

**CHAPTER 13. SUBDIVISION.**

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CHAPTER 13. SUBDIVISION.

**ARTICLE 1. GENERAL**

**Sec. 13.1.1. PURPOSES AND INTENT.**

13.1.1.1. The purpose of this Chapter is to promote and protect the public safety, comfort, economy, order, appearance, convenience, morals and general welfare of the City residents which requires the harmonious, orderly and progressive development of land within the corporate limits of the City.

13.1.1.2. THE REGULATION OF THE SUBDIVISION OF LAND IS INTENDED:

13.1.1.2.1. To provide coordination of land development within the City in accordance with orderly physical patterns;

13.1.1.2.2. To require fiscal responsibility and stable land development by avoiding haphazard, premature, uneconomic or scattered land development;

13.1.1.2.3. To insure the adequate provision of safe and convenient traffic access and circulation, including motorized, non-motorized and pedestrian traffic, within new development;

13.1.1.2.4. To insure the adequate provision of streets, utilities and other facilities and services to development at the level of service adopted by the City;

13.1.1.2.5. To prevent periodic and seasonal flooding by requiring protective flood control and stormwater management facilities;

13.1.1.2.6. To provide public open spaces for recreation and building sites in new developments through the dedication or reservation of land for recreational, educational and other established public purposes;

13.1.1.2.7. To insure that the residents and taxpayers of the City will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements;

13.1.1.2.8. To insure to the consumer that necessary site improvements meeting uniform quality standards have been installed;

13.1.1.2.9. To assure equitable processing of all subdivision plans and plats by providing uniform procedures and standards to be utilized by the developer and the City; and

13.1.1.2.10 To serve as one of the several instruments utilized by the City to implement the provisions of the adopted Comprehensive Plan.

**Sec. 13.1.2. DEFINITIONS.**

Additional definitions having application for provisions contained in this Chapter are to be found in Chapter 4 of the Land Development Regulations.

**ARTICLE 2. PROCEDURES.**

**Sec. 13.2.1. PROCEDURES FOR RESUBDIVISION OF FOUR OR LESS PLATTED LOTS.**

Where it is proposed to resubdivide 4 or less lots which have been previously platted and recorded, where no new street is required and which have a total combined area of less than 60, 000 sq. ft., the procedures shall be as follows:

13.2.1.1. The petitioner shall submit to the Administrative Official 6 copies of a preliminary sketch plat prepared by a Florida registered engineer or surveyor at a scale of one inch equals not less than 50 feet, indicating the nature of the proposed resubdivision, including:

13.2.1.1.1. Identification of present lots, including lot numbers, and subdivision designation.

13.2.1.1.2. Names of streets abutting or running through the proposed resubdivision.

13.2.1.1.3. Existing and proposed lot pattern, including dimensions.

13.2.1.1.4. Existing alleys and easements, dedications for street widening, alley or street closing, and similar conditions.

13.2.1.1.5. Methods to be used to meet FDER and water management district drainage requirements.

Copies of the preliminary sketch plat shall be submitted to the Administrative Official at least 14 days prior to the City Commission meeting, at which time the proposed replat is to be considered.

13.2.1.2. City Staff shall review the preliminary sketch plat prior to submittal to the City Commission for adequacy in meeting applicable requirements of this Chapter and any applicable provisions of the Land Development Regulations. Such preliminary sketch plat shall not be submitted to the City Commission until all applicable requirements are met.

13.2.1.3. Within 10 days after the meeting at which the proposal is considered, the City Commission shall indicate on all copies of the preliminary sketch plat (a) approval as submitted; (b) conditional approval, stating conditions recommended; or (c) disapproval, with reasons, therefore; and shall transmit 2 copies to the petitioner while retaining 4 copies for the City files.

13.2.1.4. Final plats shall be submitted to the Administrative Official 14 days prior to the next regular scheduled City Commission meeting following preliminary sketch plat approval. Final plats shall be reviewed by the City Staff for recommendations of approval, approval with modifications or denial prior to submittal to the City Commission.

13.2.1.5. After the City Commission has approved the final plat, the following action shall be taken:

13.2.1.5.1. The original drawing sheets of the final plat(s), drawn on vellum or mylar materials, shall be signed immediately following the conclusion of the City Commission meeting by the Mayor, City Manager, developer and any other applicable parties to platting.

