

ORDINANCE NO: 2026-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA; AMENDING ARTICLE 3, 7, AND 8 OF THE CITY OF WAUCHULA UNIFIED LAND DEVELOPMENT CODE (“LDCS”) CONCERNING SUBDIVISION REGULATIONS; MODIFYING SUBDIVISION REGULATIONS TO COMPLY WITH AMENDMENTS TO STATE STATUTE; PROVIDING FOR FINDINGS, CONFLICTS, CODIFICATION, SEVERABILITY, RATIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statute 177.071 requires the City to adopt procedures for the administrative approval of plats or replats by a designated municipal authority; and

WHEREAS, consistent with the requirements of Florida Statute 177.071(1)(a), the City of Wauchula adopted Resolution 2025-13, which designates the City Administrator as the administrative authority responsible for issuing final administrative approval of a plat or replat submittal.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA, THAT:

Section 1. AMENDMENT TO THE LAND DEVELOPMENT CODE. The Commission of the City of Wauchula, Florida, amends its Land Development Code as depicted in “Exhibit “A”.

Section 2. FINDINGS. The foregoing recitals are hereby adopted, ratified, and confirmed as being true and correct and are made a specific part of this Ordinance as the Commission’s legislative findings and intent pertaining to this Ordinance.

Section 3. CODIFICATION. It is the intent of the Wauchula City Commission that the provisions of this Ordinance shall be codified into its Unified Land Development Code.

Section 4. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect. The City of Wauchula, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 5. CONFLICTS. All ordinances or parts of ordinances or portions of the Unified Land Development Code in conflict herewith are hereby repealed.

Section 6. EFFECTIVE DATE. This ordinance shall be effective immediately after passage upon Second Reading.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Wauchula, the ____ day of _____, 2026.

PASSED on second and final reading by the City Commission of the City of

Wauchula, Florida, at regular session this ____ day of _____, 2026.

This ordinance was moved for adoption by Commissioner _____ .
The motion was seconded by Commissioner _____ , and upon being put
to a vote, the vote was as follows:

Commissioner Anne Miller _____ insert yes or no
Commissioner Russell Graylin Smith _____ insert yes or no
Commissioner Keith Nadaskay, Jr _____ insert yes or no
Commissioner Dr. Sherri Albritton _____ insert yes or no
Commissioner Gary Smith _____ insert yes or no

(SEAL)

ATTEST:

APPROVED:

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM AND LEGALITY:

Thomas A. Cloud, City Attorney

Exhibit “A”
Ordinance No. 2026-09
Land Development Code Text Amendment

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

ARTICLE 3 DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

Section 3.08.00 Development Standards for Uses Permitted with Conditions

3.08.03 Single Family Residential: Manufactured Home Subdivision

- (D) Ownership and Maintenance of Common Property. The developer shall establish a homeowners' association prior to vertical construction for the perpetual ownership and maintenance of open space, drainage facilities, buffer areas and screening, and other community facilities designated on the subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces and buffer areas, lakes, swimming pools, clubhouses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Wauchula for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final subdivision plat of each phase and subject to approval of the City ~~Commission~~.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the subdivision fail to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the plat and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the subdivision and hold a public hearing. If deficiencies of maintenance are not corrected within 30 days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the subdivision which have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners' association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (1) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization.
- (2) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (3) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (4) To create an administrative vehicle, the owners' association, to manage those elements shared in common and to enforce standards;
- (5) To provide for the operation and financing of the association;
- (6) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and
- (7) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the subdivision plat and subsequent final development plans of the subdivision.

ARTICLE 7 DEVELOPMENT APPROVAL PROCESS

Section 7.04.00 Planned Unit Development

7.04.06 Ownership and Maintenance of Common Property.

The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities, and other community facilities designated on the Master Development Plan and subdivision or Site Development Plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Wauchula for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final Site Development Plan or Subdivision Plat of each phase and subject to approval of the City **Commission**.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within 30 days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the

common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (A) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (B) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (C) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (D) To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;
- (E) To provide for the operation and financing of the association;
- (F) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (G) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

ARTICLE 7 DEVELOPMENT APPROVAL PROCESS

Section 7.06.00 Subdivision Regulations

7.06.02 Minor Subdivisions

- (G) Except as provided for in (C), the developer shall agree to prepare and submit a final minor Subdivision Plat to the Development Director within 45 days of the issuance of a land development permit. Upon approval of the minor subdivision plat by T~~the Development Director shall be responsible for placing all minor Subdivision Plats on the City Commission agenda for approval and acceptance. T~~the plat shall be recorded with the Clerk of the Circuit Court of Hardee County prior to issuance of a certificate of occupancy.

