to provide for? We're in the section now in the Land

Development Code where we can address this.

Jeltes – Unfortunately as the Code is written today; it's not allowed in C1 or C2 areas.

Toole – we have small businesses in this Town and they're struggling. We do not want to take this away from the brick-and-mortar restaurants.

Washington – Clemmons would only be doing this around 2 or 3 times per month.

Thomas – what kinds of food?

Clemmons – soul food. Turkey legs, dressing, etc.

Thomas – will there be parking or drive through? There're small businesses here that are established. We should discuss this.

Jeltes – unfortunately we're not able to grant you the ability or approve this today but the Zoning Board will take this under consideration. A few months ago, we approved this with a BBQ truck and then denied her, so we will look into reviewing this code section.

Kennedy – all the zoning categories are being revised and edited right now. We want to cut loose the backbone of the regulations. We will consider this, and it will take some time to finish our review.

Toole – how long will this take?

Kenedy – approx. 4 to 6 months.

Jeltes – we can entertain public comment about this issue right now.

AJ Flateau – he started his Outback Smoke Shack BBQ restaurant with a food truck. The hard part was finding a place to set up. Now he's in a brick-and-mortar location. We're so far behind in the times and the surrounding cities/Towns are so much further ahead of us in terms of businesses. He's seen numerous food vendors with great food but are unable to set up and their businesses fail. He is very thankful to be able to rent/buy from Michelle Bomba. What if Melissa Clemmon's business needs this money to survive? He'd like to see her business start and grow, along with Chad Hutchinson's business also. This Town is growing and within 5 years, we may be much, much larger. We're turning down people's dreams using a code from over 40 years ago. These current questions coming to the Zoning Board are very important and waiting is killing their dreams and businesses.

Jeltes – appreciates his passion, cannot do anything tonight.

Thomas – asked AJ if he's opposed to food trucks?

Flateau – absolutely not. He promotes them.

Michelle Bomba – involved in the first food truck issue here a few months ago here at the Town Hall that was trying to park here. She owns a business in Town and struggled to pay the actual property taxes. If we do not support the 6 restaurants here in Town, we will lose them. They are a large income generator for the Town. If we allow food trucks here anywhere, the restaurants will suffer.

Washington – put this on for discussion?

Jeltes – yes, on next month's Agenda.

7. **NEW BUSINESS:**

a. Andrew (AJ) Flateau, Outback Smoke Shack & Brewhouse - Rezoning Application & Conditional Use Permit Packet

Kennedy – this is 2 parcels: 413 Elm Street and the property behind it. Michelle Bomba is the owner, and the Agent is here, AJ Flateau. This required a Rezoning Application and a Conditional Use Permit. C1 is all around this.

Flateau – Purple area on the map is C2?

Kennedy – yes.

Flateau – what is the Future Land Use Map? (FLUM)

Kennedy – the whole block here is designated on the FLUM. Is it commercial and non-commercial. C2 is consistent with the FLUM. It's the higher level and the zoning gets specific when it comes to what type of use it is.

Kennedy – this restaurant designation is consistent with the FLUM. It's surrounded with allowable C2 used businesses. All the businesses are allowed by right and with no issues.

Flateau – hopefully the plan for AZA Health will be a restaurant also.

Kennedy – the Outback’s size is acceptable and not too large. He concludes that C2 is consistent and compatible and would be appropriate to rezone this as C2.

Jeltes – did the letter go out to the surrounding properties?

Allmon – yes. The letter template is in the packet and was mailed out to all addresses within 400 feet surrounding the business. Nobody has contacted her with any concerns or questions.

Flateau – the back of the packet from the Town Attorney – Uses Permitted Section, Page 8, is that C2 uses?

Kennedy – yes, C2.

Flateau – alcoholic beverages sold off the premises acceptable?

Kennedy – yes but the alcohol just cannot be opened on the property.

Flateau – can we sell beer/wine/liquor?

Kennedy – no liquor.

Thomas – you need a Liquor License to do that.

Jeltes – how is the CUP application submitted?

Kennedy – just beer and wine sales are being requested.

Flateau – so I’ll have to return with a permit application if I decide to sell liquor?

Kennedy – only if this is approved and rezoned first. The set up and parking needs to be addressed at a later date also and put in front of the Zoning Board.

