

CHAPTER 6

SUBDIVISION OF LAND

SECTION 6000. REGULATIONS FOR SUBDIVISION OF LAND

Subsection 6001. Purpose and Intent. The purpose of this Section is to provide minimum requirements and standards for the subdivision and platting of land; in accordance with the following principles:

- A. To protect and promote the health, safety and welfare of the citizens of Gadsden County, Florida.
- B. To promote the adequate installation and/or construction of road, drainage, utilities and related improvements.
- C. To ensure that all improvements are designed and constructed in accordance with minimum standards.
- D. To protect the character and the social and economic stability of the County, and to encourage the orderly development of the County in order to prevent haphazard, premature or scattered land development.
- E. To promote orderly growth patterns.
- F. To ensure safe and convenient traffic control.
- G. To protect the natural resources as identified in the Comprehensive Plan.
- H. To implement the provisions of the adopted Gadsden County Comprehensive Plan.

No building permit or certificate of occupancy shall be issued for any parcel or plot of land which was created by subdivision, re-subdivision or expansion after the effective date hereof, which subdivision or re-subdivision or expansion is not in conformity with the provisions of this chapter, and has not been approved by Gadsden County.

(Ord. # 2016-016, 11-15-16)

Subsection 6002. Application and Classification. This Chapter sets forth the minimum requirements for the subdivision of land.

- A. Minor Subdivisions. The subdivision of land for residential, silviculture or agricultural use into five (5) or less lots without any dedication of public right-of-way shall be a minor subdivision. The subdivision of land for non-residential use (except for silviculture and agricultural) from one (1) lot into two (2) lots without dedication of public right-of-way shall be a minor subdivision.

- B. Major Subdivisions. The subdivision of land for residential or agricultural use into six (6) or more lots, or the subdivision of land for non-residential (except agricultural) use into three (3) or more lots, or any subdivision with dedication of land as a public right-of-way shall be considered a major subdivision and shall be platted pursuant to Chapter 177, F.S.
- C. No building permit or authorization for improvement to a parcel shall be granted until such time as the subdivision or final plat has been legally recorded and all improvements necessary to service the applicable phase of the subdivision are complete. The only exception to this provision shall be for model homes and community features, such as a clubhouse, neighborhood amenity center, or temporary office building.
- D. The creation of any lot shall follow the requirements of this Code, particularly Subsection 5103 for residential lots and Subsection 5203 for non-residential lots.

Subsection 6003. Exceptions. Except where otherwise specifically indicated, the following types of subdivision shall be exempt from the regulations set forth in this Chapter:

- A. The division of property as a Family Homestead Exception as described in Section 6700 of this Code.
- B. The division of land into parcels of twenty (20) acres or greater in size, so long as each parcel has the access required in Subsection 6101(F) of this Code.
- C. The division of land created as a result of a court order. This provision shall not be deemed to provide allowance for any parcel created to be considered a legal lot if such lot does not meet the density requirements of the Comprehensive Plan.
- D. The division of land created by any Federal, State, or local government.
- E. The creation of one (1) lot from combining two (2) or more lots.
- F. The creation of two (2) lots from (1) one, so long as each lot meets the density requirements of the Comprehensive Plan, and the minimum lot size requirements of this Code. This provision is limited to one (1) occurrence per calendar year per parent parcel.
- G. Any condominium unit, as defined in Chapter 718, Florida Statutes. This provision does not exempt any developer for a condominium project from receiving a development order, as applicable.

SECTION 6100. NON-PLATTED SUBDIVISION PROCEDURES. The subdivision of land that is not platted shall be processed and recorded according to the provisions of this Section. No clearing of land shall be allowable prior to issuance of a development order.

Subsection 6101. Lot Split Procedures. Lot splits shall be allowable as the creation of two (2) lots from one (1) parent lot, subject to the requirements set forth in this Section.

- A. All lot splits shall be submitted to the Gadsden County Planning Division for review of consistency with the adopted Comprehensive Plan and this Code.
- B. All lot splits shall comply with the density requirements of the Comprehensive Plan and the minimum lots size requirements of this Code.
- C. Lot splits are permitted in platted subdivisions only as a replat pursuant to §177.051(2), F.S., and must be processed pursuant to Section 6200 of this Code.
- D. A lot split shall be required to provide at least one (1) depth to water table boring test to assure septic tank suitability, unless both lots created through this process are greater than three (3) acres. All tests shall be approved by the County Health Department prior to submission to the Planning Division.
- E. Lot splits of a parent parcel shall only be allowable once per calendar year.
- F. All lot created by splits must have legal access to a public or private road. Any access easements required to serve a lot created through this provision without frontage on a public or private road shall be required to provide a minimum of a twenty foot (20') wide access and utility easement with a stabilized driveway. Only (1) one such lot shall obtain access through the twenty foot (20') wide easement.
- G. Prior to the issuance of a minor development order, the developer shall be responsible for recording all lots and easements with the Gadsden County Clerk of the Court within one hundred and eighty days (180) of approval.

Subsection 6102. Minor Subdivision Procedures. Minor subdivisions are not required to be platted, subject to the requirements set forth in this Section.

- A. All minor subdivisions, unless otherwise expressly exempted by this Chapter, shall be reviewed for compliance with the Comprehensive Plan and this Code.

- B. All minor subdivisions shall be reviewed administratively as a minor development order. An application provided by the Planning Division shall be submitted, with the required fee, and the following:
1. A copy of the Warranty Deed and legal description depicting the property to be subdivided.
 2. A boundary survey with legal description of the parcel subject to the subdivision with dimensional information.
 3. Proposed subdivision in metes and bounds.
 4. Proposed right-of-way, easements, drainage, and stormwater retention areas with dimensions, if applicable.
 5. Vicinity map depicting Future Land Use categories and existing land uses of parcels contiguous to the subject boundary. If this boundary is contiguous to a right-of-way or water body, then list the Future Land Use and existing land uses of those parcels adjacent to the right-of-way or water body.
 6. Method of utility provision and proposed utility plan layout for water, electric and for sewer systems, if applicable.
 7. Name of the subdivision.
 8. The location of environmentally sensitive resources, required open space, corridor road protection areas, and protected trees.
 9. Legal descriptions of each lot with easements and rights-of-way, as applicable.
- C. No improvements within the subdivision will be accepted by the County.
- D. Recreation areas must be restricted to the residents of the subdivision only.
- E. If roads or other infrastructure are constructed, the following statement on any purchase agreement or conveyance of property within a minor subdivision must be included:
- The roads and other infrastructure constructed within and/or for this subdivision are not owned or maintained by Gadsden County.*
- F. The developer shall post and maintain a sign at each entrance to the subdivision stating that the road is not maintained by Gadsden County.
- G. Lot created through this section shall access a dedicated public or private right-of-way that complies with county requirements. Right-of-way is not

required to be paved except for in non-residential minor subdivisions. A private street shall not include driveways.

