

CALHOUN COUNTY  
ORDINANCE #84- 03

An ordinance to be entitled

AN ORDINANCE RELATING TO THE SUBDIVISION OF REAL PROPERTY WITHIN THE UNINCORPORATED PORTIONS OF CALHOUN COUNTY, FLORIDA; STATING AUTHORITY, JURISDICTION, PURPOSE, AND INTENT; PROVIDING DEFINITIONS; ESTABLISHING REVIEW PROCEDURES FOR EXEMPT SUBDIVISIONS; ESTABLISHING REVIEW PROCEDURES FOR MINOR SUBDIVISIONS; ESTABLISHING REVIEW PROCEDURES AND SPECIFICATIONS FOR PRELIMINARY PLAT REVIEW FOR SUBDIVISIONS; ESTABLISHING SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS, SPECIFICATIONS, AND REQUIREMENTS FOR LAND USE, BLOCKS AND LOTS, ROAD SYSTEM, FACILITIES FOR POTABLE WATER, WASTE WATER TREATMENT, AND STORM WATER MANAGEMENT, EASEMENTS, MONUMENTS, COMMERCIAL AND INDUSTRIAL FACILITIES, AND PHASED DEVELOPMENTS; ESTABLISHING PROCEDURES FOR THE FULFILLMENT OF REQUIREMENTS AND FOR FINAL PLAT REVIEW; ESTABLISHING PROCEDURES FOR VACATING EXISTING PLATS; ESTABLISHING PROCEDURES FOR ADOPTING AMENDMENTS; ESTABLISHING CERTAIN PROHIBITIONS AND MAKING PROVISIONS FOR THE ENFORCEMENT OF VIOLATIONS; CREATING A SEVERANCE CLAUSE; ESTABLISHING A PROCEDURE FOR VARIANCES AND APPEALS; AND ESTABLISHING A STANDARD OF INTERPRETATION.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONER OF CALHOUN COUNTY, FLORIDA:

## ARTICLE I: TITLE, AUTHORITY, JURISDICTION, PURPOSE, AND INTENT

### 1.0 Short Title

This Ordinance shall be known as the "Subdivision Regulations of Calhoun County, Florida."

### 2.0 Authority

Under the authority of Chapters 125, 163, and 177 of the Florida Statutes, Calhoun County is authorized and empowered to adopt, amend, revise, and enforce measures relating to subdivision of land. This ordinance has been duly adopted by the Calhoun County Commission at its regular meeting on September 5, 1984 after due consideration of the recommendations of the Calhoun County Planning Commission and comments from the affected public at the requisite public hearings preceding adoption.

### 3.0 Jurisdiction

The area subject to these regulations shall be all of the unincorporated areas of Calhoun County, Florida.

### 4.0 Purpose

The public health, safety, comfort, economy, and general welfare require the harmonious, orderly and progressive development of land within the unincorporated areas of Calhoun County. The subdivision of land is a vital step in the process of community development. Once land has been shaped into lots, blocks, and streets, the correction of defects is costly and difficult. Substantial public responsibility is created by each new subdivision, involving the maintenance of streets, drainage or stormwater systems, utilities, and the provision of additional public services. It is therefore in the interest of the public, developer, and future lot owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.



## 5.0 Intent

The regulation of the subdivision of land is intended:

- 5.1 To aid in the coordination of land development in the unincorporated areas of Calhoun County in accordance with orderly physical patterns.
- 5.2 To maintain and protect the local economy and natural resources; to prevent pollution of the air, land and waters; to safeguard the water table and groundwater resources; and to encourage the wise use and management of natural resources throughout Calhoun County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- 5.3 To discourage haphazard, premature, uneconomic, or scattered land development.
- 5.4 To insure safe and convenient traffic control.
- 5.5 To encourage the development and maintenance of economically stable and healthful communities.
- 5.6 To insure adequate utilities.
- 5.7 To prevent periodic and seasonal flooding by providing protective flood control and drainage facilities.
- 5.8 To provide public open spaces for recreation.
- 5.9 To assure land subdivision with installation of adequate and necessary physical improvements.
- 5.10 To assure that the citizens and taxpayers of Calhoun County 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.
- 5.11 To assure the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.

- 5.12 To guide the future growth and development of Calhoun County in accordance with the adopted Comprehensive Plan.

## ARTICLE II: DEFINITIONS

### 1.0 General Definitions

Except where specifically defined herein, all words used in these regulations shall convey their usual and customary meanings. Words used in the present tense include the future tense; words in the singular number include the plural and words in the plural include the singular. The word "shall" is mandatory and the word "may" is discretionary. The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### 2.0 Specific Definitions

When used in these Regulations, the following words and phrases shall have the meaning given in this section.

- 2.1 ALLEY: Any public right-of-way designated primarily for vehicular access to the back or sides of buildings or lots used for commercial purposes and otherwise abutting on a street.
- 2.2 APPLICANT: Any person who submits subdivision plans for the purpose of compliance with these regulations.
- 2.3 ARTERIAL ROAD: Any road serving as a connecting link for large volumes of traffic moving at high rates of speed and having well controlled access points. Arterial roads specifically include Highways 20, 69, 69-A, 71, 73, 275, 392, 287, 286, 194 and 274 within Calhoun County and such other roads as the Board may designate upon the recommendation of the Planning Commission.

- 2.4 BLOCK: A tier or group of lots within well-defined and fixed boundaries, particularly an area surrounded by streets or other physical barriers and having an assigned number, letter, or name through which it may be identified.
- 2.5 BOARD: The Board of County Commissioners of Calhoun County.
- 2.6 BUILDING: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or moveable property of any kind. The word "building" includes the word "structure."
- 2.7 CENTRAL SEWAGE SYSTEM: All of the equipment and property involved in the operation of a sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Florida laws and regulations.
- 2.8 CLEAR SIGHT TRIANGLE: The area within the limits described by the two intersecting roadway center lines and a line drawn between them from points on each center line that are a prescribed number of feet from the intersection of the center lines.
- 2.9 CLEARING: The removal of trees and other vegetation from the land preparatory to construction of buildings or other improvements. As used herein such practices as mowing, yard maintenance, and customary agricultural practices are excluded.