13.2.1.5.2. The signed original drawing sheets of the final plat(s), any other instruments to be recorded in connection with the plat(s) and the required filing fee shall then be turned over to the City Clerk.

13.2.1.5.3. The City Clerk shall be responsible for seeing that the signed original drawing sheets of the final plat(s) and other instruments to be recorded in connection with the plat are recorded with the Clerk of Court of Polk County.

13.2.1.5.4. Written notice of recording of the final plat(s) and other instruments by the City Clerk shall be made to the Building Official prior to the Building Department issuing any permits for the development.

13.2.1.5.5. All filing fees and related cost for the City to record the plat(s) and other instruments shall be at the expense of the developer.

**Sec. 13.2.2. SMALL LOT SUBDIVISIONS WITH EXISTING IMPROVEMENTS.**

Where it is proposed to subdivide 4 or less lots that will front on an existing public street which is served by existing water and sewer, solid waste disposal, and related public services, all at a level of service sufficient to accommodate the proposed land uses without any enlargement or expansion, the provisions of Sec. 13.2.1. above shall apply.

**Sec. 13.2.3. PROCEDURE FOR OTHER SUBDIVISION OR RESUBDIVISION**

**13.2.3.1. PRE-APPLICATION PROCEDURE.**

13.2.3.1.1. Prior to filing of an application for conditional approval of the preliminary plat, the developer shall submit to the Administrative Official 6 sets of the concept plans and data as specified in Article 5 of this Chapter. Application fees shall be paid the City with this submittal.

13.2.3.1.2. Within 15 days the Administrative Official shall inform the developer, based upon City Staff review, that the concept plans and data as submitted or as modified do or do not meet the objectives of this Chapter. When the Administrative Official finds the concept plans and data do not meet the objectives of the regulations, he shall express his reasons in writing, retaining 4 copies for City records and submitting 2 copies to the developer or his agent(s).

13.2.3.1.3. If concept plans and data are determined to not meet the objectives of this Chapter and the developer wishes to proceed, then revised concept plans the data shall be submitted to the Administrative Official for review and recommendations. Then the provisions of 13.2.3.1.2. above shall apply.

**13.2.3.2. PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT.**

13.2.3.2.1. On reaching conclusions on concept plans, as required in 13.2.3.1. above, regarding the general program and objectives, the developer shall cause to be prepared by Florida registered engineer or surveyor a preliminary plat, together with improvement plans and other supplementary material as specified in Article 5 of this Chapter.

13.2.3.2.2. Six copies of the preliminary plat and specified supplementary material shall be submitted to the Administrative Official with written application for conditional approval at least 20 days prior to the meeting at which it is to be considered.

13.2.3.2.3. One copy of the preliminary plat shall be forwarded to the City Commission and 5 copies to the City Staff for review with each to be returned to the Administrative Official 15 days after receipt, showing comments, revisions, and recommendations.

13.2.3.2.4. Following (a) review of the preliminary plat by City Staff and the appropriate agencies and other material submitted for conformity thereof with the regulations of this Chapter, and (b) negotiations with the developer on changes required and the kind and extent of improvements to be made, the Planning Commission shall, within 30 days act thereon as submitted, or modified, and if approved, the Planning Commission shall express in writing, its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons. Plans shall not be submitted for Planning Commission review until all required data and conditions have been met by City Staff. This recommendation shall be forwarded to the City Commission for their review and action. The City Commission shall, within 30 days, act upon the petition.

13.2.3.2.5. The actions of the City Commission shall be noted on all copies of the preliminary plat, referenced and attached to any conditions established. Two copies shall be returned to the developer, his agent or agents, and others retained by the Administrative Official.

13.2.3.2.6. Conditional Approval of the preliminary plat shall not be binding on the City and shall not constitute approval of the final plat. Rather, it shall be deemed an approval of the concept to the layout submitted on the preliminary plat and serve as a guide to the preparation of the final plat. The final plat will be submitted for approval of and acceptance by the City Commission and for recording upon fulfillment of the requirements of these regulations and the stipulations contained in the conditional approval, if any.

13.2.3.2.7. If it is determined to be necessary to hold an advertised public hearing on any subdivision development plan and plats submitted to the Planning Commission and City Commission for consideration, the parties in interest shall be notified by due public notice with the petitioner paying the necessary fees for public hearing notices and related cost.