ARTICLE 7 DEVELOPMENT APPROVAL PROCESS

Section 7.06.00 Subdivision Regulations

7.06.03 Procedure for Subdivision of Land

Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the subdivider, or his authorized agent, shall apply for and secure approval from the City ~~Commission~~ of the proposed subdivision through submission of the following documents:

- (A) Concept Plan Review.
- (B) Preliminary Subdivision Plat.
- (C) Construction Plans.
- (D) Final Subdivision Plat.

Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the subdivider shall apply for and receive approval of a Final Subdivision Plat before applying for permits to build structures on the lots thus created.

ARTICLE 7 DEVELOPMENT APPROVAL PROCESS

Section 7.06.00 Subdivision Regulations

7.06.06 Construction Plans

After approval of the Preliminary Plat and prior to the review of the Final Plat ~~by the Planning and Zoning Board~~, the developer shall prepare and submit three copies of the Construction Plans to the Development Director. The purpose of the Construction Plan is to allow City staff to review and approve all proposed site improvements prior to construction.

The construction plans shall consist of complete working drawings and design specifications, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations, the establishment of a construction schedule, and site improvement permitting.

The developer shall submit, in triplicate, estimate of quantities, unit prices and estimated costs for each of the following:

- (A) Streets, drainage, and storm sewers;
- (B) Water distribution system; and,
- (C) Sanitary sewer system.

7.06.06.03 Performance Bond. If at the time of application for Final Plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond in an amount estimated as sufficient to secure to the City the satisfactory construction, installation, and dedication of all required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required by these regulations. Such Performance Bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Commission ~~as part of the approval action on the Final Plat~~ and shall be incorporated in the bond and shall not in any event exceed

two years from date of final City approval. The City Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the City Attorney.

The City is responsible for running sanitary sewer and public water lines to a development site. However, the division of responsibility for payment of the cost of extension shall be the subject of the Development Agreement (See Article 6, Section 6.02.00 "Development Agreements.") The developer is responsible for the cost of lines within the development and the cost for connections to sanitary sewer and public water systems. The City reserves the right to impose impact fees to cover the expense to the City rather than include the cost in the Performance Bond.

ARTICLE 7 DEVELOPMENT APPROVAL PROCESS

Section 7.06.00 Subdivision Regulations

7.06.07 Final Plat

The intent of the Final Plat is to establish a legal record of the subdivision. Whenever the provisions of this Code have been complied with, the City Engineer has accepted the Construction Plans, and while the approval of the Preliminary Subdivision Plat is in effect, the developer may present a Final Plat and Performance Bond for review ~~by the Planning and Zoning Board~~ and approval by the ~~City Commission~~. city manager or his designated administrative authority (the "administrative authority"). The Final Plat may not be approved unless it is in strict conformance with the details of the Preliminary Plat and any changes required by, and approved by, the City. At the option of the subdivider, the final plat may constitute only that portion or phase of the approved Preliminary Site Plat which is proposed to be recorded at that time.

Final plat approval is required prior to the issuance of any building permits within the subdivision. Following ~~review by the Planning and Zoning Board and~~ approval by the ~~City Commission~~ administrative authority, the plat shall then be submitted to the Clerk of the Circuit Court for recording within the public records of Hardee County.

7.06.07.01 Submission of Final Plat.

(A) General Procedure.

- (1) Staff Review. The applicant shall submit the original Mylar, along with four reproducible copies of the plat. The development director, city attorney, and other city staff as appropriate, shall determine the completeness of the final plat and compliance with the Preliminary Site Plat. They shall verify the accuracy of information provided, and evaluate the degree of compliance with the technical requirements as established in this Code and other applicable city and state requirements. All staff reviewing the plat shall, upon completion of their review, forward their

recommendations to the Development Director, recommending approval or denial of the final plat.

- ~~(2) Planning and Zoning Board. The Planning and Zoning Board shall review the Final Plat and staff comments pertaining thereto, and shall make a recommendation to City Commission to approve or disapprove the plat. Any conditions of approval shall be stated with the motion to recommend approval of the plat and shall be made clear to the developer. The Planning and Zoning Board may defer action if additional information, staff review, subdivision improvements, or completion assurances are needed. In any case, the Planning and Zoning Board shall be provided with a written statement by the Building Official to the effect that all required public improvements have been completed to his satisfaction or that satisfactory guarantees of completed installation have been provided.~~
- (3) ~~City Commission. The City Commission shall review the recommendation of the Planning and Zoning Board and take action on the Final Plat. The ordinance shall be advertised as delineated in Article 8, Section 8.06.00 "Public Hearings/Public Notice."~~

~~The action of the City Commission shall be forwarded in writing to the subdivider or his authorized representative. Should any adverse review comment or recommendation be made by the City Commission which may require a revision of the proposed final plat, the development director shall so notify the subdivider or his authorized representative, so that necessary revisions may be made for reconsideration by the City Commission.~~

- (2) Within 7 business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.
- (3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (4). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each

requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4) Administrative Authority Action. Approval of the plat and acceptance of public improvements and dedications shall be by Administrative Authority letter and shall authorize the Mayor and City Clerk to sign the copy of the plat to be recorded.

