

Sec. 30-9. - Rural developments.

(a)

Rural subdivisions. Subdivisions involving relatively large parcels may be granted variances from one or more of the requirements of this code by the planning, zoning and appeals board based upon sound and generally accepted planning and land development practices and principles as well as the public interest, but may, nevertheless, require that a portion of the subdivision comply with the requirements set forth in this chapter and that a surveyed plat for that portion of the actual major subdivision be recorded in the land records/official records of the county.

(b)

Rural developments. Subdivisions shall be designed so as to conform to and take advantage of the topographic and other natural features of the land. Federal, state and local laws, rules, regulations, codes, ordinances and standards may require the conservation of existing trees, wetlands, natural water bodies, wildlife habitat, and other environmentally sensitive lands. The city encourages unique, development plans that maximize the potential benefits of rural developments or similar developments as outlined in the comprehensive plan.

(c)

Rural subdivisions are also referred to in [section 34-190](#) and, if a rural subdivision is proposed, zoning, subdivision, and specific development provisions related to the development may be required depending on the proposed development.

(d)

Subdivisions not requiring platting. Areas annexed into the city may establish non-platted rural subdivisions which may be considered at the time of annexation with the approval contingent upon the annexation.

(e)

Within the non-platted rural subdivision area, owners of record as of November 1, 2002, and their heirs and any owners of land for five years or more may establish up to four five-acre parcels in each calendar year; provided, however, that each eligible owner may establish up to eight five-acre parcels in the first calendar year in which the owner chooses to commence subdivision under the non-platted rural subdivision requirements. All parcels established as part of a non-platted rural subdivision must be five acres or larger, must have a minimum of 0.75 acre of uplands or 20,000 square feet of contiguous buildable area, and may be clustered where feasible. Every non-platted rural subdivision shall comply with the following criteria:

(1)

An access easement connecting each lot to a city, county or state maintained road must be deeded for the benefit of the public on a form approved by the city attorney. This requirement is not applicable if the parcel has access by means of city, county or state road frontage.

(2)

Deeds conveying parcels within a non-platted rural subdivision must include the following disclaimer in bold, capital ten-point type.

"THE PARCEL OF LAND DESCRIBED IN THIS DEED IS NOT A PART OF A PLATTED SUBDIVISION REVIEWED AND APPROVED BY THE CITY OF BUNNELL. NO GOVERNMENTAL AGENCY, INCLUDING THE CITY OF BUNNELL, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR

RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED. DUE TO THE RURAL LOCATION OF THIS PARCEL AND DEPENDING ON THE STATE OF MAINTENANCE OF ACCESSWAYS, EMERGENCY RESPONSE TIMES MAY BE ADVERSELY AFFECTED. FIRE HYDRANTS ARE NOT AVAILABLE FOR FIRE SUPPRESSION. AGRICULTURAL USES ON ADJOINING PARCELS MAY GENERATE NOISE AND ODORS CHARACTERISTIC OF A RURAL SETTING. THIS PROPERTY MAY NOT BE SUBJECT TO ANY MOSQUITO CONTROL DISTRICT AND THEREFORE MAY NOT BE SUBJECT TO MOSQUITO CONTROL BY ANY SUCH DISTRICT. THIS PROPERTY IS NOT PART OF A DEVELOPMENT WITH AN APPROVED STORMWATER MANAGEMENT SYSTEM. THIS PARCEL MAY BE SUBJECT TO FLOODING FROM TIME TO TIME AND NEITHER THE CITY NOR ANY OTHER PUBLIC AGENCY IS RESPONSIBLE FOR PROVIDING STORMWATER MANAGEMENT OR FLOOD CONTROL."

(3)

The location and design of all homes constructed within the non-platted rural subdivision shall conform to firewise communities standards promulgated by the Division of Forestry of the Florida Department of Agriculture and Consumer Services, as set forth in [section 34-190](#) and as required in all applicable zoning and land development requirements.

(4)

Subdivisions requiring platting or already platted. Areas annexed into the city may establish platted rural subdivisions. These areas must be consistent with the city comprehensive plan, and be designated with agriculture and silviculture (AG&S) land use designation, and where no new streets or access easements are planned to be dedicated and accepted by the public. Except for five-acre splits to family members where the resulting parcel will be five acres or more of land assigned the agriculture and silviculture (AG&S) land use designation, no such parcel shall be further exempted from these subdivision regulations. Deeds and other conveyances shall include in bold capital ten-point type the following statement:

"NO GOVERNMENTAL AGENCY, INCLUDING THE CITY OF BUNNELL, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED. DUE TO THE RURAL LOCATION OF THIS PARCEL AND DEPENDING ON THE STATE OF MAINTENANCE OF ACCESSWAYS, EMERGENCY RESPONSE TIMES MAY BE ADVERSELY AFFECTED. FIRE HYDRANTS ARE NOT AVAILABLE FOR FIRE SUPPRESSION. AGRICULTURAL USES ON ADJOINING PARCELS MAY GENERATE NOISE AND ODORS CHARACTERISTIC OF A RURAL SETTING. THIS PROPERTY MAY NOT BE SUBJECT TO MOSQUITO CONTROL AND THEREFORE, MAY NOT BE SUBJECT TO MOSQUITO CONTROL BY ANY SUCH DISTRICT. THIS PROPERTY IS NOT PART OF A DEVELOPMENT WITH AN APPROVED STORMWATER MANAGEMENT SYSTEM. THIS PARCEL MAY BE SUBJECT TO FLOODING FROM TIME TO TIME AND NEITHER THE CITY NOR ANY OTHER PUBLIC AGENCY IS RESPONSIBLE FOR PROVIDING STORMWATER MANAGEMENT OR FLOOD CONTROL."

(f)

Prior to issuance of a building permit, each landowner who does not have direct access to a publically maintained road, must sign a hold harmless indemnification agreement with the city acknowledging that access to said parcel is strictly a private legal matter between the land owner and the person or entity that sold said parcel and granted access to same and that the city does not assert any opinion as to the legal validity, usability or practical access to said parcel; further that the land owner shall indemnify and hold harmless the city, its city commission, officers, officials, employees and agents from any and all legal causes of action, losses, damages or claims of any kind whatsoever arising out of the lack of access for emergency services, police protection or other public services to said parcel. This indemnification, hold harmless agreement shall be on a form approved by the city attorney, shall be recorded in the official records of the county, shall run with and burden the land, and shall be binding on the landowner and all heirs, successors and assigns.

([Ord. No. 2013-21](#), § 1, 8-26-13)