Jeltes – how does the Board feel about the C2 designation?

Toole – agrees to approve rezoning him to C2.

Washington – agrees. Thinks it should have been done a long time ago.

Jeltes – motion needed.

Thomas made a motion and Washington seconded to rezone 413 Elm Street, Welaka, FL 32193 from a C1 to C2 zoning category. All agreed. Passed 4/0.

Kennedy – now this needs to be presented to the Town Council. A beer and wine license needs to be received from the state. Limited drinking to the interior of the building and only beer and wine.

Parking needs to be addressed for storm water issues also. He proposes not to let customers order any beer and wine earlier than 11 AM or after 10 PM. The coffee shop is next door and takes up a lot of the parking area. The 2 parcels need to be combined into 1 and if there’s any code violations, this may revoke the CUP. The building is bigger than just his business and if he decides to expand the business, he wouldn’t have to come back to the Board.

Jeltes – Item # 5 in Kennedy’s Section. Combining 2 parcels into 1 should be done prior to approving this?

Kennedy – yes, it simply takes a letter being delivered to Palatka from the Welaka Zoning Board.

Flateau – he is serving breakfast now, can he offer mimosas? Not everyday, and doesn’t want to limit the time in the morning. If someone wats a drink, they can order one.

Washington – serving breakfast now?

Flateau – yes. Can he start serving beer/wine at 8 AM?

Toole – the Dollar General sells beer up until 10 PM.

Flateau – they sell alcohol up until midnight, 12 AM. We close at 9 PM. Would like to host events in the future and be fair like the other places and would like to serve beer/wine a little later on the weekends and weekdays.

Toole – Fri, Sat & Sun – wants to start selling beer/wine at 8 AM?

Jeltes – cannot sell beer/wine earlier on Sunday.

Toole – define the times for us.

Flateau – every day except for Sunday, he’d like to serve alcohol during those times like the other restaurants in Town. We can ask Dave Johnson, the owner of Shrimp R Us, also. He’s here tonight.

Flateau – what time do you serve alcohol, Dave?

David Johnson – 765 3rd Ave. – we serve 11 AM – 9 PM and will start serving breakfast after Christmas this year
Toole – what time would you start serving alcohol?
Johnson – anytime. If someone wants it, they can have it.
Jeltes – he doesn't have an issue with this.
Thomas – he also agrees. Anytime.
Toole – you don't want to hear my opinion.
Kennedy – speak up, please.
Toole – is not in favor of serving alcohol early.
Washington – we are growing and meet the needs of the people and keep it here locally. She does not drink but cannot stop someone else. The people here are the ones that pay their bills and is on the fence about it. If she had to go, she'd say go ahead.
Johnson – we cannot control the person, but we can cut them off from ordering more alcohol, if necessary.
Jeltes – an earlier time seems reasonable to us.
Kennedy – you all need to vote on it.
Washington – as long as you all can control it. She used to be a bar maid. Just keep a close eye on the number of drinks people consume.
Jeltes – does the audience have any thoughts or comments?
Michelle Bomba – we need to provide for the people and the vacationers.
Chad Nemeth – some people are getting off of work in the morning time and may want a drink with their dinner/breakfast in the morning.
Dave Kregel o – I'd say 7 AM – 2 AM.
Flateau – alcohol sales brings a lot of needed revenue to the business and the Town. There are laws in place, and we monitor the customers so there shouldn't be a problem. Wants to add to the parking issue, Flateau was told by the coffee shop renter that he needs to pay for restriping the whole parking lot.
Bomba – the coffee shop has 2 parking spots.
Kennedy – if Flateau expands, parking will get better.
Jeltes – what are the current time restrictions for alcohol sales? Such as for the Log Cabin and Shrimps?
Kennedy – the current ORD says 12 AM Midnight on weekdays and Fri, Sat & Holidays is at 2 AM and cannot re-open until 7 AM the next day and cannot sell before 12 Noon on Sundays.
Flateau – clarified the times for each day.
Toole – now we're going down to 7 AM instead of 8 AM?
Kennedy – this is in the current alcohol ORD.
Jeltes – the other establishments are doing the same times?
Johnson – when people leave dinner, they go to the Log Cabin or Shrimps to drink and be jolly.
Flateau – we don't have a location issue. Early in the morning, or after events.
Thomas – 12 AM you'll be serving food?
Flateau – possibly. We serve until we close.
Johnson – yes, agree.