- H. Minor subdivisions shall not access through previously approved minor or platted subdivisions unless all roadways are paved and compliant with the standards of this Chapter.
- I. Prior to the issuance of a minor development order, the developer shall be responsible for recording all lots, right-of-way and easements with the Gadsden County Clerk of the Court within one hundred and eighty (180) days of approval.

(Ord. # 2016-016, 11-15-16)

SECTION 6200. MAJOR SUBDIVISION PLAT REQUIREMENTS AND PROCEDURES. The following process applies to all platted subdivision approvals in the order set forth in this Section. This is a three step process, with an additional pre-application meeting and other citizen meetings as required by this Code. The grant of a subdivision approval shall be through the development order process, as described in Chapter 7.

Subsection 6201. Pre-application Meeting. The applicant, or designated representative, shall have a pre-application meeting with the County Planning Director, or designee, to provide an opportunity for the developer to become familiar with the requirements of this Code and the Gadsden County Comprehensive Plan. This meeting shall not constitute formal action by the County, and shall not impose any obligation on the part of either party.

(Ord. # 1996-005, 7-2-96) (Ord. # 2003-006, 8-19-03)

Subsection 6202. Conceptual Plat. Prior to the preparation of a subdivision plat the applicant shall apply for and obtain conceptual approval of the proposed subdivision. A citizen's participation meeting shall be held prior to submittal of an application. Conceptual approval is issued administratively, and shall not constitute formal action by the County and shall not impose any obligation on the part of either party. The applicant shall:

- A. Submit an application for the subdivision of land to the Planning Division on a form provided by the County, along with the required fee.
- B. Provide all documents and information required as part of the review process in the form and manner set forth below. All site plans shall be drawn to a legible scale on an overall sheet size not to exceed 24 by 36 inches. When more than one (1) sheet is required, an index sheet of the same size shall be included showing the entire parcel within an individual sheet numbers referenced thereon. All drawings shall be prepared by a registered landscape architect or a licensed professional engineer (PE) who is qualified to practice in the State of Florida.

1. Conceptual Plat name, property owner's name, and address with telephone number of each authorized agent. Each plan sheet or sheets must contain the following:
 - a) North arrow, scale, and date prepared.
 - b) Location Map at a scale of not less than ½ inch equal to one mile showing the general location of the subject parcel, streets, and names of streets abutting the subject parcel, in addition to railroad lines and driveways within three hundred (300) feet.
 - c) Title Block with pertinent information.
 - d) A bar scale.
 - e) Licensure seal and signature of the professional who drafted the plans.
2. A copy of any agreements and covenants, and the legal description of the parcel(s) to be subdivided.
3. A boundary survey and legal description of the parcel subject to the subdivision with dimensional information.
4. A site development and data table to include the future land use category, total area of the site, right-of-way, easements, open space, setbacks, floor area ratio, wetlands, and floodways, as applicable.
5. A site plan with proposed lots and blocks with approximate dimensions, and minimum lot areas which conform to Section 6300 of this Code.
6. Proposed rights-of-way, easements, and stormwater retention areas with approximate dimensions. All engineered documents shall be supplied by an engineer licensed by the State of Florida.
7. Proposed recreation areas, required natural areas or buffers, corridor road setbacks, open space reserves, conservation areas, easements, and similar areas as applicable.
8. Wetlands line as drawn from the National Wetlands Inventory or other acceptable sources, if applicable.
9. Elevation contour lines (topography) from the USGS 1:24,000 Quad Map series or other acceptable source.
10. Vicinity map depicting Future Land Use categories and existing land uses of parcels contiguous to the subject boundary. If this boundary is

contiguous to a right-of-way or water body, then list the Future Land Use and existing land uses of those parcels adjacent to the right-of-way or water body.

11. Proposed utility plan layout for water systems, sewer systems and other utility systems.

12. Name of the subdivision.

13. A street layout plan which shows any proposed streets with names, pavement widths, right-of-ways, striping, signage, and other relevant information in accordance with the Manual of Uniform Traffic Control Devices, as applicable.

14. A drainage and grading plan including all facilities used for the drainage system with existing and proposed grades.

15. Environmental protection plan providing information consistent with Federal and State permit requirements which shows the location and extent of environmentally significant resources including waterbodies, flood zones, wetlands, and populations of protected or endangered species. The plan must include measures to protect or otherwise minimize damage to these resources pursuant to Federal and State requirements.

16. The location and designation of the flood zones depicted on the most recent Flood Insurance Rate Maps produced by the Federal Emergency Management Agency.

17. If the project is on a central or public water system, fire hydrant locations with adequate capacity for fire flow.

C. Conceptual plat approval shall remain in effect for six (6) months from the date of approval. If the preliminary plat is not submitted within that time, the approval shall be null and void and no preliminary plat will be accepted for review until a new application for conceptual review is submitted, with the applicable fee, and subsequently receives conceptual approval. One ninety (90) day extension may be granted only if sought in writing, prior to the expiration of the conceptual approval, and listing the reasons for the extension request.

(Ord. # 2016-016, 11-15-16)

Subsection 6203. Preliminary Plat. The purpose of the preliminary plat approval is to demonstrate conformance with the Comprehensive Plan and this Code, compatibility of land use, and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to the approval of a final plat. Decisions on preliminary plat applications shall be quasi-judicial actions subject to the hearing and notice requirements set forth in Subsection 1304 of this Code. In addition, the following review and approval procedures shall apply:

- A. A preliminary plat application shall not be processed until such time as the conceptual approval has been granted.
- B. An application for preliminary plat approval shall be submitted, with all information set forth in Subsection 6202(B). In addition, fire hydrant locations with adequate capacity for fire flow shall be provided.
- C. The County Development Review Committee shall review the application.
- D. The approval or denial of the application shall be supported by relevant findings, which shall become part of the permanent record.
- E. All plats shall be considered preliminary plats during the review process. A plat shall only become a "final plat" after all requirements of Subsection 6204 and 6205 have been met.
- F. Preliminary plat approval by issuance of a development order must be received prior to submission of the final plat approval application.
- G. Preliminary plat approval shall remain in effect for nine (9) months from date of approval. If the final plat is not submitted within that time, the approval shall be null and void and no final plat will be accepted for review until a new application for conceptual review and preliminary plat are processed and approved. One ninety (90) day extension may be granted only if sought in writing, prior to the expiration of the preliminary plat, and listing reasons for the extension request.