### 13.2.3.3. CONSTRUCTION PLANS.

13.2.3.3.1. Following conditional approval of the preliminary plat, the developer shall prepare the necessary construction plans and

specifications for all proposed subdivision improvements as specified in Article 4 of this Chapter. These construction plans shall be prepared by a Florida registered engineer and in conformity with these Land Development Regulations. Approvals for water supply, sanitary waste disposal and surface and stormwater management systems shall be received in writing from the appropriate State and local agencies and made a part of the submission.

13.2.3.3.2. To secure formal action on construction plans and specifications prior to obtaining final approval of the plat, the developer shall submit to the Administrative Official 6 sets of prints of the construction plans and specifications and written approval of the appropriate State and local agencies. The City Staff shall review the construction plans, specifications and approval of other applicable agencies and notify the Administrative Official of their findings. The Administrative Official shall notify the developer in writing of the approval or disapproval within 30 days of the action taken.

13.2.3.3.3. Approval shall mean the developer is now authorized to proceed with the construction of the physical site improvements in the subdivision after securing required construction permits and to submit the final plat for processing and recording. The developer shall be provided 2 copies of the approved construction plans, signed by the Administrative Official, with the City retaining 4 copies of such approved and signed plans.

13.2.3.3.4. Conditional approval means the developer may proceed as outlined in the preceding paragraphs, but only after he has submitted 6 copies of the revised construction plans to the Administrative Official with changes as recommended by the City Staff.

13.2.3.3.5. Disapproval means that the developer must revise his plans to conform to the changes as recommended by the City Staff and resubmit them for approval as provided for in this section.

#### 13.2.3.4. PROCEDURE FOR APPROVAL OF FINAL PLAT.

13.2.3.4.1. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the developer, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.

13.2.3.4.2. Application for approval of the final plat shall be submitted in writing to the Administrative Official at least 14 days prior to the meeting at which it is to be considered by the City Commission.

13.2.3.4.3. Six copies of the final plat and other exhibits required for approval shall be submitted as specified in Article 5 to be reviewed by the City Staff to determine if all applicable requirements contained in this Chapter are met. Such plats shall be submitted to the Administrative Official within 12 months after approval of the preliminary plat. Otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the City Commission.

13.2.3.4.4. Accompanying the final plat shall be: final plat application fee, final approval construction plans, required documents, exhibits, legal instruments to guarantee performance, attorney's opinion or title insurance regarding the title of the property subdivided, properly executed certificates from the Department of Health, Florida Department of Environmental Regulation and other required agencies and parties as required by these Land Development Regulations, along with a written request from the developer for final approval of the plat.

13.2.3.4.5. After the City Commission has approved the final plat, the following actions shall be taken:

13.2.3.4.5.1. The original drawing sheets of the final plat(s), drawn on vellum or mylar materials, shall be signed immediately following the conclusion of the City Commission meeting by the Mayor, City Manager, developer and any other applicable parties to platting.

13.2.3.4.5.2. The signed original drawing sheets of the final plat(s) and other instruments to be recorded in connection with the plat(s) and the required filing fee shall then be turned over to the City Clerk.

The City Clerk shall be responsible for seeing that the signed original drawing sheets of the final plat(s) and other instruments to be recorded in connection with the plat are recorded with the Clerk of Court of Polk County.

13.2.3.4.5.4. Written notice of the final plat(s) and other instruments by the City Clerk shall be made to the Building Official prior to the Building Department issuing any permits for the development.

13.2.3.4.5.5. All filing fees and related cost for the City to record the plat(s) and other instruments shall be at the expense of the developer.

### **ARTICLE 3. DESIGN STANDARDS.**

#### **Sec. 13.3.1. INTENT.**

The goals, objectives and policies adopted as a part of the Traffic Circulation Element of the Comprehensive Plan shall serve as the guiding principles for the sections herein with regard to street network function, layout and safety features.

#### **Sec. 13.3.2. STREETS.**

All new subdivisions shall contain private roads, which shall be maintained by a property owner's association.

***See the Administration and Procedures Manual. Chapter 7***

#### **Sec. 13.3.3. ALLEYS.**

***See the Administration and Procedures Manual. Chapter 7***

#### **Sec. 13.3.4. EASEMENTS.**

13.3.4.1. In general, easements shall be prohibited. However where no other solution is available, easements across lots or centered on rear or side lot lines shall be at least 15 feet wide. Such variation shall be reviewed by the City (consulting) engineer and approved only if conditions warrant such easement. Where utility and/or drainage easements are planned adjacent to a subdivision boundary or development phase line, the full easement width necessary shall be platted within the proposed subdivision or development phase.