Thomas made a motion and Toole seconded. All agreed. Passed 4/0.

Goes to the Town Council for re-zoning.

b. Chad Hutchinson, S&A Leisure & More, LLC - Rezoning Application & Conditional Use Permit Packet

Submitted the applications required to sell portable buildings and do a butcher shop. Kennedy should limit the number of buildings such as 8 sheds to sell and wouldn't be worth going to the provider

then.

Kennedy – if you don't have the rezoning done to C2 yet, then we cannot consider the CUP yet, until the Town Council reviews it. The property is surrounded by C2 and it looks good. Residential just south of the property. The commercial FLUM allows residential and is ok. There's no significant impact to have to rezone this property and recommends an approval to C2.

Jeltes – anyone in the audience with comments?

Toole – no problems with this application. It's a large parcel here.

Thomas – the number of sheds is a part of the rezoning application or the CUP.

Toole made a motion to approve the C1 to C2 Rezoning and Thomas seconded. Passed 4/0.

Kennedy – the CUP looks acceptable and recommends being approved. The Town Council must agree with the interpretations, the location, and the number of sheds.

Hutchinson – people can design what they'd like and then see one on the lot. Wants more than 8 buildings on the property and can put some on the back. These companies don't work like this.

Toole – how many?

Hutchinson – 2 or 3 on display.

Kennedy – the site plan had some on it.

Hutchinson – that wasn't his cap though.

Kennedy – if there's some up front, we'd like to know how and where and make sure it has landscaping.

Hutchinson – storing a few in the back is where he needs flexibility. They'll be landscaped and behind the fence up front.

Thomas – the ones up front are the ones we care about.

Kennedy – doesn't want it to look like East Palatka, just before the bridge.

Hutchinson – this company is the top of the line, and they are very well built and pretty. Will do mulch and landscaping around them out front.

Kennedy – architectural sheds are nice. How it's displayed up front, and the number of them and location are important. In the back, we may not care, but we would like to know where they will be stored in the back. In front or behind the storage buildings? The ones up front should require landscaping to look presentable.

Jeltes – a few 10x10's and 12x12's up front?

Kennedy – we may not need to get into the display description.

Hutchinson – 16 x 20' is the largest and if we got one, it'd be in the back. The small ones can be placed up front.

Toole – how many near the road?

Hutchinson – 3, it's on the pictures drawn.

Traci Hutchinson – 3 and there's basic landscaping out there already.

Jeltes – no more than 5 out front.

Hutchinson – agreed. Needs a little flexibility in the back please.

Washington – make them look good out front and we don't care in the back.

Jeltes – limit to 8? Limit the front to 5?

Thomas – there's only so much room.

Hutchinson – 8-10 and that includes the 5 on display in the front.

Kennedy – maybe we shouldn't limit the number?

Jeltes – conditionally up front no more than 5? Zoning Board agree?

Zoning Board – all agreed.

Kennedy – to be clear, defined the area as everything parallel towards the back of the building.

Toole – tiny homes available? Ordered from the customer and not delivered to the location here?

Traci – correct, not delivered to the business address, but to the customer's address and only would

have one if they re-possessed it.

Hutchinson – 16' x 40' is the smallest tiny house available, but we don't plan on having them on the property at all.

Kennedy – leave the parking open for the rest of your business so the meat market customers will have places to park also.

Hutchinson – we are not going into the portable building business exclusively.

Thomas made a motion and Washington seconded. Passed 4/0.

Kennedy - 6' fence, keep trees, ingress/egress kept on Bryant Ave., keep the natural buffer and the Rezoning and CUP should be approved by the Town Council.

Thomas made a motion and Toole seconded. Passed 4/0.

c. David Johnson, Shrimp R Us - New Tiki Bar Architectural Review

Kennedy – would like the 2 roofs to be made as 1 roof. The Zoning Board needs to review things like this.