Subsection 6204. Final Plat Application, Process. Decisions on final plat applications shall be quasi-judicial actions subject to the hearing and notice requirements set forth in Subsection 1304 of this Code. In addition, the following requirements must be met prior to final plat approval.

- A. An application for final plat approval shall be submitted, with all information as described in Subsection 6202(B). All plats made for recording shall conform to the specifications set forth in Chapter 177, F.S.
- B. Completion of all improvements as specified in the preliminary plat and in any conditions of the preliminary plat approval. No preliminary plat shall be considered for final approval until such time as all required improvements are

in place and have been inspected and approved by County staff and a development order has been issued. The developer shall be notified if any significant changes or deviations from the approved preliminary plat have been identified.

1. Bonding. In lieu of actual construction of all required improvements, the developer may provide a surety equal to 110% of the cost of constructing such improvements, as verified by County staff. Such surety shall be in the form of an escrow account, irrevocable letter of credit, or performance bond. If a performance bond is used any such bond must be Best rated at "A VII" or better.
- C. The final plat shall conform substantially to the approved preliminary subdivision plat with any conditions of approval. For the purposes of this subsection, the term "substantially" shall mean of a deviation of not greater than five (5) percent increase in the number of lots approved on the preliminary plat, or an increase of more than ten (10) percent impervious surface.
- D. The final subdivision plat shall reflect all conditions subject to the preliminary plat approval as well as any applicable data which may include agreements and covenants and other information.
- E. Prior to final plat approval, construction plans and subdivision infrastructure shall be approved as described in Subsection 6301

Base and surface testing for road construction shall be accomplished by an FDOT certified materials testing laboratory. The required test results for sub-base, base and surface shall be provided to the County within forty-eight (48) hours of receipt from the testing laboratory.

Prior to final acceptance, a licensed engineer shall certify that the stormwater system has been constructed in accordance with the approved DEP permit. If a swale exemption was used in lieu of a permit, a similar certification shall be required.

- F. The following must be submitted for the public hearings scheduled pursuant to Subsection 1304:
 1. Fifteen (15) copies of the application for final plat approval with all supplemental information and all required fees.
 2. Four (4) copies of the final subdivision plat which fully complies with all requirements of Chapter 177.091, F.S., where each sheet shall be twenty-four (24) inches by thirty-six (36) inches and shall contain the signature and seal of a Florida Licensed Surveyor and Mapper with the following certification:

- a) This plat was prepared under the direction of and supervision of _____ and the plat complies with all of the survey requirements of Chapter 177, F.S.
 - b) The plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the statement required by 177, F.S, along with the printed name, address, and certificate of authorization number of the legal entity, if any. A professional surveyor and mapper practicing independently of a legal entity must include his or her address.
 - c) The plat shall also contain a dedication by the owner or owners of record and any mortgagees having an interest in the lands subdivided pursuant and in accordance with Section 177.081, F.S.
3. A set of as-built drawings on a compact disk in digital format suitable to the County.
 4. Certification by a licensed engineer that all improvements have been installed in accordance with the provisions of the preliminary plat approval.
- G. Action by the Board of County Commissioners (BOCC). The BOCC shall consider the application for final plat approval within sixty (60) days of the public hearing before the Planning Commission. If the application is approved, approval shall be issued by written order, to the developer. Certification of approval by the Planning Commission and BOCC shall be as specified in §177.071, F.S. and shall state the following:

1. Certification of Approval by the Gadsden County Planning Commission:

This plat conforms to the final plat approval requirements as determined by the Gadsden County Planning Commission on the ____ day of ____, 20__.

Chairperson

County Engineer

Planning Director

2. Certification of Approval by the Gadsden County Board of County Commissioners:

Approved by the Gadsden County Board of County Commissioners on the

____ day of ____, 20___. APPROVAL OF THIS PLAT BY THE COUNTY SHALL NOT CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE COUNTY OF THE DEDICATION OF ANY IMPROVEMENT, STREET, ALLEY, EASEMENT, RIGHT-OF-WAY, STORMWATER FACILITY, OR OTHER PUBLIC AREA SHOWN ON THE PLAT. PUBLIC AREAS SHALL ONLY BE ACCEPTED UPON FINAL COMPLETION OF ALL IMPROVEMENTS TO THE SATISFACTION OF THE COUNTY AND COMPLIANCE WITH ALL REQUIREMENTS SET FORTH IN THE GADSDEN COUNTY LAND DEVELOPMENT CODE. ACCEPTANCE OF ALL PUBLIC AREAS IS AT THE SOLE DISCRETION OF THE COUNTY AND SHALL NOT BE EFFECTIVE UNTIL A SEPARATE INSTRUMENT SIGNED BY THE CHAIR OF THE GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS INDICATING ACCEPTANCE IS RECORDED IN THE PUBLIC RECORDS. THE COUNTY MAY REFUSE TO ACCEPT ANY PUBLIC AREA FOR ANY REASON IN ITS SOLE AND ABSOLUTE DISCRETION.

Chairperson

County Attorney

3. Certification of Clerk:

Accepted for files and records this ____ day of ____, 20__ in Plat Book____, Page____ of the Public Records of Gadsden County, Florida.

Clerk of the Court
Gadsden County, Florida

Subsection 6205. Final Plat, Minimum Requirements. Final Plats submitted for approval shall fully comply with Chapter 177, F.S., the Comprehensive Plan, and this Code.

- A. Every final plat submitted for approval must be accompanied by a title opinion of an attorney at law licensed in Florida, or accompanied by a certification by an abstractor or a title company showing that the apparent record title to the land as described and shown on the plat is in the name of the person(s) or corporation executing the dedication, if any, as shown on the plat; and, if the plat does not contain a dedication, that the developer has apparent record title to the land. The title opinion or certification shall also show all mortgages and to other recorded liens of record which have not been satisfied or released of record. If the title opinion of the attorney at law states that it is based upon an abstract or the examination thereof, then such title opinion shall also affirmatively show the following information to wit:

1. That the abstract covers at least the thirty (30) year period of time immediately preceding the date the plat is submitted for approval.