13.3.4.2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

13.3.4.3. Where indicated in the Future Land Use and Traffic Circulation Elements, and in such other areas as the City Commission and developers may agree, pedestrian and service easements shall be provided. Such pedestrian and service easements may include, or be included in, easements required in 13.3.4.1. and 13.3.4.2. above.

13.3.4.4. Where utilities are placed in easements, no fences, planting, or structures of a permanent nature shall be located on or within such easement.

### **Sec. 13.3.5. BLOCKS.**

As used in this Chapter, a block is a group of lots entirely surrounded by streets, railroad right-of-way, water courses, subdivision boundaries or any combination thereof.

13.3.5.1. The lengths, widths and shapes of blocks shall be determined with due regard to:

13.3.5.1.1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

13.3.5.1.2. Zoning requirements as to lot sizes and dimensions;

13.3.5.1.3. Needs for convenient access, circulation, control and safety of street traffic, fire protection;

13.3.5.1.4. Limitations and opportunities of topography, natural resources and features.

13.3.5.2. Blocks lengths shall not exceed 1,000 feet, or be less than 500 feet, except where substantial public purposes can be demonstrated for modifications of these lengths and as may be approved by the City Commission. In blocks over 1,000 feet in length, the City Commission may require one or more public crosswalks with a right-of-way not less than 10 feet and to extend entirely across the block and at locations deemed necessary. Cul-de-sac or "T" block arrangements may be less than 500 feet in length.

### **Sec. 13.3.6. LOTS**

As used in this Chapter a lot is a portion of a subdivision intended for transfer of ownership as a unit, or for development as a unit or both, the boundaries of which

have been clearly designated upon the plat. This definition is deemed to be in furtherance of the lot definition in Chapter 4 of the Land Development Regulations.

13.3.6.1. The lot size, width, depth, shape, and orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

13.3.6.2. Lot dimensions shall conform to the requirements of the zoning requirements and:

13.3.6.2.1. Residential lots, where not served by public sewer, shall be of a size and dimension approved by the Department of Health by in no case less than as specified in the zoning requirements.

13.3.6.2.2. Depth and width of properties reserved or designated for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

13.3.6.3. Corner lots for residential use shall have extra width meeting zoning requirements to permit minimum building setback from and orientation to both streets.

13.3.6.4. The subdividing of the land shall be such as to provide, by means of a public street or an approved private street, each lot with satisfactory access to an existing public street. In no case shall a lot be less than 24 feet in width at the front property line.

13.3.6.5. Double frontage, and reverse frontage lots, shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and development orientation. A planting buffer easement of at least 10 feet and across which there shall be no right of access, shall be provided along the line of lots abutting such an arterial street or other incompatible use and as may be required in the zoning regulations.

13.3.6.6. Side lot lines shall be substantially at right angles or radial to street lines. Unless otherwise approved, no lot shall have an interior angle less than 30 degrees.

### **Sec. 13.3.7. PUBLIC SITES AND OPEN SPACES.**

13.3.7.1. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a proposed subdivision site, the City Commission shall require the dedication or

reservation of such areas within the subdivision. Parks and playgrounds shall not be located in any retention area. All sites designated in subdivision plats for public use shall be dedicated in the plat and deeded to the City for this purpose.

13.3.7.2. In order to provide adequate recreation sites and facilities for the residents of the City, in accordance with the goals, standards, policies and plans of the Recreation and Open Space Element, a recreation impact fee shall be charged for each new dwelling constructed after adoption of this Chapter. The recreation impact fee shall be established by the City Commission and collected at the time of building permit application. Such fees shall be held in escrow and used by the City only for the purpose of acquiring lands for parks and recreation and improvements thereon. Such lands and improvements shall be as near as practical to the fee payers, depending upon needs as established in the Recreation and Open Space Element.

13.3.7.3. When required by the Comprehensive Plan or deemed essential by the City Commission, upon consideration of the particular type of development proposed in the subdivision and especially in large-scale planned developments, the City Commission may require the dedication or reservation of such other areas or sites of character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes. Such sites shall be made available by the developer to the governmental agency responsible for such facilities for their acceptance for a period of 2 years.