Thomas – they need approval of the architectural style and allowing for the footprint. Asked Johnson why he wanted to do the barn roof style? The metal rook on the tiki bar, he likes that. A barn roof is not so attractive. It doesn't look like Downtown Welaka. It's a low, hip roof. The gable roof. It's a tall, empty roof.

Jeltes – this is going to be gigantic.

Toole – why did you do this?

Johnsson – thought it would look nicer from the road.

Thomas – it's expensive and has 50' trusses.

Toole – consider changing the roof?

Johnson – yes, but he likes this.

Thomas – looks like nothing in Welaka.

Johnon – this is his last project.

Jeltes – looks awkward compared to the existing structure.

Toole – when we went through his section in the code, we're trying to make a style and people voted on this. One was more of a flatter roof.

Kennedy – there's a guidance in the code and barn style isn't one of them.

Toole – we're trying to make the Town look a little more uniform.

Johnson – no problem changing the roof. He likes the style but can change it.

Toole – maybe a hip or a gable roof.

Thomas – the tiki bar's roof is simple.

Johnson – don't want to do all the palm branches on the roof since they're not right on the water.

Toole – what's happening with the little house renovations next to Shrimps?

Johnson – enjoys tidying it up and making it updated.

Jeltes – change the roof or not? Recommended form the Zoning Board?

Thomas – make it lower to match the other building. Come back in front of the Zoning Board?

Kennedy – if he complies within the recommendations, he doesn't have to.

Thomas – Kennedy can review the building permit to make sure, once it's submitted.

Washington – you've already bought these plans and materials?

Johnson – yes, the plans, not the materials. He can change this with Syd in Palatka easily.

Kennedy – keep in in line with the existing roof line?

Thomas – not exactly. This one was just very high.

Jeltes – keep the same pitch?

Thomas – no.

Thomas made a motion and Washington seconded. Passed 4/0. Zoning Board recommends that the new Tiki Bar roof is a gable or hip roof style and lowers the pitch and is reviewed by the Town Attorney.

8. OLD BUSINESS:

Toole – concerned that there’s ingress and egress down into the Sportsman Harbor where there are townhomes going in.

Kennedy – has no knowledge of townhomes but someone asked months ago about small cabins and a small store.

a. Review of the proposed Land Development Code: None.

9. PUBLIC COMMENT: None.

10. ADJOURNED: 7:47 PM

ORDINANCE NO. 93-6

AN ORDINANCE PROVIDING FOR MINIMUM SUBDIVISION REQUIREMENTS FOR THE TOWN OF WELAKA, PROVIDING FOR MINIMUM BUILDING DESIGN STANDARDS AND BUFFERING, PROVIDING FOR STREET RIGHT-OF-WAY REQUIREMENTS AND STREET CONSTRUCTION REQUIREMENTS; PROVIDES FOR SUBMISSION OF PRELIMINARY AND FINAL PLATS FOR APPROVAL; AND PROVIDES FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE AND FOR APPEAL.

SECTION 1. Short Title.

This ordinance shall be known and may be cited as the TOWN OF WELAKA SUBDIVISION REGULATION.

SECTION 2. Findings of Fact.

WHEREAS, Chapter 163.3202, Florida Statutes, requires that local governments adopt land development regulations within one year after submission of its revised comprehensive plan; and

WHEREAS, the local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan; and

WHEREAS, Chapters 163, 177, Florida Statutes, requires the establishment of procedural rules for the subdivision of land; and

WHEREAS, the Town of Welaka, Florida, held public hearings, accepted public comment, made revisions and found the Ordinance to be consistent with the Welaka Comprehensive Plan 2001.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Welaka, Florida, as follows:

SECTION 3. Relationship of this Ordinance to the Comprehensive Plan.

This Ordinance implements the following objectives and policies of the Welaka Comprehensive Plan 2001:

- 3.1 Future Land Use Element:
Objective: A.1.8, Policies: A.1.1.2, A.1.1.3, A.1.1.4, A.1.3.3, A.1.4.3, A.1.9.1, A.1.11.4.
- 3.2 Traffic Circulation Element:
Policy: B.1.2.6.
- 3.3 Public Facilities Element:
Policies: D.1.4.2, D.2.1.3.