2. The name of the abstractor or abstract company preparing and certifying the abstract.
 3. The number or other identifying designation of the abstract. The title opinion of the attorney at law shall be recorded in or attached to and shall become a part of the minutes of the meeting of the governing body at which approval of the plat is given.
- B. All approved final plats shall be recorded at the expense of the developer in the office of the Clerk of the Circuit Court. Private covenants, deed restrictions and homeowner association by-laws, if any, relative to the subdivision plat shall be indicated on the final plat, and also recorded in the Public Records of Gadsden County. If a final plat is not recorded within one year of approval, then the approval shall be deemed withdrawn and of no effect and no final plat shall be accepted by the Clerk for recording without further action of the governing body. The final plat shall be recorded prior to the sale or lease of any parcel or lot in the subdivision. A copy of the recorded final plat must be provided to the Planning Division.

(Ord. # 1996-005, 7-2-96 and (Ord. # 2003-006, 8-19-03)

SECTION 6300. GENERAL STANDARDS AND MINIMUM REQUIREMENTS.

Subsection 6301. General. All improvements and construction activities required under Gadsden County Subdivision Regulations shall take place according to plans approved by the County Engineer responsible for the project.

- A. An engineering firm or engineer must supervise and control all work done including all location and control staking, clearing, grading, stabilizing, and placing of bases, surfacing and drainage.
- B. The developer shall have available, when necessary, qualified personnel for the purpose of setting all line and grade stakes when required by the contractor or inspector or verification of points by the County Engineer.
- C. It shall be the responsibility of the engineer who is retained by the developer of the property to be subdivided or improved, to prepare plans for the construction of streets or roads including drainage and all incidental items in conformity with these regulations.
- D. At completion of all work covered by the approved plans, the firm or engineer must certify in writing to the governing body that all work has been done in compliance with approved plans and these regulations.
- E. As a pre-condition for construction of any streets or roads to be accepted by Gadsden County, the developer or owner shall deliver to the Department, the County Engineer and the Gadsden County Health

Department, two (2) copies of complete plans and specifications as required by this Code. These plans must show design features and typical section of swales and other channels, storm sewers, drainage structures, roads and curbs and other proposed subdivision construction. Profiles must show high mean water table. These plans shall include existing structures and be clearly identified as to hydraulic capabilities. The plan shall meet regulations and relevant sections of the standards prescribed by D.O.T. "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways", as amended.

- F. The approval by the County Engineer of the developed working drawings does not release the developer of any responsibility for conformity with the regulations and requirements of the governing body.
- G. When the developer does not intend to develop the plat himself, and the governing body determines that additional use controls are required to insure safe development, it may require the developer to impose appropriate restrictions on the land. Such restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
- H. If the governing body determines that only part of a proposed plat can be developed, it shall limit development to that part and shall require the development proceed consistent with this determination.
- I. If the development approval provides that build-out is to be completed in phases, then all required improvements for one phase must be in place and completed before beginning any improvement or lot sales in any subsequent phase.
- J. Blocks. Topography, existing vegetation, hydrology and design intentions should determine block shape and size.
- K. Lots. Lot sizes shall conform to the density requirements set forth in the Future Land Use Element of the Comprehensive Plan respective to the Future Land Use category in which the parcel(s) lie, and to the minimum lot size requirements set forth in Chapter 4 of this Code. In addition:
 - 1. Excessive depth in relationship to width is to be avoided. Residential lots fronting on collector or primary roads shall have sufficient extra depth to permit a buffer zone between the building line and the road.
 - 2. Subdivisions that require mounded on-site septic systems will be required to provide a minimum of three (3) acres for lots in areas with limiting soils and provide for area for two (2) drain fields.
- L. Roads and Streets. Road and street patterns should be designed with variation as required for traffic safety, environmental reasons and design considerations. Local roads shall be designed with the greatest

connectivity network possible. The hierarchy of rural subdivision roads may include, as appropriate, arterial, collector and local roads.

Streets shall furthermore be designed to:

1. Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls;
2. Minimize alteration of natural site features;
3. Secure the view to protect prominent natural features;
4. Minimize the area devoted to motor vehicle travel;
5. Include pedestrian access.

M. Access. In non-residential subdivisions, lots shall provide interconnectivity for vehicles and pedestrians. Through lots shall be prohibited in any subdivision. No lot shall be used as a road, easement, or other access unless designated on the final plat and approved by the BOCC.

1. Off street parking areas in the subdivision shall not be located at the termination of roads and streets, shall not be the principal use of corner lots and should be designed to have a low visibility. Any off-street parking space or lots which abuts a street should be buffered by a landscaped area.

N. Driveways Connections:

1. On County Roads shall be permitted through the Public Works Department and the Planning Division. Access shall be in accordance with access management criteria currently in effect for state roads of similar class.
2. On State Roads shall be permitted through the FDOT permitting process. Preliminary Plat approvals shall require submission of approved FDOT driveway permit. Construction drawings shall conform to the conditions of the permit.

(Ord. # 2003-006, 8-19-03, Ord. # 1996-005, 7-2-96) (Ord. # 2016-016, 11-15-16)

Subsection 6302. Public Improvement Procedures. The procedures for installing subdivision improvements required herein shall be as follows:

- A. Construction and installation of any required public improvements as described herein shall not begin until the County Commission has given preliminary plat approval of the subdivision, and the developer has submitted construction plans and a development order has been issued for the

construction of the improvements. Upon approval of the construction plans, the developer shall then confer with the County Engineer or designee for approval of commencement of the construction and installation of the required improvements.

B. Construction Plan Submittal Requirements. Upon preliminary plat approval, construction plans shall be submitted and shall include the following:

1. A dimensional plan of the approved preliminary plat for comparison with the proposed plan.
2. A proposed cross section of proposed right-of-ways indicating paving details, swales if used, curbs if used, standard utility locations, for each pavement configuration.
3. Structural and grading details of stormwater conveyance, treatment and rate control structures, and erosion and sediment control.
4. Profiles of all proposed roadways, sewer lines, and drainage easements showing existing and proposed grades, water, sanitary sewer and storm lines at a plan scale of no less than 1"=50'.
5. Standard details for all utilities, to agree with the utility provider's typical methods of construction and all state and federal regulations.
6. Location of protected trees, (see Subsections 5404 and 5405 and definitions), proposed trees, planting areas and landscaping details.
7. Location of required open space, natural areas, corridor road setbacks, wetlands and wetland buffers and steep slope areas (slopes \geq to twenty percent (20%)).
8. Indication of all traffic control devices, signs, and striping in accordance with the Manual on Uniform Traffic Control Devices.
9. Names and addresses of all contact personnel for permitting agencies, utility providers, and other pertinent agencies as affected.
10. A soil erosion and sediment control plan indicating the location of all erosion control and stabilization devices, methodologies.
11. Evidence of compliance with all conditions of approval that affect the configuration of design of the subdivision.
12. Construction notes addressing sequencing and indicating compliance with County development standards.