If the applicable governmental agency fails to purchase or make arrangements for the acquisition of the site within the 2 year period, the City Commission shall be required to review the continued need of the reserved sites and may extend the reservation for another 2 year period. Subsequent reviews on a 2 year time basis shall be required until a determination is made by the City Commission that the reserved sites are no longer required or necessary. If it is determined by the City Commission that the reserved sites are no longer required or necessary then the developer may replat the reserved site for uses compatible with the development and in accordance with the Comprehensive Plan.

13.3.7.4. If a significant surface drainage course or water body is located in an area being considered for subdividing, the City Commission may require the dedication of lands or easements along each side of the drainage course or water body for the purpose of widening, deepening, sloping, ponding, improving or protecting the drainage course or water body for drainage, parkway or recreational purposes.

### **Sec. 13.3.8 Retention/Detention Areas**

13.3.8.1. Placement. Retention and/or Detention areas shall be placed on the side or the rear of lots.

13.3.8.2. Landscaping. In order to provide a buffer and to improve aesthetics, Retention and/or Detention areas shall be landscaped with native species and species that adapt well to this area but are not exotic or invasive species, and as provided for in Chapter 10, Section 10.6.5 as well as Article 8.

## **ARTICLE 4. REQUIRED IMPROVEMENTS.**

### **Sec. 13.4.1. MONUMENTS.**

Monuments shall be placed in all block corners, angle points, of curves in street right-of-ways, and intermediate points but not to exceed 1,400 feet apart. At least one permanent bench mark shall be set in each subdivision, properly referenced, for both construction use and future City use. The location of all monuments shall be indicated on the final plat. On public lands, a cross mark cut in a concrete structure will suffice. On other lands the monuments shall be 4 x 4" inches concrete, at least 24 inches long, said monuments having the reference point marked thereon. The name of the surveyor shall be placed on all monuments.

All original land corner monuments shall be protected throughout the development. Should any monuments, iron pipes, or iron pins serving as monuments fall within pavements, driveways or sidewalks, they shall be secured to proposed grades by 8 inch concrete pipes and a cast iron cap for access to the original monument. Any and all land monuments disturbed or destroyed in the process of construction shall be accurately witnessed and replaced upon completion of construction.

### **Sec. 13.4.2. STREET MARKERS.**

The developer will furnish and install street markers at all intersections. Such street markers will be of the quality and design approved by the City.

### **Sec. 13.4.3. UTILITY AND STREET IMPROVEMENTS.**

All utilities (except water and wastewater) shall be maintained by a property owner's association.

***See Chapter 7 of the Administration and Procedures Manual.***

## **ARTICLE 5.PLATS AND DATA.**

In connection with subdivision or resubdivision other than resubdivision of four or less lots and as provided otherwise in this Chapter, the following regulations apply:

### **Sec. 13.5.1. PRE-APPLICATION PLANS AND DATA.**

13.5.1.1. General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information shall include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing and subdivision proposal such as number of residential or nonresidential lots, typical lot width and depth, land uses, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

13.5.1.2. The location map shall show the relationship of the proposed subdivision to existing community facilities which serve or impact it. Included shall be development name and location, main traffic arteries, public transportation lines, shopping centers, elementary and high school, parks and playgrounds; principal places of employment, other community features such as railroad stations, airports, hospital and churches; title; scale; north arrow and date.

13.5.1.3. The sketch plan on topographic survey shall show in simple form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch shall include approximate locations of proposed stormwater management facilities and outfall points, nearest point of connection to City sanitary sewer and water facilities and approximate locations of lift stations, if required. Additional data may be required if City Staff decides that such information is required for a conceptual review. The sketch may be a free-hand sketch made directly on a copy of the topographic survey. In any event, the sketch plan shall include as a minimum the information listed in 13.5.2.1. below.