3.4 Recreation Element:
Policy: F.1.4.1.

3.5 Capital Improvements Element
Objective: H.3.1, Policies: H.3.1.1, H.3.1.2.

SECTION 4. Declaration of Intent and Purpose

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

- (a) aid in the coordination of land development in accordance with orderly physical patterns;
- (b) discourage haphazard, premature, uneconomic, or scattered land development;
- (c) ensure that the citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements;
- (d) ensure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; and
- (e) serve as one of the several instruments of comprehensive plan implementation.

SECTION 5. Definitions.

When applied in this Ordinance, the following terms shall have the meaning indicated:

1. Building setback line - a line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.
2. Building Site - that portion of a lot or parcel embracing a building foundation.
3. Concurrency - availability of infrastructure with the schedule of development.
4. County - Putnam County.
5. Easement - the quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

6. Final plat - a map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.
7. Lot width - the width of the lot measured along the minimum building setback line, except for lots which front on the concave side of a curving street, where the width of lot shall be measured 60 feet back from the front lot line.
8. Owner - includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation or any combination of any of them.
9. Preliminary plat - a map or plan of a proposed division or subdivision.
10. Street - a public or private thoroughfare which affords primary access by pedestrians and vehicles to abutting property.
11. Subdivision - a division of a lot, tract, parcel of land or other real property into three (3) or more lots, or other divisions of land, for the purpose whether immediate or future, of (a) transfer of ownership (b) building development, or (c) redevelopment, including all changes in street or lot lines. This definition shall not apply to gifts or devise within a family unit nor to any approved PUD subdivision as defined in the Welaka Zoning Ordinance.

Notice to adjacent land owners shall be provided and the requirements for platting shall be met in accordance with Florida Statute 177.091.

12. Town - Welaka.

SECTION 6. Procedures for Filing and Securing Approval for the Subdivision of Land.

The procedure for obtaining Preliminary Plat approval is as follows:

- (1) Submit a Preliminary Plat at a scale no less than 100 feet to 1 inch to the Town Building Officer for review. At a minimum, the Preliminary Plat shall contain the following information in accordance with Chapter 177, F.S.:
 - (a) Title Certification;
 - (b) Name by which the subdivision shall be legally known;
 - (c) Name of owner of tract or authorized agent;
 - (d) Qualification of person making survey and plat certification;
 - (e) Survey data;

- (f) Plan of the development, showing the location of all proposed streets, roads, parks, playgrounds, and other public areas; proposed front, rear, and side yards for each lot; proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for public facilities, public uses, or proposed to be dedicated or reserved;
 - (g) Proposed street names;
 - (h) Base flood elevation data shall be provided for portions of the proposed subdivision located in a Flood Hazard Zone;
 - (i) A detailed Soil Survey map of the proposed subdivision including wetland zoning or other wetland determinant information; and
 - (j) A contour map of the parcel to be developed.
- (2) In accordance with the Town's adopted Concurrency Management Ordinance, provide the Building Official with general details of the proposed development sufficient to permit the Building Official to make a preliminary determination of concurrency for project demand on available infrastructure.
- (3) The Preliminary Plat, upon being certified by the Building Officer as being complete with infrastructure generally available, shall be forwarded to the Town Council for Public Hearing. The Preliminary Plat shall be considered for approval at the next regular scheduled public meeting of the Town Council. At that time the Council may approve the Preliminary Plat, approve the Preliminary Plat with conditions, defer determination to a later date or reject the Preliminary Plat.

6.1. Preliminary Plat Period of Validation.

Preliminary Plat approval shall expire and be of no further effect unless a final plat based thereon is submitted within three years from the date of such approval. Extension time may be applied for by the subdivider.

6.2. Submission of Final Plat.

The procedure for obtaining Final Plat approval is as follows:

- (1) Upon approval of the Preliminary Plat, the developer may submit for review a Final Plat of the proposed development. The final plat shall be at a scale no smaller than 100 feet to one inch and will be drawn on a sheet 24 inches by 30 inches in width, leaving a margin on one end of three inches for binding purposes and one-half inch margin on the other three sides. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time; provided however, that such portion conforms to all requirements of this Ordinance. If the final plat is drawn in two or

more sections, it shall be accompanied by a key map showing the location of the several sections. The final plat shall be prepared by a land surveyor and shall be in accordance with Florida Statutes (FS) 177.091.