C. In order to facilitate inspection of required improvements during construction,

the applicants shall notify the County Engineer or designee at least two (2) working days before proceeding beyond each of the following stages of construction:

1. Pre-construction, erosion and sediment control and tree protection.
 2. Clearing and grubbing;
 3. Rough grading completed;
 4. When excavations are ready for placing foundations and when pipe trenches are shaped and prepared for laying pipe;
 5. Once the drainage and other facilities are installed, but before backing-filling occurs;
 6. Upon completion of subgrade compacting;
 7. Upon completion of base course compacting;
 8. When placing surface pavements; and
 9. Installation of sewer lines and treatment plants.
 10. Installation of plants and landscaping.
- D. After completion of all the construction and installation of the required public improvements, the County Engineer shall make the final inspection. If said work has met the specifications as described herein, as determined by the County Engineer, the Engineer shall notify the developer and the governing body in writing of the approval or disapproval of said work. Roads within the subdivision are accepted by the County only upon delivery and formal acceptance of a separate instrument conveying those roads. After acceptance by the governing body, the developer shall maintain all completed work for a period of one (1) year.
- E. At such time as the applicant has completed construction of all required improvements, he shall furnish to the County Engineer "As-Built" plans and profiles prepared by a licensed land surveyor or engineer on material, designated by the County, twenty-four inches (24") by thirty-six inches (36") in size or, if areas to be shown do not fit on a sheet of that size, two (2) or more drawings shall be submitted, with suitable match lines, which drawings shall show the actual location of all streets, culverts, head walls, drains, manholes, catch basins, sidewalks, curbs and the location of utilities and all other pertinent information such as culvert and drain grades, sewer grades, sidewalk and curb grades and elevation of any that do not conform to those shown on the plans and profiles previously approved by the governing body. The governing body shall have the right to disapprove the release of the

deposit until such deficiency has been corrected. In any case, no bond shall be released by the governing body until such plans have been submitted.

- F. The developer shall maintain his completed work until official acceptance by the governing body, or until a homeowners' association or other perpetual entity is established and capable of maintaining such improvements, and the improvements have been conveyed to that entity
1. If the developer originally posted a cash deposit covering the cost of construction, it shall be reduced to ten percent (10%) of the original amount upon completion of the improvements, and shall be held as a maintenance bond for the maintenance periods set forth herein.
 2. If the developer constructed and installed required public improvements prior to the final approval, then he shall post a maintenance bond (cash bond) equaling ten percent (10%) of the construction cost and shall sign a bond agreement with the governing body. At the end of the maintenance period, the County Engineer shall make a final inspection and notify the developer of any deficiencies. The cost of making any corrections shall be deducted from these funds, and the developer charged with any costs above the amount of the bond. If work is acceptable at that time, the bond or deposit funds shall be released to the developer.
- G. Approval of a plat by the County shall not constitute or effect an acceptance by the County of the dedication or any improvement, street, alley, easement, right-of-way, stormwater facility, or other public area shown on the plat. Public areas shall only be accepted upon final completion of all improvements to the satisfaction of the County and compliance with all requirements set forth in the Gadsden County Land Development Code. Acceptance of all public areas is at the sole discretion of the County and shall not be effective until a separate instrument signed by the Chair of the Gadsden County Board of County Commissioners indicating acceptance is recorded in the public records. The County may refuse to accept any public area for any reason in its sole and absolute discretion.

(Ord. # 1996-005, 7-2-96) (Ord. # 2016-016, 11-15-16)

Subsection 6303. Design Standards. The following standards shall apply to lots and blocks, roads, and stormwater systems in the design of subdivisions.

A. Blocks and Lots.

1. Block. Block length, width and shapes shall be determined with due regard to the provisions of adequate building sites, suitable to the special needs of the type of use contemplated by land development requirements as to lot size and dimension, needs for convenient access, circulation, control and safety of road traffic, and limitations and opportunities of topography.

2. **Lots.** Lot sites shall conform to the standards set forth in the Comprehensive Plan of Gadsden County, and shall front on a road dedicated to public use. At least one hundred feet (100') of the front of each residential lot shall face onto and abut the right-of-way of a maintained road EXCEPT where lots front on a cul-de-sac and in that event the lot frontage shall be determined by the Development Review Committee (DRC) based on the radius of the cul-de-sac, configuration of the lot and other appropriate factors. A permanent corner marker shall be located at each corner of each lot. The lot 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. Depth and width of properties reserved or laid out for commercial and industrial uses shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.
 3. **Access.** The subdividing of the land shall be such as to provide each lot with a satisfactory access to an existing public road. Double frontage or through lots shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome a specific disadvantage or orientation. No lot shall be used as a road, easement or other access unless so designated on the plat.
 4. **Side Lot Line.** Side lot line shall be substantially at right angles or radii to street lines, except when a variation to this rule will provide a better road and lot layout.
 5. **Minimum Size.** Minimum Lot Size in each Land Use Category shall be as set forth in this Code.
 6. **Depth.** Excessive depth in relationship to width is to be avoided. Residential lots fronting on collector or primary roads shall have sufficient extra depth to permit a buffer zone between the building line and the road. Flag shaped lots are prohibited.
 7. **Width.** Residential lots shall be at least seventy feet (70') wide at the building setback line.
 8. **Drainage Easements.** There shall be a stormwater easement or drainage right-of-way conforming substantially with the line of any water course, and such further width of construction or both, as will be adequate for the purpose. For further stormwater management requirements, see Gadsden County Stormwater Management Policy and Procedures Manual.
- B. **Roads.** All roads in a subdivision must be constructed and paved by the developer.