- 2.10 COLLECTOR ROAD: Any road serving as the connecting link between local roads and arterial roads, or serving as a substantial link between separated local roads within a subdivision. Collector roads may be further defined as "Major collector roads" and "Minor collector roads" (qq.v.).
- 2.11 COMMUNITY WATER SYSTEM: All of the equipment and property involved in the operation of a water utility, including water lines and appurtenances, pumping stations, treatment plants, and general property relating to such utility, which shall be fully installed, operable, and providing service in compliance with applicable Florida laws and regulations.
- 2.12 COMPREHENSIVE PLAN: The Calhoun County Comprehensive Plan as originally adopted by Ordinance by the Board in February 1979 along with such duly adopted amendments and updates as may be passed by the Board.
- 2.13 COUNTY: Calhoun County.
- 2.14 CROSS WALK: A right-of-way within a block dedicated to public use and intended primarily for pedestrian use and from which motorized vehicles are excluded.
- 2.15 CUL-DE-SAC: Any local road (q.v.) with a single intersection.
- 2.16 DEDICATION: The deliberate assignation of land by its owner(s) for any general or public use(s) with an eventual view toward transfer of ownership and management to the County. The acceptance of such dedications to the County are at the discretion of specific action by the Board.

- 2.17 DENSITY, NET RESIDENTIAL: The number of residential dwelling units per acre of land determined by dividing the total number of units by the total area of land within the parcel boundaries minus all dedicated rights-of-way, floodplains, and other undevelopable areas.
- 2.18 DEVELOPER: Any person or legal entity engaged in subdividing, developing, or improving land for use or occupancy.
- 2.19 DEVELOPMENT PLAN: A conceptual design of a proposed subdivision which includes the requirements of these Regulations.
- 2.20 DOUBLE FRONTAGE LOTS: A lot having two non-adjoining property lines abutting upon a street or streets.
- 2.21 DWELLING: A building or portion thereof designed or used exclusively for residential occupancy. A dwelling may be for single family use or may be a multifamily dwelling (q.v.).
- 2.22 EASEMENT: A grant by a property owner for the use of land for a specific purpose.
- 2.23 ENGINEER: A professional engineer registered, certified, and licensed to practice in the State of Florida.
- 2.24 EXEMPT SUBDIVISION: Any subdivision (q.v.) of land in which the transfer of title occurs between or among relatives by blood, adoption, or marriage, or in which the transfer of title passes as a result of inheritance or court decision, or in which the transfer of title occurs between adjacent landowners, save in situations where the Planning Commission may find that such subdivision will have an adverse effect on existing community facilities.

- 2.25 FLOODPLAIN, ONE HUNDRED YEAR: A land area which would be subject to a one percent (1%) or greater chance of flooding in any given year. Those areas designated by the Federal Insurance Administration of the Federal Emergency Management Agency as flood hazard areas shall be considered the minimal extent of such floodplains. The Board may adopt at the recommendation of the Planning Commission more restrictive boundaries upon the presentation of appropriate evidence by a suitably experienced engineer.
- 2.26 FRONTAGE: The length of the front property line of the lot, lots, or tract of land abutting a street, road, highway, or other right-of-way.
- 2.27 GRADE: The slope of a road or other right-of-way specified as a percentage.
- 2.28 IMPROVEMENT, PUBLIC: Any roadway, sanitary sewer, storm sewer, drainageway, water main, bridge, sidewalk, or other facility for which the County may assume the responsibility for maintenance and operation.
- 2.29 LOCAL ROAD: Any road primarily serving adjacent property owners and residents as the initial access to the highway system, characterized by short trip distances, low speeds, and light traffic volumes. Any local road serving four or fewer adjacent lots all of which are 1.0 acres in size or less may be considered a minor subdivision access road (q.v.).
- 2.30 LOT: A tract or parcel constituting the least fractional part of a subdivision of land, having a fixed boundary, and bearing a number, letter, or name by which it may be identified.



- 2.31 MAJOR COLLECTOR ROAD: Any collector road (q.v.) which may be determined by the Board at the recommendation of the Planning Commission to carry the traffic generated by twenty-five or more residences, or which may be otherwise determined as carrying the equivalent traffic load which might reasonably be generated by twenty-five residences.
- 2.32 MINOR COLLECTOR ROAD: Any collector road (q.v.) found by the Board at the recommendation of the Planning Commission to carry less than the designated traffic load which would qualify it as a major collector road. (q.v.).
- 2.33 MINOR SUBDIVISION: Any subdivision (q.v.) of land into eight or fewer lots intended solely for residential use which abuts an existing public road.
- 2.34 MINOR SUBDIVISION ACCESS ROAD: Any local road (q.v.) serving four or fewer adjacent lots all of which are 1.0 acres in size or less.
- 2.35 MULTIFAMILY DWELLING: A dwelling (q.v.) specifically designed to accommodate two family units (a "duplex") three family unit (a "triplex"), or four family units (a "quadriplex").
- 2.36 OWNER: Any person, group of persons, firm, joint venture, corporation, or any other legal entity having legal title to the land sought to be subdivided under these Regulations. The term "owner" is synonymous with "landowner."
- 2.37 PERFORMANCE BOND: Evidence of security adequate to assure the installation and completion or maintenance of all required public improvements (q.v.) for a subdivision. Acceptable security may include a cash deposit, a surety bond, an executed escrow

agreement between the applicant and a bank or other financial institution, or any other financial assurance acceptable to the Board guaranteeing installation or maintenance of all required public improvements within a reasonable period of time.

2.38 PERSON: Any individual, firm, partnership, trust, estate, company, association, or organization, whether for profit or not-for-profit, which may be awarded legal status under Florida Law.

2.39 PLANNING COMMISSION: The Calhoun County Planning Commission.

2.40 PLAT: A map or delineated representation of the subdivision of lands, being a complete and exact representation of the subdivision, along with other information in compliance with the requirements of Chapters 163 and 177 of the Florida Statutes and these Regulations.

The verb "to plat" means to act so as to create a plat.

2.41 RIGHT-OF-WAY: Land dedicated, deeded, used, or to be used for a road, alley, walkway, public utility, drainageway, access for ingress and egress, or other public purpose.

2.42 ROAD: A vehicular thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenues, streets, lanes, boulevards, and any other thoroughfare except an alley. A public road is any such road dedicated for public use. A private road is any such road not so dedicated.

2.43 STORMWATER MANAGEMENT SYSTEM: The designed features of and improvements to property which collect, convey,

channel, hold, store, inhibit, or divert the movement of stormwater to meet the requirements of Chapter 17-25 of the Florida Administrative Code and these Regulations.

2.44 SUBDIVISION: The division of any parcel of land, whether improved or unimproved, into three or more lots any one of which is 5.0 acres or less in size for the purpose, whether immediate or future, of offer, sale, lease, or development; or the division of a parcel of land of any size in which a change of public rights-of-way or easements are involved. The term includes resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided. Subdivisions are subject to these Regulations save that those subdivisions found to be exempt subdivisions or minor subdivisions (qq.v.) are subject only to those sections pertinent to them.