- (2) At this point in the process, the applicant shall provide a full disclosure of all potential infrastructure demand on the Town based upon the details for development provided in the Final Plat. The Building Official at this time shall make a determination of concurrency based upon the requirements of the Town's adopted Concurrency Management Ordinance. If concurrency is met, the Building Official shall issue a Certificate of Concurrency for the proposed project.
- (3) The Final Plat, upon certification by the Building Officer as being complete, and its accompanying Certificate of Concurrency shall be forwarded to the Town Council for Public Hearing. The Final Plat shall be considered for approval at the next regular scheduled public meeting of the Town Council. At that time the Council may approve the Final Plat, approve the Final Plat with conditions, defer determination to a later date or reject the Final Plat.

6.3. Resubdivision of Plats.

For any replatting or resubdivision of land, the same procedure, rules, and regulations shall apply as prescribed herein for an original subdivision except that lot sizes may be varied on an approved plat after recording.

6.4. Reversion of Subdivided Land to Acreage.

- (1) Reversion by an Owner - The owner of any land subdivided into lots may file for record a plat for the purpose of showing such land as acreage.
- (2) Revision by the Governing Body - The governing body may, on its own motion, order the vacation and reversion to acreage of all or any part of a subdivision within its jurisdiction, including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or parcels, when:
 - (a) The plat of the subdivision was recorded as provided by law and sufficient activity has not occurred at the site over a three (3) year period to support the reservation of concurrency credits granted to the developer under a "Certificate of Concurrency", and
 - (b) In the subdivision or part thereof, not more than 10 percent of the total subdivision area has been sold as lots by the original subdivider or his successor in title.
- (3) The subdivision's Certificate of Concurrency shall be cancelled upon the reversion of subdivided parcels to acreage. The infra-

structure reserved under the Certificate shall be come available for other proposed development.

SECTION 7. Minimum Standards of Design.

7.1. General Requirements.

Each subdivision shall contain improvements designed and constructed according to the requirements and specification of this ordinance and the applicable policies, resolutions, regulations and ordinances of the Town of Welaka, including the Welaka Comprehensive Plan and the laws of the State of Florida.

All required permits shall be secured from the appropriate agencies, such as The Water Management District, Department of Environmental Regulation and the U. S. Corps of Engineers before a building permit or other development order is issued.

The land proposed for subdivision shall be suitable for development and upon completion of the drainage construction described in the drainage plan, shall not be subject to damaging floods, poor drainage, erosion or other conditions detrimental to the health, safety and general welfare of the public.

Subdivisions may be designed as Planned Unit Developments (PUDs) so that flexibility and efficiency in site design will act to reduce infrastructure costs, improve interior circulation patterns, and promote open space. The layout of a PUD may be in a manner that digresses from the standard grid subdivision plat in order to increase density through clustering for more efficient sewer/potable water distribution, and to ensure that development is adapted to natural features in the landscape, and which avoids the disruption of natural drainage patterns.

Planned Unit Developments may be used to protect environmentally sensitive areas but also may be used to increase the potential for developing water/sewer systems and more effective drainage systems. PUDs may also benefit from the potential of receiving "density bonuses" for incorporating benefits which serve a public good in the development.

Riverfront development shall be designed so as not to affect the water quality of adjacent waters. Design standards shall include: limitation of density; set back of buildings from waterfront; and set back of sanitary sewer drainfield (septic tank) from water's edge as permitted by the County Department of Health.

7.2. Floodplains.

Land located within the 100-year floodplain or wetlands shall require that streets be designed so that the permitted development will be clustered on the upland portion of the site so that a minimum of housing units will impact on the floodplain or wetland.

All subdivisions shall meet the requirements of the Town's adopted "Floodplain" and "Wetland" ordinances.

7.3. Control of Erosion and Surface Water Run Off.

Control of stormwater run off shall meet the requirements of the Town's "Interim Stormwater Management" and "Wetlands Protection" Ordinances. At a minimum, stormwater run off at a development site at post development shall be equal to or less than the level of run off at pre-development and shall meet the Level of Service as required in the Town of Welaka Comprehensive Plan.