(45) Recording. Upon plat approval, and with certification that a final inspection of the improvements has been made and approved, or an acceptable financial guarantee has been provided for the satisfactory completion of the improvements, the final plat shall be forwarded to the City Clerk for signature. Upon signature by all designated staff and the Mayor. Upon signature by all designated staff and the Mayor, the applicant shall be notified that the plat is complete and may be recorded at the office of the Clerk of the Circuit Court for Hardee County. The developer shall be responsible for recording the Final Plat and for returning one reproducible copy of the recorded plat to the Building Official. The Final Plat shall be recorded prior to the issuance of any Building Permits within the subdivision

(B) Submittal. The final plat shall conform with Chapter 177, Florida Statutes and shall be clearly and legibly drawn, in ink, on Mylar, to a scale of not more than one inch equals 100 feet. The overall sheet size shall be consistent with the standards established by the Clerk of the Circuit Court for Hardee County for recording. Where the final plat of a proposed subdivision requires more than one sheet, each sheet shall be keyed to a master map with appropriate marks of identification. Each sheet shall be provided with a one-inch margin on each of three sides and a three-inch margin on the left side of the plat for binding purposes.

(C) Required Information. Although it may constitute only that portion of the Preliminary Subdivision Plat that the developer proposes to record and develop at the time, the Final Plat for recording shall be prepared in conformance with the requirements specified herein. The Final Plat shall be submitted with the request for approval, and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:

- (1) Name of plat.
- (2) Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
- (3) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be furnished to the City Administrator. The Final

Plat shall not be approved ~~by the Planning and Zoning Board and the City Commission~~ without proper submission of the final permits and approvals.

- (4) All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
- (5) All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
- (6) The accurate location of all monuments and the designation of specific control corners.
- (7) A statement shall be included on the Final Plat indicating the final length of roads, water, and sewer lines installed.
- (8) The purpose of all areas dedicated must be clearly indicated or stated on the plat. Accurate descriptions of any such areas to be dedicated or reserved for public use shall state the purpose thereon.
- (9) In the event the plat includes open space, clubhouses, playgrounds, or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners association that shall be responsible for such facilities.
- (10) All interior excepted parcels shall be clearly indicated and labeled "Not A Part Of This Plat."
- (11) Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Plat.
- (12) City signature spaces for the Mayor, City Clerk, City Administrator, and the Chairman of the Planning and Zoning Board.
- (13) The Clerk of the Circuit Court of Hardee County of the Circuit Court certificate and the land surveyor's certificate and seal.
- (14) City signature spaces for the professional surveyor and mapper either employed by or under contract to the local governing body for conformity to Florida Statutes Chapter 177., the applicant shall be notified that the plat is complete and may be recorded at the office of the Clerk of the Circuit Court for Hardee County. The developer shall be responsible for recording the Final Plat and for returning one reproducible copy of the recorded plat to the Building Official. The Final Plat shall be recorded prior to the issuance of any Building Permits within the subdivision.

ARTICLE 8 ADMINISTRATION AND ENFORCEMENT

Section 8.04.00 Duties of City Commission.

- (A) Powers and duties in the areas of development and land use regulation.
 - (1) Adopt and amend the Comprehensive Plan.
 - (2) Adopt and amend the Land Development Code.

- (3) Appoint members of the Planning and Zoning Board, Wauchula Historic Preservation Board, and Code Enforcement Board or Special Magistrate.
- (4) Determine the need for and appoint members of additional boards, committees, and subcommittees to investigate and make decisions on various land use and development issues.
- (5) Establish fees for application for a comprehensive plan amendment, zoning actions, site development plan review, landscape plan review, application for a conditional use, application for a variance, application for a special exception, and other activities carried out under the provisions of this Code.
- (6) Make final decisions on requested changes to the Comprehensive Plan, Zoning Ordinance and Map, Planned Unit Developments, and Conditional Uses.
- (7) Make final decisions on requests for variances where, by reason of the exception of narrowness, shallowness, or unusual shape of a site on the effective date of this Code, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not dwelling unit or population density) of this Code would deprive the applicant of reasonable use of the land in a manner enjoyed by other landowners in the same zoning district. The Commission may impose any reasonable conditions or restrictions in granting said variance.
- (8) Hear and decide on appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Code. This power shall include the hearing of any appeal of an administrative official's decision concerning the amortization of any nonconforming use or any calculation of amortization thereunder.
- ~~(9) Accept the Final Plat for a new subdivision.~~