2.45 SURVEYOR, REGISTERED: A land surveyor currently registered to practice in the State of Florida.

2.46 UTILITIES: Facilities made available to and shared by the community at large, including, but not limited to, community water systems, central sewage systems, electrical power distribution systems, stormwater management systems, natural gas distribution systems, and telephone systems.

2.47 WETLANDS: Land subject to regular inundation by water over a majority of time measured over a period of years. Wetlands shall be more particularly defined according to Chapter 403.817 of the Florida Statutes and as any land bearing those dominant wetland plant indicator species as included in Chapter 17-4 of the Florida Administrative Code.



### ARTICLE III: EXEMPT SUBDIVISIONS

#### 1.0 Intent

It is the intent of this section to allow certain transfers of ownership involving the division of lands and certain other divisions of land, none of which will create additional needs for community facilities, to proceed as the principals to the transaction intended with a minimum of legal difficulty, save only that all such transfers should be duly recorded with the County.

#### 2.0 Determination of Exempt Status

Any subdivision of land in which the transfer of title occurs between or among relatives by blood, adoption, or marriage, or in which the transfer of title passes as a result of inheritance or court decision, or in which the transfer of title occurs between adjacent landowners, shall be exempt from these Regulations, save in situations where the Planning Commission may find that such subdivision will have an adverse impact on existing community facilities. In such situations the Planning Commission may make a recommendation to the Board that such subdivision be subject to these Regulations, and if the Board upholds that recommendation, then that subdivision shall not be exempt.

### ARTICLE IV: MINOR SUBDIVISION PROCEDURES

#### 1.0 Intent

It is the intent of this section to provide expeditious review and approval for those subdivisions qualifying as minor subdivisions by allowing an exemption from the platting process while still meeting the legitimate public need for the provision of certain required public facilities. An applicant under this section shall be subject to the standards, specifications, and requirements included under Article VI of these regulations.

## 2.0 Minor Subdivision Approval Procedure

- 2.1 Any owner contemplating a subdivision of his or her land which may qualify as a minor subdivision may request a meeting with the Planning Commission or its designated representative to explain their proposal and have explained to them the Planning Commission's procedures.
- 2.2 No later than fourteen days before the scheduled meeting of the Planning Commission the applicant may formally submit an application for approval of a minor subdivision. Such application shall include at a minimum: Name, address, and phone number of the applicant; a legal description of the property to be subdivided; a filing fee of \$25; a map at a suitable scale attested by a registered surveyor showing the proposed new parcels and their dimensions, and a road plan showing all access points and, for those lots less than 1.0 acres in size, the layout, design, and cross-section of a suitable minor subdivision access road; diagrams and descriptions as necessary to indicate how the requirements for storm water management will be met; and such other material as the Planning Commission may request for the purpose of making a responsible recommendation to the Board.
- 2.3 The Planning Commission shall consider the application for approval of minor subdivision at its regular meeting and shall hear the comments of any interested members of the public before formulating its recommendation.
- 2.4 The Planning Commission may recommend approval, approval with conditions, in which case the conditions shall be clearly stated, or denial. The Planning Commission's recommendation shall be presented in writing to the

Board no later than four days before the Board's next regularly scheduled meeting. The recommendation shall be considered by the Board at that meeting. Their decision shall result in issuance of a development order which shall state the conditions, if any, for approval, or if the decision is for denial, the reasons why.

- 2.5 The development order shall be valid for a period of twelve months from the date of issuance unless the Board specifically states a longer period.

#### **ARTICLE V: SUBDIVISION PRELIMINARY PLAT APPROVAL**

##### **1.0 Purpose**

- 1.1 The purpose of the Preliminary Plat is to permit complete and accurate presentation of technical data and preliminary engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and the surrounding area.
- 1.2 No person shall divide a parcel of land into three or more parcels any one of which is five acres or less, or divide a parcel of any size which would involve a change of public rights-of-way or easements, unless they have qualified as an exempt subdivision or a minor subdivision under these Regulations or have first received the Board's official acceptance of a plat which has been duly filed with the Planning Commission and reviewed for compliance with the standards within these regulations, and have recorded that approved plat with the Clerk of the County Court.



In addition, no road shall be accepted and maintained, nor shall any utility lines be extended, nor shall any permit be issued by a representative of the County for the construction of any building or for septic tank installation or for any other purpose requiring a permit, without adherence to these regulations.

## **2.0 Pre-Application Conference**

Any owner of land in the unincorporated portions of the County who is contemplating subdividing it for any lawful purpose may request an informal pre-application conference with the Planning Commission or its designated representative. At such a conference the owner or owner's agent may present tentative proposals with a view toward learning what would be required to properly evaluate the proposal within the limits of these Regulations. No fee shall be charged, and no formal application shall be required.

## **3.0 Filing a Plat for Preliminary Approval**

3.1 Prior to any clearing activity or grading preparatory to making any road improvements or installing any utilities, the subdivider shall submit to the Planning Commission a preliminary plat in accordance with the procedures of this section.

3.2 No later than fourteen days before the regularly scheduled meeting of the Planning Commission the subdivider shall submit a letter requesting review and approval of a preliminary plat, at least four copies of the preliminary plat, other substantiating documents as may be required, and full payment of a fee in the amount of \$100 which shall partially defray the cost of reviewing the application.

3.3 The preliminary plat as filed shall meet the following specifications:

- a) The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch.
- b) The sheet size shall be 24 inches by 36 inches. If the complete plat cannot be shown on a sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of a reduced scale.
- c) The title or name of the proposed subdivision, the name, address, and phone number of the owner of the tract proposed for development, and the name, address, and phone number of the engineer and surveyor engaged to prepare and design the preliminary plat shall all be clearly shown.
- d) The date, scale of the plat, north arrow, current zoning if any, total number of lots, and minimum lot size shall be included.
- e) A full and detailed legal description of the tract to be platted and its approximate acreage shall be included.
- f) A vicinity map shall be included showing the relationship between the area proposed for development and the surrounding area. The vicinity map shall be at a scale of not less than one inch equalling two thousand feet (1"=2000') and shall identify adjacent subdivisions and public roads by name.
- g) Existing physical features shall be fully identified. These include but are not limited to roads, culverts, easements, rights-of-way,

lakes, rivers and creeks, swamps, other wetland areas, the one hundred year flood plain, wooded areas, cultivated areas, parks and other public open spaces, sewers, and water mains.