1. Roads. The arrangement, extent, width and location of all roads shall conform with this Code, the specifications of the Public Works Department and shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of land to be served by such roads. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plan for the neighborhood approved or adopted by the governing body to meet a particular situation where topographical or other conditions make continuance or conformance to existing roads impractical.
2. Local Roads. Local roads shall be laid out to provide circuitous movement through the subdivision to discourage through traffic.
3. Width. Arterial roads and thoroughfares shall have a minimum right-of-way width of one hundred (100) feet, with a minimum pavement width of 48 feet for four (4) lane and twenty-four feet (24') for two (2) lanes. Collector roads shall have a minimum ROW of eighty (80) feet and a minimum pavement width of twenty-four feet (24'). Local roads shall have minimum right-of-way width of sixty feet (60'), with a minimum pavement width of twenty feet (20').
4. Access Roads. Where subdivisions abut an arterial road or regional significant road or contain an existing or proposed arterial street or regionally significant road, the Commission may require an access road.
5. T-Intersections. The centerlines of two (2) or more roads on opposite sides of a third road shall intersect or not be less than one hundred twenty-five feet (125') of each other.
6. Intersections. Roads shall be laid out so as to intersect as nearly as possible at right angles, and no road shall intersect another road at less than a seventy-five degree (75°) angle.
7. Cul-de-sacs. Cul-de-sac roads, designed to be so permanently, shall have a permanent barrier erected at the closed end unless the closed end is completely surrounded by subdivision lots; and shall not be longer than one thousand five hundred feet (1500') and shall be provided at the closed end with a turn-around having a fifty foot (50') radius.
8. Names. No road will be used that will duplicate or be confused with the name of an existing road. Roads that are extensions of existing roads must retain the same name. Recommended road names will be submitted by the developer as part of the preliminary review process. Upon approval of names by the governing body, the developer shall install all required street signs in the subdivision.

9. Street Addresses: Street addressing must be coordinated with the E-911 Coordinator at the Gadsden County Sheriff's office. The E-911 coordinator shall have the right to refuse proposed names that may be too similar in sound or spelling to existing named roads.
10. Road Name Signs. Durable road name signs, approved by designated administrative personnel, shall be installed at all intersections by the developer, on permanent post, prior to final plat approval.
11. Road Regulatory Signs and pavement markings. Prior to final plat approval, the developer shall furnish and install all road regulatory signs and pavement markings as required by the County Engineer.
12. Reserved Strips Prohibited. Reserved strips at the terminus of a new road shall be prohibited.
13. New Major Subdivisions shall not access on unpaved local roads. New subdivisions shall provide paved offsite access if necessary to connect proposed paved internal streets to existing paved county or state roadways.
14. Major subdivisions shall have a sign at all entrances.

C. Road Material

1. Materials- The developer shall ensure that all materials and procedures meet then current Florida D.O.T. "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways", and D.O.T. Standard Specifications.
2. It will be the responsibility of the developer or his professional engineer to conduct the following tests during the construction period and furnish the County Engineer with a copy of each test made:
 - a. Surface Course Material and Density
 - b. Base Material and Density
 - c. Subgrade Bearing Value
 - d. Subgrade Density
 - e. Stabilized Roadway Bearing Value
 - f. Stabilized Roadway Density
 - g. Stabilized Roadway Thickness

- h. Concrete Strength, 28 days
- i. Embankment Density
- j. Any additional test required by the County Engineer

All test determinations and frequencies shall meet the applicable portions of the Florida D.O.T. Standards. It is the developer's responsibility to notify the County Engineer forty-eight (48) hours before any of the above noted phases of construction are ready to proceed. The developer shall pay the costs of all tests.

D. Road Construction.

1. Construction. All roads and road improvements shall meet the minimum standards for design and construction as contained in the current Florida Department of Transportation (DOT) "Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways" and DOT Standard Specifications for roads and bridges.
 - a. Each stage of road construction such as clearing, grading, stabilization, base, surface and drainage facilities, and any other item as deemed necessary by the County Engineer, shall receive inspection and approval from the developer's engineer with appropriate records to verify all such inspection and approval. All field notes must be made available to the County Engineer at any time prior to acceptance.
 - b. All rights-of-way must be completely cleared and grubbed to the construction limits and the remaining area to be selectively cleared and grubbed to the right-of-way limit.
 - c. Clearing and grubbing shall include the removal and disposal of all trees, stumps, roots and other such protruding objects necessary to prepare the area for the proposed construction to a depth of at least one foot below the ground surface.
 - d. Selective clearing and grubbing shall be the removing and disposing of all undesirable vegetation, obstructions, etc., as provided above except that roots and small growth under three inches (3") in diameter may be cut flush with the ground surface. Stumps shall be completely removed. Protected and desirable trees shall be trimmed, protected and left standing, as so designated by the County Engineer or designee. Removal of any tree or trees will be approved by the County Engineer or designee and an authorization record will be made and maintained as part of the overall development process.
2. Excavation and Embankment. Embankments shall consist of material either from excavation or other sources that will only incorporate that

which is suitable for construction of roadway embankment. Muck or other unsuitable material shall not be used for embankment. It shall be the responsibility of the developer to make such examinations and tests as deemed necessary as directed by the County Engineer to insure that all material incorporated into embankment areas is satisfactory. In all excavated areas where unsuitable material is in its original position when the finished subgrade template is reached, such unsuitable material shall be excavated to a depth of one and one half feet (1 ½') below the template grade and backfilled with suitable material or as directed by the Engineer.

- a. Stabilized subgrade in the designated portion of the roadbed, as shown on the approved plans, shall provide a firm and unyielding twelve inch (12") subgrade, to provide a minimum bearing value of forty (40) LBR. Density and stability tests shall be made at appropriate intervals not to exceed three hundred feet (300'). At least three (3) such tests shall be made for each area being compacted. The material shall be compacted to an average density of at least ninety-six percent (96%) with ninety-eight percent (98%) of maximum density as determined by the AASHTO method T-180, or other approved methods.
- b. Roadway base shall be constructed of sand-clay, sand asphalt hot mix, soil cement, limerock or shell stabilized base as approved by the County Engineer. Materials used shall conform with the requirements specified in applicable F.D.O.T. specifications. Before any base course material is used it shall meet the requirements specified in the approved plans and first have been tested and approved by the developer's engineer. Thickness and compaction of the base shall be measured at intervals of no more than 300 feet, staggered to the left, right and the centerline, or as deemed necessary by the County Engineer.
- c. Surface Course shall a combination of structural asphalt and friction courses, with a minimum thickness of one and one-half inches (1 ½") or equivalent as approved by the County Engineer and must meet D.O.T. Standard Specifications. The County Road and Bridge Director may require additional requirements for road surface.
- d. All asphaltic-concrete surface shall be of a design mix approved by the D.O.T. and the County Department of Public Works.
- e. The developer's engineer shall determine acceptability of materials and construction in accordance with the applicable sections of the D.O.T. Standard Specifications and will be responsible for determining the acceptability of the construction and materials incorporated therein through the D.O.T. acceptance procedures.
- f. The developer's engineer shall submit to the County Engineer

appropriate records to verify that all materials and constructions have met the criterion set forth for quality assurance for hot bituminous mixtures under D.O.T. Standard specifications.