### **Sec. 13.5.2. PLATS AND DATA FOR CONDITIONAL APPROVAL.**

13.5.2.1. Topographic map and data required as a basis for the preliminary plat, in Sec. 13.5.3. below, shall include existing conditions as follows except when otherwise specified by the Planning Commission;

- 13.5.2.1.1. *Key plan:* showing location of the tract in relation to the total community.
- 13.5.2.1.2. *Boundary lines:* bearings and distances of present property and/or section lines.
- 13.5.2.1.3. *Easements:* existing location, width and purpose.
- 13.5.2.1.4. *Streets on and adjacent to the tract:* name and right-of-way width and location; type, width and elevation of surfacing; and legally established centerline elevations; walks, curbs, gutters, culverts and related information.
- 13.5.2.1.5. *Utilities on and adjacent to the tract:* location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, overhead and underground electric and telephone systems, and street lights; if water mains and sewers are not on or adjacent to the tract, the direction and distance to, and size of nearest such systems, showing invert elevation of sewers. Provide plans and sections showing extension of lines to proposed subdivision.
- 13.5.2.1.6. *Proposed and existing ground elevations on the tract:* based on U.S.G.S. datum level shall be shown at 1 foot contour intervals.
- 13.5.2.1.7. *Other conditions on the tract:* water courses, marshes, wetlands, wooded areas, preservable trees with 4 inch caliper measured 4 feet above ground, houses, structures and other significant features.
- 13.5.2.1.8. *Other conditions on the adjacent land:* approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or incompatible influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording date, and number, and show approximate percent built-up, typical lot size, and dwelling type.
- 13.5.2.1.9. *Subsurface conditions on the tract:* location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth of ground water unless test pits are dry at a depth of 5 feet; location and results of soil percolation test if individual sewage disposal systems are proposed. If on site percolation of stormwater is proposed, a double ring infiltrometer test shall be provided at each proposed retention pond.

13.5.2.1.10. *Photographs*: if required, show camera locations, directions of views and key numbers.

13.5.2.1.11. *Zoning*: on and adjacent to the tract.

13.5.2.1.12. *Proposed public improvements*: highways or other major improvements planned by public authorities for future construction on or near the tract.

13.5.2.1.13. *Title and certificates*: legal description of proposed developments; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, bench marks, certification of registered surveyor of compliance with minimum technical standards according to Florida laws regulating practice and date of survey. Developer shall also submit a title certification as required by Chapter 177, Florida Statutes.

### **Sec. 13.5.3. PRELIMINARY CONSTRUCTION PLANS AND PRELIMINARY PLAT.**

13.5.3.1. Preliminary construction plans shall be submitted and approved prior to submittal of the preliminary plat. The preliminary construction plans shall show, in preliminary form, all improvements to be installed on the tract. The plans shall be reviewed by the City Staff for compliance with these regulations and with all applicable City, County and State regulations. Preliminary construction plans shall include as a separate sheet, a topographic survey including all information required in Sec. 13.5.2.1. above. In addition, the preliminary construction plans shall include:

13.5.3.1.1. *Boundary lines*.

13.5.3.1.2. *Proposed easements*: location, width, and purposes.

13.5.3.1.3. *Proposed streets*: right-of-way width and location; type and width of construction; sidewalks, curbs; and related information. A cross-section of proposed right-of-way indicating the roadway construction and the location of utilities in relationship to the roadway and the rights-of-way shall be supplied.

13.5.3.1.4. *Proposed utilities*: location of proposed water, sanitary sewer and force main lines; location and approximate size of lift station; required off-site lines for connection existing utilities.

- 13.5.3.1.5. *Proposed stormwater management facilities:* Drainage map at a scale of no less than 1:50 [unless previously approved by City (consulting) engineer] indicating watershed boundaries, including off-site contributing areas; approximate area and volume of each stormwater management facility; total area draining to each facility; approximate percentage impervious in each basin; SCS mapping of the site with Soils Survey classification; and infiltration rate determined by double-ring infiltrometer testing for those projects having no positive outfall. On construction plans, indicated approximate locations of stormwater management facilities; drainage paths to outfall points, if any; any required off-site improvements and approximate locations of stormwater conveyance facilities. Identify the legal entity which will be responsible for maintaining the stormwater management facilities.
- 13.5.3.2. Preliminary plat (General Subdivision Plan) shall be a scale of no less than 1:50. It shall show all existing conditions required above in 13.5.2.1., topographic data and shall show all proposals including the following:
- 13.5.3.2.1. *Streets:* names; right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any.
- 13.5.3.2.2. *Other right-of-way or easements:* locations, width and purpose.
- 13.5.3.2.3. *Location of utilities:* if not shown on other exhibits.
- 13.5.3.2.4. *Lot lines, lot numbers and block numbers.*
- 13.5.3.2.5. *Sites, if any, to be reserved or dedicated* for parks, play grounds, or other public uses.
- 13.5.3.2.6. *Sites, if any, for multifamily dwellings, commercial areas, shopping centers, churches, industry or other non-public land uses, exclusive of single family dwellings.*
- 13.5.3.2.7. *Minimum building setback lines.*
- 13.5.3.2.8. *Site data:* include number of residential and nonresidential lots, typical lot size, and acres in parks.
- 13.5.3.2.9. *Title, scale, north arrow, and date.*
- 13.5.3.3. When required by the City (consulting) engineer, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the

proposed grading, roadway, and sidewalk; pedestrian and service easement and preliminary plan for proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on a U.S.G.S. datum plane.