- h) The proposed layout shall be clearly shown, including roads, alleys, easements, lot lines with approximate dimensions, land to be dedicated for public purposes, and any land proposed for purposes other than single family dwellings. Proposed rights-of-way shall include all dimensions.
- i) Block and lot designations shall be shown.
- j) In the event that the County adopts a zoning code, the existing zoning for the proposed subdivision and the adjacent properties shall be shown, and the minimum building front yard setback lines shall be shown.
- k) Typical road cross-sections and centerline profiles shall be included.
- l) Contour intervals of two feet shall be shown. The Planning Commission may request the plotting of contour intervals of one foot in very flat areas. Proposed contour changes shall be shown.
- m) The preliminary plat shall clearly state on its face that it is not for recording.

3.4 Other material which the Planning Commission may request from the subdivider during the preliminary plat review process include:

- a) engineering plans for community water systems, central sewage systems, storm water management systems, and other public improvements;



- b) draft copy of any proposed protective covenants or deed restrictions which may be attached to the lots at the time of sale;
  - c) any other information which will enable the Planning Commission to evaluate the proposal for compliance with these Regulations or the Comprehensive Plan.
- 3.5 Upon receipt of the application for preliminary plat approval, the Planning Commission shall distribute copies for review to the County Road Department, the County Health Department, and such other offices as the Planning Commission may determine. They shall address their comments in writing concerning the suitability and adequacy of the proposed subdivision to the Planning Commission.
- 3.6 Interested members of the general public may review the proposed subdivision in such offices of the County as the Planning Commission may designate at any time during normal working hours. Comments from the general public, whether written or oral, shall be duly considered by the Planning Commission in its deliberations.
- 3.7 At its regularly scheduled meeting the Planning Commission shall consider the application for preliminary plat approval and the comments of those who have reviewed it prior to formulating a written recommendation of approval, approval with conditions, or denial for the action of the Board. The Planning Commission's recommendation shall be submitted in writing to the Board no later than four days before the Board's next regularly scheduled meeting.

3.8 The Board shall act upon the Planning Commission's recommendation at its next regularly scheduled meeting. If the Board approves the proposed subdivison, it shall inscribe a certificate of preliminary approval to the face of the plat, listing the date of preliminary approval, notice that such preliminary approval does not constitute approval of the final plat, and citing an expiration date. If the Board approves the preliminary plat with conditions, a similar certificate shall be inscribed with the addition of the conditions. If the Board denies the preliminary plat, it shall be returned to the subdivider with a recitation of the reason or reasons for denial.

#### **4.0 Authorization to Proceed with Improvements**

The preliminary approval by the board shall constitute authorization for the subdivider to proceed with the installation of the public improvements to the parcel to be subdivided as detailed in the development plans submitted to the Planning Commission for preliminary approval. The necessary clearing, grading, and construction work may proceed as the developer finds expedient consistent with the requirements of these Regulations and other requirements of the law. The developer shall have twelve months from the date of preliminary approval to complete all improvements and file for final plat approval, unless a longer time was specified, or an extension is granted by the Board subsequent to a recommendation of the Planning Commission.

ARTICLE VI: SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS,  
SPECIFICATIONS, AND REQUIREMENTS

1.0 General Principles of Subdivision Design

- 1.1 All lands included within the subdivision shall be suitable for the various purposes proposed in the request for subdivision approval. Further, no subdivision plan shall be approved unless the Board finds, after full consideration of all pertinent data, that the subdivision can be served adequately with such normal public facilities and services as are suitable in the circumstances of the particular case.
- 1.2 Proposed subdivisions subject to these Regulations must conform to the goals, objectives, and policies as stated in the Comprehensive Plan.
- 1.3 Access to every subdivision shall be provided over a public road.

2.0 Land Use

- 2.1 In the design of subdivisions due regard shall be shown for all natural features and community assets which, if preserved, will add attractiveness and value to the property and County. Special consideration shall be given in the subdivision design to the preservation of tree cover, large species trees, natural drainageways, floodplains, wetlands, and the natural topography and landscape.
- 2.2 A subdivision plan shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without the danger of flooding and adverse soil conditions affecting



ARTICLE VI: SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS,  
SPECIFICATIONS, AND REQUIREMENTS

1.0 General Principles of Subdivision Design

- 1.1 All lands included within the subdivision shall be suitable for the various purposes proposed in the request for subdivision approval. Further, no subdivision plan shall be approved unless the Board finds, after full consideration of all pertinent data, that the subdivision can be served adequately with such normal public facilities and services as are suitable in the circumstances of the particular case.
- 1.2 Proposed subdivisions subject to these Regulations must conform to the goals, objectives, and policies as stated in the Comprehensive Plan.
- 1.3 Access to every subdivision shall be provided over a public road.

2.0 Land Use

- 2.1 In the design of subdivisions due regard shall be shown for all natural features and community assets which, if preserved, will add attractiveness and value to the property and County. Special consideration shall be given in the subdivision design to the preservation of tree cover, large species trees, natural drainageways, floodplains, wetlands, and the natural topography and landscape.
- 2.2 A subdivision plan shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without the danger of flooding and adverse soil conditions affecting

structural stability and human health, safety, and welfare. Lots shall not be platted within the hundred year floodplain unless the subdivider provides evidence that a suitable portion of the lot for building purposes and septic tank placement is above the line of the hundred year floodplain, or, if a central sewage system is proposed as part of the development, that a suitably floodproofed dwelling may be erected on a site within the lot. The subdivider shall present evidence of design measures to minimize the adverse effects of development on the quality and quantity of the natural hydrological system in those portions of any subdivision affecting lakes, ponds, swamps, water courses, wetlands, or the subsurface aquifer. The County shall not accept any dedicated public improvements for ownership or maintenance in areas where the soil limitation is rated as severe or very severe unless the developer presents evidence of planned compensating structural improvements adequate to accommodate the proposed use.

2.3 The lot size or net residential density shall be allowed as more particularly stated below. In each case, where soil or topography limitations may indicate, the Planning Commission may request a larger lot size or lower net residential density.

- a) If the subdivider's development plan is based on an eventual reliance upon individual wells and waste water disposal systems, such as septic tanks, which will be provided by the purchaser of each lot, each lot shall be platted as a minimum of one-half acre in size for single family dwellings or at a net residential density

no greater than 2.0 units per acre for multifamily dwellings.

- b) If the subdivider agrees to provide a community water system to serve all of the lots to be platted and further proposes a reliance upon individual waste water disposal systems, such as septic tanks, which will be provided by the purchaser of each lot, each lot shall be platted as a minimum of one-fourth acres in size for single family dwellings or at a net residential density no greater than 4.0 units per acre for multifamily dwellings.
- c) If the subdivider agrees to provide a community water system and a central sewage system to serve all lots to be platted, and paved roads throughout the subdivision, each lot shall be platted as a minimum of one-sixth acre in size for single family dwellings or at a net residential density no greater than 12.0 units per acre for multifamily dwellings. Any subdivision planned under this subsection for any net residential density in excess of 6.0 units per acre shall make additional allowance for an open space dedication of 5 percent for purposes of a public park to serve that subdivision's residents.
- d) If the County should adopt a zoning code applicable to any area under consideration for subdivision, and that zoning code contains standards differing from the provisions of this section, then the more stringent shall prevail as operative in that case.