- g. All testing of the surface course shall be the responsibility of the developer's engineer or authorized representatives. The developer shall pay for all costs and shall maintain all roadways for at least one year prior to requesting the County to accept any road or portion thereof. The County has the right to refuse to accept any road or street as a county road to be maintained by the County.

E. Stormwater Management. Complete stormwater management requirements for subdivisions are included in the Gadsden County Stormwater Management Policy and Procedures Manual.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006)

Subsection 6304. Sanitary Sewer Facilities.

A. General Requirements.

1. The governing body shall prescribe adequate methods for waste disposal. If there is an existing public wastewater supply system within one-fourth (1/4) mile of the subdivision, developer must connect to the system at developer's expense prior to the final plat approval.
2. The governing body may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function properly due to high ground water, flooding, unsuitable soil characteristics or that may endanger Lake Talquin or other water bodies identified in Policies 5.3.3 and 5.3.6 of the Gadsden County Comprehensive Plan. The governing body may require that the developer note on the face of the plat and on any deed or conveyance that soil absorption fields are prohibited in designated areas.
3. Sanitary Sewer. All subdivision sewer lines and treatment plants or treatment facilities shall have the approval of the utility provider, the Gadsden County Health Department, the County Engineer and the Department of Environmental Protection, when applicable. Subdivisions developed in the vicinity of operating sewer systems or districts shall tie into the system if capacity is adequate or planned for expansion to properly treat the additional sewage demand and provide collection lines to the property lines of each lot. For subdivisions without access to operating central sewer systems the following requirements shall prevail:
 - a. In areas where central or public sanitary sewer systems are not available, lots within all subdivisions shall be sized to accommodate the use of on-site sewage disposal systems.

- b. Individual on-site sewage facilities, including drainfields, shall have a minimum set-back of one hundred feet (100') from all perennial rivers, streams, creeks, lakes, and wetlands.

(Ord. # 2003-006, 8-19-03)

Subsection 6305. Water and Fire Facilities.

- A. All water systems, including individual wells located in flood prone areas whether public or private, shall be flood proofed to a point at or above the flood protection elevation.
- B. If there is an existing public water supply system within one-fourth (1/4) mile of the subdivision, developer must connect to the system at developer's expense prior to the final plat approval. If current capacity does not exist dry lines shall be installed and provided to serve the projected capacities. Six inch (6") pipe is generally required to meet minimum requirements to support fire hydrants. Larger pipe sizes may be necessary. Fire protection services are required to be provided by the developer. Flow and pressure standards must be approved by the County Engineer.
- C. If the subdivision provides a central water system, public or private, the developer shall provide fire hydrants prior to final plat approval, which shall be spaced no greater than one thousand feet (1000') apart measured within right-of-ways, nor shall any structure be more than five hundred feet (500') from the nearest fire hydrant. Fire hydrants shall be connected to mains no less than six inches (6") in diameter, shall provide capacity for fire flows of at least five hundred (500) gallons per minute in addition to domestic peak day requirements at residual pressures of no less than twenty (20) PSI and shall provide capacity for sufficient storage and/or emergency pumping facilities to such an extent that the minimum fire flows will be maintained for at least four (4) hours.

Subsection 6306. Erosion and Sediment Control.

- A. The commission shall require the developer to utilize grading techniques, subdivision design, landscaping sedimentation basins, special vegetative cover, and other measures to reduce erosion and sediment and to protect trees and other vegetation to be retained.
- B. Prevention, Control and Abatement of Erosion and Water Pollution. The installation of temporary erosion control features shall be coordinated with the construction of permanent erosion control features to the extent necessary to ensure effective and continuous control of erosion and water pollution where work is accomplished so as to prevent detrimental effects on public or private property.

- C. Incorporation of Erosion Control Features. Permanent erosion control features shall be incorporated at the earliest practical time. Use of temporary erosion control features shall be used to correct conditions that develop during construction which were not foreseen at the time of design, to control erosion prior to the time it is practical to construct permanent control features, or to provide immediate temporary control of erosion that develops.
- D. Scheduling of Successive Operations. Operations shall be scheduled such that the area of unprotected earth exposed at any one time is not larger than the minimum area necessary for efficient operation and the duration of exposed, uncompleted construction to the elements shall be as short as practicable.

(Ord. # 1996-005, 7-2-96)

Subsection 6307. Public Dedications.

- A. Public dedication or provision of open space and recreation lands shall be provided in accordance with the standards contained in Subsection 5301.D (Conveyance of lands to the County) of this Code and the Comprehensive Plan. The area so dedicated shall not be wetlands or lie within a floodway as mapped by the Federal Emergency Management Agency on the adopted Flood Insurance Rate Maps.
- B. Adequate provision shall be made for perpetual maintenance of such recreation and open space areas by a homeowner's association or other perpetual entity prior to the preliminary plat approval.
- C. When a proposed park, school site or other major public facility is located in whole or in part within the proposed subdivision, that portion of the plat encompassing the planned public site may have approval withheld for a reasonable time (not to exceed one year) to provide for the appropriate public agency to acquire the site.
- D. Approval of a plat by the County shall not constitute or effect an acceptance by the County of the dedication or any improvement, street, alley, easement, right-of-way, stormwater facility, or other public area shown on the plat. Public areas shall only be accepted upon final completion of all improvements to the satisfaction of the County and compliance with all requirements set forth in the Gadsden County Land Development Code. Acceptance of all public areas is at the sole discretion of the County and shall not be effective until a separate instrument signed by the Chair of the Gadsden County Board of County Commissioners indicating acceptance is recorded in the public records. The County may refuse to accept any public area for any reason in its sole and absolute discretion.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

Subsection 6308. Utilities.

- A. Utility easements shall be provided, when necessary.
- B. At minimum, the installation of public utilities shall conform to accepted professional standards and be approved by the County Engineer.
- C. Underground utilities. When considered appropriate to the subdivision design, the developer shall place all utilities lines underground.
- C. Utility lines. When utility lines are located in a street right-of-way, such lines shall be located outside the portion of the street to be surfaced.
- D. Water service laterals shall be installed to service new residential subdivision lots prior to final paving.
- E. If served by a central sewer system, sewer service laterals shall be installed to service new subdivision lots prior to final paving.