All areas of subdivision disturbed through the process of construction (roadways, drainage facilities, utility features, or other structures) shall be stabilized during construction through the use of: straw, hay-bale obstructions in drainage swales or other temporary coverings, in order to reduce soil erosion from wind and water during the construction phase of development.

7.4 Potable Water and Sanitary Sewage Disposal

Use of private wells and septic tanks will be restricted as specified by the County Department of Health, other regulating agencies and Town regulations.

Development within 200 feet of an available service shall be required to hook up to the Town central water system as a condition of development in accordance with Town regulations and Rules 10D-6.041(2) and 10D-6.042(a), (b) and (c), F.A.C.

All septic tanks and other private sewage disposal systems shall be required to connect to central sewage systems when system collection lines are within 200 feet of the subject property and as otherwise may be required by state law.

7.5 Recreation and Open Space Requirements.

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

7.6 Compatibility With and Buffering from Adjacent Land Use

Buffering and separation shall be required between the subdivision and adjacent land uses of differing densities or intensities of use sufficient to ensure compatibility between uses. Issues of compatibility shall include considerations for noise, sight, and level of traffic generation.

Screens separating residential subdivisions from adjacent incompatible uses or influences, or abutting arterial streets may be in the form of maintenance-free walls, landscaping or planted earth mounds. Such screens shall be at least six (6) feet in height and at eighty (80) percent opaque. When

landscaping is used for screening, it must consist of at least 50 percent of vegetation native to north Florida and must attain the height and opacity requirements of this section within eighteen months of planting. Such walls, landscaping or planted earth mounds shall be located no nearer than one (1) foot to an arterial right-of-way being screened.

A 25-foot set back from the actual building site from the riverfront will be required for all new construction adjacent to the St. Johns River.

A 25-foot vegetative buffer is required between the actual building site and a water body.

A 50-foot buffer of vegetation, native to the site, shall be required for developments located adjacent to defined wetland areas.

7.7. Streets.

- (1) All street blocks shall not exceed 1500 feet in length.
- (2) All streets within a subdivision containing lots of less than five acres shall be paved and constructed in accordance with Town Design Standards. The arrangement, character, extent, width, grade and location of all streets shall be designed with consideration of their relation to: existing and planned streets, topographical conditions, storm drainage and water quality, public convenience and safety, and their appropriate relation to the proposed uses of land to be served by such streets. Where such is not shown in the Comprehensive Plan, the arrangements of streets in a subdivision shall provide for the continuation of appropriate projection of existing principal streets in surrounding areas.
- (3) All streets within a subdivision containing lots of five or more acres shall not carry the requirement of paving. However, the roads within a subdivision containing lots of five or more acres must be constructed in conformance with Town standards.
- (4) All streets within the subdivision shall be required to have a street name marker. Such markers shall be in place showing plainly the names of the streets. Where such markers are placed at intersections, the name of each intersecting street shall be displayed on said marker.
- (5) All streets within a subdivision shall be designed to accommodate bicycle and pedestrian traffic.

7.8. On-Site Traffic Circulation.

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

7.9. Lot Design Standards.

- (1) The minimum building setbacks required are those stipulated in the zoning ordinance for the pertinent district.
- (2) Lots shall have the minimum area and a minimum width as stipulated in the zoning ordinance for the pertinent district.
- (3) Corner lots shall have dimensions sufficient to permit the establishment of front building lines on each side of the lots having street frontage.
- (4) The arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.
- (5) Restrictions requiring building to be set back to such building lines shall be shown on the plat.
- (6) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout.
- (7) Wherein the specification of this subsection may conflict with the zone requirements of the regulations and restrictions stipulated in the zoning ordinance, the more restrictive shall prevail.
- (8) The size and dimensions of lots for industrial or commercial uses will vary and shall be consistent with the requirements stipulated in the zoning ordinance for that particular use.
- (9) Lots shall not, in general, derive access from an arterial street. Where driveway access from an arterial street may be the only possible access for several adjoining lots, it may be required that such lots be served by two (2) combined access drives in order to limit possible traffic hazards from multiple access to such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial roads.