### 3.0 Blocks and Lots

- 3.1 The length, width, and shape of blocks shall be designed with due regard to maximizing the use of existing natural drainage systems, and providing of adequate building sites suitable to the special needs of the type of use contemplated.
- 3.2 Blocks shall not be longer than 1800 feet in length, nor less than 400 feet in length. They shall be wide enough to provide for two tiers of lots, save where abutting upon arterial roads, or where other situations make this requirement impractical. Blocks in excess of 1200 feet in length shall provide a cross walk as near to the midpoint of the block as practicable. Such a cross walk shall be no less than ten feet in width and shall be cleared and built up as necessary for the convenient traverse of pedestrians.
- 3.3 Subdivision access to arterial roads shall be limited to collector roads, and the subdivider shall design his road plan accordingly so as to eliminate the direct access of local roads or abutting lots.
- 3.4 Double frontage lots shall not be permitted save where necessary to provide separation of residential development from certain major collector roads and arterial roads or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet across which there shall be no right of access shall be provided for such lots.
- 3.5 Lots shall be of a design and size that will accommodate a minimum building setback of 35 feet from the edge of the right-of-way, 10 feet from one side property line, 15 feet from one side property line, and 10

feet from the rear property line, save that corner lots shall have a minimum setback of 35 feet from the edge of the right-of-way of each road. Any lot designated for commercial or industrial use shall allow for a minimum building setback of 60 feet from the right-of-way of any adjoining road.

#### 4.0 Road System

4.1 The arrangement, character, width, grade, and location of all roads shall conform to the Comprehensive Plan, to any standards additional to these Regulations which may be adopted by the Board, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety, and in relation to the proposed use of the land to be served by such roads.

4.2 Roadway design features for proposed subdivisions shall include the following:

- a) The arrangement of roads within a subdivision shall be coordinated with the existing road system surrounding the area and provide for continuation of existing streets where appropriate. Traffic circulation plans shall allow for future road links with adjacent unsubdivided property. Where such adjacent land is clearly undevelopable in large part this requirement shall be waived.
- b) The roadway design shall be such as to discourage the use of local roads for through traffic.
- c) New road names shall not duplicate or closely approximate existing road names, save for

cul-de-sacs which may take the same name as the road with which they intersect but with a differing suffix. Any new road that is an extension of or in essential alignment with an existing road where there is a strong probability as determined by the Planning Commission that the discontinuous segments of road will eventually be continuous shall bear the same name as the existing road.

- d) Road jogs with center line offsets of less than 125 feet shall not be permitted.
- e) Road intersections shall be as nearly at right angles as possible with no street intersection being at any angle of less than 70 degrees. No intersection shall be permitted for more than two streets.
- f) Cul-de-sacs shall be no longer than 800 feet and shall have a turn-around at the closed end of no less than a fifty foot radius from the center point to the property line and no less than forty feet from the center point to the edge of the driving surface.
- g) The road right-of-way radius at intersections shall be at least twenty feet, save that where the angle of intersection is less than 90 degrees, the Planning Commission may require an additional length.
- h) Alleys shall be provided in any areas planned for commercial development, but shall not be included in residential areas unless the subdivider provides evidence to the Planning



Commission of their necessity. Dead end alleys shall not be provided.

- i) At all road intersections an adequate clear sight triangle must be maintained, within which no impediments to clear sight, including ornamental plantings higher than 30 inches, will be allowed, save that trees will be allowed provided that they do not cumulatively present an obstacle to clear sight. Triangle leg distances shall be 75 feet along any local road, 200 feet along any collector road, and 300 feet along any arterial road.
- j) Road signs shall be provided by the developer of a durable and readable material and posted with a clearance of seven feet so as to be visible for both pedestrian and vehicular traffic. At cross-road intersections, two road sign posts shall be located diagonally across the intersection from each other. Only one road sign post shall be required at T-road intersections.
- k) Where sidewalks are constructed they shall be four inches thick with a minimum width of four feet. Curbs and gutters shall be required where sidewalks are built, and all intersections of sidewalks and curbs shall include a sloping cut adequate for the smooth passage of wheelchairs and bicycles. A thirty inch grass planting strip shall be provided between the back of the curb and the sidewalk. All sidewalks shall slope toward the curb at a grade of one-fourth inch per foot.

4.3 Road design and construction standards must meet the minimum specifications as established in the following chart:

	Local Road*	Minor Collector	Major Collector	Arterial	Alley	Minor Subdivision Access Road
Right-of-way	60'	60'	80'	100'	20'	50'
Lane width	20'	22'	24' (Paved)	24' (Paved)	12'	18'
Shoulder width (each side)	6'	8'	10'	10'	---	6'
Maximum street grade	15%	12%	8%	6%	8%	15%
Minimum radius of center line curvature	100'	300'	500'	800'	300'	100'
Minimum length of tangent between reverse curves	100'	150'	200'	300'	---	100'
Minimum stopping sight distance	200'	240'	240'	350'	---	200'

\* Except those local roads designated as minor subdivision access roads.

4.4 Subdivisions adjoining existing public roads with rights-of-way less than that specified in these Regulations shall dedicate land sufficient to meet the right-of-way requirements. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road, and one-half of the right-of-way as measured from the centerline shall be provided where any part of the subdivision is on only one side of a public road.

4.5 Basic construction requirements for all categories of roads shall include the following considerations.

- a) All roads shall be graded to their full width by the subdivider so that the various public improvements to be provided within the right-of-way may be placed with minimal difficulty.
- b) Utility lines of all kinds shall be constructed and installed to the maximum extent feasible beneath the surface of the ground and within

backslope areas of dedicated rights-of-way. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with that utility's established policies. Where the Planning Commission determines that soil, topographic, or other limitations preclude below-ground installation, the developer shall be responsible for an alternate arrangement acceptable to the Planning Commission.