(Ord. # 2003-006, 8-19-03)

SECTION 6400. WATER BODIES. In the event the proposed subdivision includes navigable streams or lakes which will require continuing maintenance and/or supervision (dams, weed control, anti-pollution supervision, etc.), then no final plat shall be approved until a homeowners' association or similar corporation has been established which will be charged with responsibility for providing such maintenance and supervision.

(Ord. # 2016-016, 11-15-16)

SECTION 6500. DESIGN STANDARDS AND MINIMUM REQUIREMENTS FOR PRIVATE SUBDIVISIONS.

Subsection 6501. The requirements and standards for a private subdivision shall be the same as set forth in this Chapter with the following exceptions:

- A. No improvements within the subdivision will be accepted by the County, and recreation areas shall be restricted to use by residents and guests of the subdivision only.
- B. An acceptable legal entity with adequate authority and financial ability to provide the maintenance of the commonly owned subdivision improvements in perpetuity must be established and sustained.
- C. There must be a statement on any purchase agreement or conveyance of property within the private subdivision specifying the identity of that legal entity. The purchase agreement or conveyance must prominently display the following statement:

"IMPORTANT NOTICE -The roads and other infrastructure constructed

within this subdivision are not owned or maintained by Gadsden County. Should the roads or other improvements ever be maintained by Gadsden County, it will be done at the expense of the property owners within this subdivision.”

- D. The developer shall post and maintain a sign at each entrance to the private subdivision stating that the road is not maintained by Gadsden County.

SECTION 6600. VACATION AND RE-DIVISION OF PLATTED LANDS. Decisions on applications for the vacation and annulment of recorded plats and the replatting of lands shall be quasi-judicial actions subject to the hearing and notice requirements set forth in Subsection 1304 of this Code. In addition, vacation, annulment, and replatting shall be pursuant to and in accordance with Section 177.101, F.S.

(Ord. # 1996-005, 7-2-96)

SECTION 6700. FAMILY EXCEPTION.

Subsection 6701. Purpose and Intent. In accordance with the provisions of §163.3179, Florida Statutes, Policy 1.1.6 of the Comprehensive Plan and this Section, a Family Exception may be granted on a parcel designated Agricultural on the County Comprehensive Plan's Future Land Use Map, without meeting the density standards of the corresponding Agricultural land use designation, when the criteria of this Section are met.

Subsection 6702. Applicability. Any newly created parcels or lots created within the requirements of this section shall only be conveyed to an immediate family member and shall not be conveyed to any person other than a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild.

- A. Conveyance to relative. Once the property, parcel or lot is conveyed to the relative as defined above (aka grantee), the grantee must homestead the said property, parcel or lot.
- B. Ownership. Each parcel created by Family Exception shall be owned and homesteaded by the grantee for at least three (3) years from the date of County approval.
- C. Grantee. The provisions of this Section shall only apply once to each grantee individual immediate family member, as defined above.

Subsection 6703. Standards and Restrictions. The creation of parcels or lots under the parameters of this section must meet the following criteria:

- A. Previously platted parcels, lots or subdivisions. Family Exception parcels shall not be permitted from previously platted parcels, recorded plat(s), or subdivisions.
- B. Land Use. Any property located outside of an Agriculture land use category is ineligible for this Family Exception.
- C. Minimum size. Lots created from the parent parcel shall be three (3) acres or more in size. The parent parcel shall retain a minimum of three (3) acres.
- D. Maximum number of lots. Under this exception, no more than four (4) lots shall be created in perpetuity including the original parent parcel.
- E. Further divisions. Once subdivided or created, the new parcels cannot be further subdivided until such time as an amendment to the Future Land Use Map is adopted by ordinance to a land use category that allows smaller lot sizes.
- F. Transferability. The Family Exception parcel(s) shall not be transferable to an individual or entity outside of the immediate family before three (3) years after the County approval date.
- G. Non-conforming parcels. Any parcel(s) made non-conforming as a result of any adoption of a Comprehensive Plan amendment by the County, with less than the minimum lot size required in the corresponding Agricultural land use category, shall be allowed only when no resulting parcel is less than three (3) acres.
- H. Frontage requirements. All parcels must have frontage on an existing publicly maintained road, or:
 - 1. Provide a recorded easement for a joint driveway access to a public road, which shall be restricted to the use of two lots; or
 - 2. Have obtained joint access to a private recorded easement as follows:
 - a. For only one driveway access point, Section 6003(G)6 shall apply.
 - b. For two or more access points Section 6003(F)5 shall apply.

Section 5611(G) shall apply to the creation of access points.

Subsection 6704. Restrictions. Lots created per the Family Exception shall include a legal description and a deed with real covenants that run with the land. Said restrictions shall include language that addresses the following, and must be recorded.

- A. Resale. A negative covenant which prohibits the sale of the created lot outside of the immediate family of the owner of record of the parent tract for a period of three (3) years from approval.

Subsection 6705. Procedures. The creation of a lot or lots through the Family Exception shall require the following. The application shall be reviewed as a Level I Review.

- A. Application. A complete application as provided by the County shall be submitted in accordance with Section 7100 this Code, and additionally shall include the submittal of:
 - 1. Copies of all existing survey documents, legal descriptions and other pertinent legal documents.
 - 2. All applicable fees.
 - 3. The draft deed restrictions.
 - 4. Proof of ownership.
 - 5. Proof of current homestead exemption status by the grantor.
 - 6. An affidavit verifying that:
 - a. The grantor and grantee of the properties are related as defined in Subsection 6602(A).
 - b. Acknowledgement that the grantor and grantee shall not transfer any property subject to this Section within a three (3) year period from the date of approval.
- B. Incomplete applications. In regard to deficient or incomplete applications, the applicant shall have ninety (90) days from the date of the issuance of comments from the County to the applicant to make required corrections to the application and resubmit said application for review. Failure to resubmit a revised application within ninety (90) days shall have the same effect as denial of the application without prejudice.
- C. Recording of documents. Copies of all survey documents, legal descriptions and recorded deeds with restrictions must be recorded in the public records with the Clerk of the Court and provided to the Planning & Community Development Department within ninety (90) business days of a Notice of Approval. Failure to record the Family Exception parcels in a timely manner shall result in the approved application becoming null and void.

- D. Application for building permit, requirement. Applications for building permits shall include an official copy of the deed covenants and restrictions with the required language as specified in Subsection 6604.