7.10 Easements.

- (1) Easements at least seven and one-half (7 1/2) feet in width shall be provided on each side of all back lot lines, and five (5) feet in width on each side of side lot lines where necessary for poles, wires, conduits, sewers, gas, water or drainage swales. Easements of greater width may be required along or across lots where necessary for proper drainage for street rights-of-way.
- (2) Wherever any street or important surface drainage course is located in any area being subdivided, the subdivider shall provide an adequate easement along the stream for sanitary sewer installa-

tions and for the purpose of widening, deepening, improving or for drainage use.

- (3) Easement dedicated for ingress and egress to provide access to property not having direct access on a state, county, or approved private roadway, shall be in conformance with the Town of Welaka Zoning Ordinance and this ordinance. The Town may accept a plat for recording purposes for lots utilizing easements for ingress and egress based upon the Building Official's approval and recommendation.

SECTION 8. Performance Bond or Certified Check.

- (1) If the subdivider does not wish to construct and install any required public improvements as stated herein prior to submitting the subdivision plan to the Town Council for final approval, a performance bond shall be required, such bond being equal to the estimated cost of construction. A certified check may be placed in escrow with the appropriate agency in lieu of performance bonds. When the work has been completed satisfactorily, the appropriate agency shall release 95 percent of the funds in escrow with a letter of approval to the subdivider. The remaining five percent shall remain in escrow for maintenance purposes.
- (2) The subdivider shall guarantee all materials, workmanship, and equipment for a period of one year from the date of final acceptance by the Town. Should any such defect or damage due to the above be shown within one year, the subdivider shall replace and/or repair the same at no cost to the Town. (This guarantee shall be secured by an acceptable bond in the amount of 110 percent of the contract cost of the project.)

SECTION 9. Penalty for Violation of this Ordinance and Appeal Process.

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 or imprisonment for a term not to exceed 60 days, or both, for each day the violation exists. Any person convicted of violating this ordinance shall be responsible to the Town of Welaka for any moneys expended by said Town as a result of said violation of this Ordinance.

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 public hearing.

Any party proceeding with a development without the approval of a Final Plat shall be subject to the aforementioned fine and/or requirement to demolish unapproved developed structures.

SECTION 10. Severability.

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

SECTION 11. Effective Date.

This Ordinance shall take effect pursuant to general law upon receipt of acknowledgement of its filing in the Office of the Secretary of State, State of Florida.

THIS ORDINANCE IS ADOPTED TO ESTABLISH REGULATIONS FOR SUBDIVISIONS IN THE TOWN OF WELAKA AND SHALL BE KNOWN AS THE TOWN OF WELAKA SUBDIVISION ORDINANCE.

PASSED ON THE FIRST READING, MARCH 16, 1993

PASSED AND ADOPTED ON THE SECOND AND FINAL READING, APRIL 13, 1993

Mayor

Council Person

Council Person

Council Person

Council Person

CERTIFICATION

I, ELLEN CASHWELL, TOWN CLERK, DO HEREBY CERTIFY THAT THE ORDINANCE ATTACHED HERETO IS A TRUE AND CORRECT COPY OF ORDINANCE 93-6 ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WELAKA, FLORIDA ON APRIL 13, 1993

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 Official~~town 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 ~~Towntown~~ 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 ~~Towntown Council~~ council for Public Hearing. The Final Plat shall be considered for
172 approval at the next regularly scheduled public meeting of the ~~Towntown Council~~ 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 (b) ~~Revision-Vacating~~ by the ~~Governing Body~~town - The ~~governing body~~town may, on its
200 own motion, order the vacation and reversion to metes and bounds acreage of all or any
201 part of a subdivision within its jurisdiction, including the vacation of streets, easements
202 or other parcels of land ~~dedicated~~dedicated for public purposes or any of such streets or
203 parcels if each of the following criteria are met:
- 204 (1) The plat of the subdivision was recorded as provided by law and sufficient activity
205 has not occurred at the site over a three (3) year period to support the reservation of
206 concurrency credits granted to the developer under a "Certificate of Concurrency";
207 and
208 (2) In the subdivision or part thereof, not more than 10 percent of the total subdivision
209 area has been sold as lots by the original subdivider or his successor in title; and
210 (3) The subdivision's Certificate of Concurrency shall be cancelled upon the reversion of
211 subdivided parcels to acreage. The infrastructure reserved under the Certificate shall
212 become available for other proposed development.
213
214
215
216
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 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.