- c) If it is necessary for the subdivider or any utility to break existing pavement for the subdivider or any utility to break existing pavement for the purpose of installing new facilities, the break shall be repaired by the subdivider unless the utility assumes that responsibility as a matter of policy.
- d) An adequate drainage system designed to percolate at least 80 percent of the runoff from a three-year one-hour design storm within 72 hours after a storm event, or otherwise meet the specifications of chapter 17-25 of the Florida Administrative Code, shall be installed within the road right-of-way and in such other locations as may be necessary to fulfill its purpose. Such a system shall include all ditches, curbs, pipes, culverts, headwall, grassy swales, and other such features as required. Where stormwater management facilities exist outside the road right-of-way an appropriate drainage easement shall be necessary to accommodate the area required.



e) When all construction is completed within the road right-of-way, the subdivider shall replant the shoulder and swales areas with grass or other vegetation to prevent undue soil erosion.

4.6 Where not otherwise mentioned in these Regulations, the required standards and specifications for design and construction of roads and their related facilities shall be in conformity with those standards promulgated by the Florida Department of Transportation in the current editions of Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (the "Green Book") and Standard Specifications for Road and Bridge Construction.

4.7 All roads within subdivisions shall be dedicated for public use with the exception of minor subdivision access roads. Areas dedicated for rights-of-way or for other public improvements do not imply acceptance by the Board. The Board must take specific action to accept any dedicated lands for whatever purpose. Specifically, the Board shall not accept for ownership or maintenance any road not built in accordance with these Regulations.

## 5.0 Potable Water, Waste Water Treatment, and Storm Water Management

5.1 Where the developer agrees to provide a community water system for the subdivision he or she shall abide by the standards and procedures established by the Northwest Florida Water Management District and the Florida Department of Environmental Regulation concerning the issuance of any required permits and facility installation.

5.2 Where the developer agrees to provide a central sewage system for the subdivision he or she shall abide by

the standards and procedures established by the Florida Department of Environmental Regulation concerning the issuance of any required permits or installation of facilities.

5.3 In proposed developments where community facilities for potable water or waste water treatment are not proposed, the following shall apply.

- a) In any subdivisions without a central sewage system in which the subdivider is responsible for the actual construction of dwellings the subdivider shall insure that facilities are installed so as to allow for expeditious hook-up to any future central sewage system which may become available.
- b) In any subdivision without a central sewage system, the following language shall appear on the face of the final plat prepared for recording and also on any contracts for sale drawn up for lots within that subdivision:  
"This subdivision is not served by a central sewage system. Buyers of individual lots are responsible for meeting the waste water treatment requirements of Florida law. The suitability of soil for the installation of any individual waste water treatment facility, such as a septic tank, is not guaranteed by the seller, Calhoun County, or the State of Florida."
- c) In any subdivision without a community water system, the following language shall appear on the face of the final plat prepared for recording and also on any contract for sale

drawn up for lots within that subdivision:

"This subdivision is not served by a community water system. Buyers of individual lots are responsible for providing their own potable water. The suitability of this location as a well site to produce water of adequate quantity and quality is not guaranteed by the seller, Calhoun County, or the State of Florida."

- 5.4 A comprehensive storm water management system shall be provided in all areas of the subdivision for the purpose of handling runoff flowing into or across any part of the subdivision. The system shall fulfill the requirements of Chapter 17-25 of the Florida Administrative Code and shall be designed for long life, low maintenance costs, and to maximize the amount of rainfall percolated into the soil.

## 6.0 Easements

The use of all easements shall be clearly shown on the plan and shall conform to the following:

- 6.1 Where necessary, easements will be centered on rear or side lot lines. Rear lot easements shall have a minimum width of fifteen feet and side lot easements shall have a minimum width of ten feet except that minimum total width of fifteen feet must be provided where necessary for storm or sanitary sewers.
- 6.2 Where a subdivision is traversed by or abuts a water course, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width, but



not less than fifteen feet along each side of the water course, as necessary for maintenance or construction.

- 6.3 The County will maintain only those easements, rights-of-way, and public sites which it accepts for maintenance.

## 7.0 Monuments

- 7.1 A concrete marker imbedded at least two feet into the ground shall be required at the intersection of all road rights-of-way and radius points. Such a right-of-way monument shall be at least four inches square with a one-eighth inch iron pin imbedded in the center at least four inches deep. The top surface of such marker shall be level with the surface of the ground.
- 7.2 Property line monuments shall be required consisting of an iron pin imbedded at least two feet into the ground at each corner of the subdivision and at each point where the property line changes direction. Such iron pin shall be at least one-half inch in diameter. The top surface of such iron pin shall be approximately level with the ground surface.

## 8.0 Commercial and Industrial Facilities

- 8.1 In any subdivision in which all or part of the land to be subdivided is proposed for commercial or industrial use, it shall be the responsibility of the subdivider to show evidence of adequate depth and width of property to accommodate the proposed use. The subdivider shall also show evidence of

adequate off-street service and parking facilities, including paved parking areas for commercial establishments, as may be required by the type of use and development contemplated.

8.2 The Planning Commission may require specific information of the subdivider pertinent to such proposed facilities.

8.3 In the event that the County establishes any zoning code addressing standards for commercial and industrial facilities, those standards shall be operative when considering subdivision regulation compliance.

#### **9.0 Phased Developments**

9.1 Where appropriate in larger subdivisions in order to make the development process more efficient, the subdivider may propose or the Planning Commission may require that construction proceed in phases. Where so required, the clearing and grading of advanced phases shall not proceed ahead of earlier phases in an unreasonable fashion.

9.2 Each phase of any development shall be capable of standing on its own if subsequent areas planned for development are not developed.

### **ARTICLE VII: FULFILLMENT OF REQUIREMENTS AND FINAL PLAT APPROVAL**

#### **1.0 When Construction May Begin**

Construction and installation of any required public improvements may begin as soon as the Board authorizes the preliminary plat, as stipulated in Article V of these Regulations

## 2.0 Inspections Prior to Completion

2.1 In order to facilitate inspection of required improvements during construction, the applicant shall notify the Planning Commission or its designated representative at least two working days before proceeding beyond each of the following stages of construction:

- a) When rough grading has been completed;
- b) When excavations are ready for placing foundations, and when pipe trenches are shaped and prepared for laying pipe;
- c) Once the drainage and other facilities are installed, but before back-filling occurs;
- d) Upon completion of base course compaction of roads;
- e) When placing and rolling of lower and surface pavements.

2.2 The purpose of these inspections is to insure compliance with the approved preliminary plat and to advise the Board whether or not the roads, storm water management facilities, and other public improvements being constructed appear to qualify for acceptance by the County. The County assumes no responsibility or commitment guaranteeing acceptance of the work, or for subsequent failure, by virtue of these stage inspections. However, if any aspect of the work being performed does not comply with acceptable standards, corrections will be required as a condition for County acceptance.



### 3.0 Final Plat Approval

- 3.1 After completion of the physical development of the subdivision or the posting of a performance bond guaranteeing the eventual completion of the required public improvements, the applicant may file for final plat approval by submitting a letter officially requesting review and approval of the final plat, four copies of the final plat including an original from which additional copies may be made, and a filing fee of \$25 plus \$2 for each lot within the subdivision.
- 3.2 The final plat shall be drawn with black drawing ink on mylar or vellum using sheets measuring 24 by 36 inches. The scale shall be 100 feet to the inch; if the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map at a reduced scale. Final plats shall meet all the requirements of Chapter 177 of the Florida Statutes and shall be so certified by the registered surveyor.
- 3.3 Information to be included on the final plat includes:
- a) A title block to include the name of the subdivision, the appropriate legal description with reference to a subdivision corner tie, and the words "Calhoun County, Florida."
  - b) The name and address of the owner of record and the subdivider, and the name and registration number of the surveyor or engineer.
  - c) A vicinity map, at scale, showing the proposed subdivision in relation to the surrounding streets.
  - d) The location of all Permanent Reference Markers

(PRM's) and Permanent Control Points (PCP's) in conformity with Chapter 177 of the Florida Statutes.

- e) A legend which defines all symbols, shows a stated and graphic scale, and displays a north arrow.
- f) Names of owners of record of adjoining land with their appropriate acreages. If the adjoining land is a recorded subdivision, a reference to the plat book and page number shall be included.
- g) Sufficient data to determine readily and to locate on the ground the location, bearing, and length of each road right-of-way, boundary line, block line, lot line, easement, or other public right-of-way, whether curved or straight, adequately correlated with monuments and markers.
- h) The right-of-way lines, widths, and names of all roads. Where roads are curved, information shall be given concerning the radius, central angle, and arc of all such curves.
- i) Lot lines and block and lot numbers.
- j) Dedications and easements, showing widths and purpose, shall be delineated on the face of the plat and shall not be incorporated by reference.
- k) Areas not proposed for residential or public use shall be identified and delineated to the extent possible.
- l) Location of all bodies of water and the extent of the hundred year flood plain.

m) The exact boundary lines of the tract as determined by a field survey, giving distances to the nearest one-tenth of a foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed one in five thousand. Lot lines shall be shown to a similar standard.

n) Certificates as required by Chapter 177 of the Florida Statutes, including but not limited to:

- i) Registered surveyor certifying the accuracy of the survey and plat;
- ii) Owner certifying dedications;
- iii) Health Department certifying its approval;
- iv) Disclaimers as may be required by Article VI-5.3 of these regulations;
- v) Planning Commission certifying its approval;
- vi) Board certifying its approval;
- vii) Clerk of the County Court certifying the recording of the plat.

3.4 Additionally the applicant shall submit such other plans or documents as may be required by the Planning Commission to help them evaluate the performance of the applicant.

3.5 All submissions with regard to final plat approval shall be made no later than 14 days before the regularly scheduled meeting of the Planning Commission.

3.6 The Planning Commission shall consider the written and oral remarks of any members of the general public in their deliberations concerning a recommendation of final plat approval.



3.7 The Planning Commission shall make a written recommendation of approval or disapproval to the Board no later than four days prior to the next regularly scheduled meeting of the Board. The Board's action shall be binding. If it approves the final plat, it shall attach its certification to the face of the plat and release it for recording. If it denies approval, it shall specifically spell out in writing the conditions which must be met by the subdivider before it will reconsider the matter. Such reconsideration shall constitute a separate filing for final plat approval.

#### 4.0 Recording the Plat

- 4.1 Upon the approval of a final plat by the Board, the owner or owner's agent shall have the final plat recorded in the office of the Clerk of the County Court whose certification shall be the final act before lots within the subdivision may be sold.
- 4.2 Upon recording the plat the owner is authorized to sell, lease, offer to sell, or otherwise transfer ownership of land within the subdivision by reference to a duly recorded plat.

## 5.0 Performance Bond in Lieu of Completion of Improvements

In lieu of completion of all required public improvements prior to submission of the final plat, the subdivider may post a performance bond with the County. Such a bond shall be available to the County and in an amount sufficient, as determined by a civil engineer engaged by the Board for the purpose of such determination, to insure the completion of the required improvements. When the work has been completed satisfactorily as determined by the County's inspectors, the Board shall release ninety percent of the bond fund with a letter of approval to the subdivider. The remaining ten percent shall remain in escrow for maintenance purposes. The maintenance period shall begin immediately following final inspection approval by the County's engineer and shall last one year from the date. The final ten percent of the bond fund in escrow shall be released to the subdivider upon final inspection by the County's engineer.

## 6.0 Completion of Improvements

- 6.1 If the required public improvements have been completed prior to the approval of the final plat, the Planning Commission or its designated representative shall arrange for final inspection and a recommendation to the Board concerning acceptance of dedications.
- 6.2 If the required public improvements are not completed at the time of final plat approval, but are subject to a performance bond, then the final inspection shall occur at such time as the subdivider has completed their obligations with regard to public improvements.
- 6.3 At whatever time the final inspection before acceptance of dedications occurs, the subdivider remains responsible for maintenance of all facilities and public

improvements for a period of one year. Prior to the release of the maintenance bond at the end of that one year period, the subdivider shall be responsible for correcting any maintenance problems, failed facilities, or any other shortcomings which may have manifested themselves during the maintenance period.

#### ARTICLE VIII: VACATING EXISTING PLATS

##### 1.0 Vacating Existing Plats

- 1.1 The owner of any land subdivided into lots may petition the board under the provisions of Chapter 177.101 of the Florida Statutes to remove, vacate, and abandon the existing plat, or portion of a plat, from the official records of the County. The applicant for such action shall file the Petition, Proof of Publication of Notice of Intent, Certificate of Title, Statement of Taxes and Resolution, and shall pay the appropriate filing fee as established by the Board. The Planning Commission shall coordinate the appropriate review and formulate a recommendation to the Board, which shall act on the petition. The applicant shall be responsible for recording the Petition and the Proof of Publication with the Clerk of the County Court.
- 1.2 The Board may, on its own motion consistent with Chapter 163.280(2) of the Florida Statutes, order a vacation and abandonment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of roads or other parcels, provided that the subdivision plat was lawfully recorded not less than five years before the date of such action by



the Board; and no more than ten percent of the total subdivision or part thereof has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the Board that the proposed vacation and abandonment of subdivided land conforms to the comprehensive plan of the area; and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and abandonment of subdivided land, the Board shall hold a hearing, with due public notice of intent.

- 1.3 No owner of any parcel of land in a subdivision shall be deprived by the vacation and abandonment of a plat, or a portion of a plat, of reasonable access to such parcel nor of reasonable access therefrom to existing facilities to which such parcel has theretofore had access; providing however, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

#### ARTICLE IX: AMENDMENTS

These Regulations may be amended by the Board, provided that no amendments shall become effective until a public hearing has been held. Each proposed amendment shall be submitted to the Planning Commission for review and recommendation. Public notice regarding the time, place, and date of the hearing shall be published once in a newspaper of general circulation in the County at least fifteen days prior to such hearing.

## ARTICLE X: PROHIBITIONS AND ENFORCEMENT

### 1.0 General Prohibitions

- 1.1 Within the unincorporated parts of the County, no subdivision shall be made, platted, or recorded unless such subdivision meets all the requirements of these Regulations and has been approved in accordance with the procedures herein.
- 1.2 It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and without having recorded the approved subdivision plat as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and shall be punishable as provided by law. The Board may, through action by the County Attorney, enjoin such transfer, sale, or agreement. Failure to comply with the provisions of this section shall not impair the title of land so transferred or affect the validity of the title conveyed. However, a purchaser of land sold in violation of this section shall be entitled, within one year from the date of purchase thereof, to bring an appropriate action to avoid such sale or to bring action against the seller for any damages which he suffers as a result of the seller's unlawful act, or both.

- 1.3 No building permit, electrical permit, septic tank permit, or any other permit or license which may be required by the County shall be issued for any lots in a subdivision until appropriate approval is granted by the Board under the procedures of these Regulations. In particular, no certificate of occupancy may be granted until a plat has been recorded with the County.
- 1.4 Any owner or agent of the owner who falsely represents to any prospective purchaser of real estate that roads, community water systems, central sewage systems, storm water management systems, or any other sort of public improvement whatsoever will be built, constructed, or maintained by the County shall be deemed guilty of a misdemeanor of the second degree as defined by Chapter 775.082 and 775.083 of the Florida Statutes.

## 2.0 Enforcement of the Provision of Public Improvements

- 2.1 If the subdivider has agreed to provide certain required public improvements by the time of final plat approval and the County's inspectors find that such public improvements have not been made or are inadequate or unsatisfactory, the Board shall withhold final plat approval.
- 2.2 If final plat approval has been granted and the required public improvements are to be completed under the performance bond and the County's inspectors find that such public improvements have not been made or are inadequate or unsatisfactory, then the Board may enforce the performance bond by resort to legal and equitable remedies. The Board shall make it a priority to apply the monies received from any such settlement toward the actual provision of such public improvements.



### 3.0 Violation

Any person who shall sell any lot, offer to sell any lot, or construct, open, or dedicate any road, sanitary sewer, storm sewer, or water main, or drainage structure without having first complied with the provisions of these Regulations, or otherwise violate these Regulations, shall be punishable by a fine not to exceed \$500.00, or by imprisonment in the County Jail for a period not to exceed sixty days, or by both such fine and imprisonment. Each day that the violation continues shall constitute a separate violation.

## ARTICLE XI: LEGAL STATUS

### 1.0 Severance Clause

If any part or provision of these Regulations or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

### 2.0 Variances

2.1 Where the Planning Commission finds that extraordinary hardship or practical difficulties may result from strict compliance with these Regulations, it may recommend variations or exceptions to these Regulations so that substantial justice may be done and the public interest secured, provided that such variation or

exception shall not have the effect of nullifying the intent and purpose of these Regulations.

2.2 The Planning Commission shall not recommend variations unless it shall find, based upon the evidence presented to it in each specific case that:

- a) The granting of the variance will not be detrimental to the property or improvements in the neighborhood in which the property is located;
- b) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property;
- c) Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations are carried out.

2.3 In approving variances, the Board, acting upon the recommendation of the Planning Commission, may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these Regulations.

2.4 A petition for such variance shall be submitted in writing by the subdivider at the time when the Preliminary Plat is filed for approval with the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

### 3.0 Appeals

Any person aggrieved by the decision of the Planning Commission regarding a subdivision plan or plat or any person requesting variance from these Regulations may file a written appeal directly to the Board requesting a hearing before them concerning the matter. Any person aggrieved by the Board's decision regarding such appeal, or by any other decision of the Board with regard to matters addressed by these Regulations, may file a petition for a Writ of Certiorari in the Circuit Court of Calhoun County within thirty days of such decision.


### 4.0 Interpretation

- 4.1 In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 4.2 These Regulations are not intended to interfere with, abrogate, or annul any other County rule or regulation, statute, or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other County rule, regulations, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.
- 4.3 These Regulations are not intended to abrogate any easement, covenant, or any other private agreement, or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or private agreement or restriction, the requirements of these Regulations shall govern.




PASSED AND DULY ADOPTED IN OPEN SESSION THIS 5th DAY OF  
September, 1984.

ATTEST:

  
WILLIE D. WISE, Clerk of Circuit  
Court and Ex-officio  
Clerk to the Board of County  
Commissioners

BOARD OF COUNTY COMMISSIONERS  
CALHOUN COUNTY, FLORIDA


BY:

  
DREW PEACOCK, Chairman

STATE OF FLORIDA  
COUNTY OF CALHOUN


I, WILLIE D. WISE, Clerk of the Board of County Commissioners  
in and for the County and State aforesaid do hereby certify that  
the above and foregoing is a true and correct copy of an Ordinance  
as the same was duly adopted and passed at a regular meeting of  
the Board on the 5th day of Sept, 1984, and as the  
same appears on record in my office.

IN WITNESS WHEREOF, I have hereinto set my hand and official  
seal this 5th day of Sept, 1984.

  
WILLIE D. WISE, Clerk of the Board  
of County Commissioners of Calhoun  
County, Florida

PASSED AND DULY ADOPTED IN OPEN SESSION THIS 5th DAY OF  
September, 1984.

ATTEST:

  
WILLIE D. WISE, Clerk of Circuit  
Court and Ex-officio  
Clerk to the Board of County  
Commissioners

BOARD OF COUNTY COMMISSIONERS  
CALHOUN COUNTY, FLORIDA


BY:

  
DREW PEACOCK, Chairman

STATE OF FLORIDA  
COUNTY OF CALHOUN

I, WILLIE D. WISE, Clerk of the Board of County Commissioners  
in and for the County and State aforesaid do hereby certify that  
the above and foregoing is a true and correct copy of an Ordinance  
as the same was duly adopted and passed at a regular meeting of  
the Board on the 5th day of Sept, 1984, and as the  
same appears on record in my office.

IN WITNESS WHEREOF, I have hereinto set my hand and official  
seal this 5th day of Sept, 1984.

  
WILLIE D. WISE, Clerk of the Board  
of County Commissioners of Calhoun  
County, Florida