13.5.3.4. The developer shall provide traffic impact and environmental reports regarding the land to be subdivided and the development impact on adjoining properties with regard to natural resources and features.

13.5.3.5. Protective covenants, in draft form, whereby the developer proposes to regulate structural and other improvements in the subdivision to protect the proposed development, shall be provided the City for City Staff review.

13.5.3.6. Maintenance Agreement, in draft form, whereby the developer provides the City evidence of the establishment of a property owner's association, shall be provided the City for City Staff review.

#### **Sec. 13.5.4. FINAL CONSTRUCTIONS PLANS AND SPECIFICATIONS.**

13.5.4.1. Final construction plans and specifications shall be submitted and approved before submittal of the final plat. These plans shall indicate in final form all proposed construction on the project site and all required off-site improvements. The final plan sheets shall be drawn at a scale no less than 1:50, on more than one sheet when necessary and shall consist of the below material and data.

13.5.4.1.1. *A topographic map* conforming to 13.5.2.1. above.

13.5.4.1.2. *Plan sheets* indicating all proposed boundaries, phase lines, rights-of-way, easements, including purpose and size; lot sizes and location and proposed streets.

13.5.4.1.3. *Proposed streets*; plan and profile sheets for all proposed roads showing right-of-way width and location; proposed elevations; return curve profiles; connections to existing streets; type and width of construction; sidewalks; curbs; a cross-section of the proposed right-of-way indicating the roadway construction and the location of utilities in relationship to the roadway and rights-of-way.

13.5.4.1.4. *Proposed utilities*: plan and profile sheets showing elevations and locations of proposed water, storm sewer, sanitary sewer, and force main lines; location and size of lift station(s), including construction details; required off-site lines for connection to existing utilities; location and handling of any water/sanitary sewer conflicts;

location of proposed electrical, gas, telephone, and CATV underground cables and equipment.

13.5.4.1.5. *Proposed stormwater management facilities:* drainage map indicating watershed boundaries, including off-site contributing areas; area and volume of each stormwater management facility, including stage-storage-discharge information; total area draining to each facility; approximate percentage impervious in each basin; SCS soils mapping with Soils Survey classification; depth to water table, and infiltration rate determined by double-ring infiltrometer testing for those projects having no positive outfall. On construction plans, indicate locations of stormwater management facilities; drainage paths; and location of stormwater conveyance facilities; provide legal documents establishing entity to maintain stormwater management facilities and remedies for non-performance.

13.5.4.1.6. *Proposed ground elevations on the tract,* based on U.S.G.S. datum, shown at 1 foot contour intervals.

13.5.4.1.7. *Title and certificates* as described in 13.5.2.1. above.

13.5.4.1.8. *Technical specifications:* a complete set of all technical specifications applicable to the work to be performed including a list of estimated quantities of construction items.

13.5.4.1.9. If a water well is on the tract, proof that the Water Management District water use permit has been transferred to the City.

#### **Sec. 13.5.5. PLATS AND DATA FOR FINAL APPROVAL.**

13.5.5.1. FINAL PLATS shall be drawn or plotted in ink on tracing materials on sheets as required for filing for record in the County, and in accordance with design standards and provisions of Chapter 177, Florida Statutes (platting). Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the City Commission. The final plat shall show the following:

13.5.5.1.1. *Primary control points,* approved by the City (consulting) engineer or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.

13.5.5.1.2. *Tract boundary lines,* right-of-way lines of streets, easements and other rights-of-way, and property lines of residential and

nonresidential lots and other sites; with accurate dimensions, bearings or reflection angles, and radii, arcs, and central angles of all curves.

- 13.5.5.1.3. *Name and right-of-way width* of each street or other rights-of-way.
  - 13.5.5.1.4. *Location*, dimensions and purpose of any easement(s).
  - 13.5.5.1.5. *Number to identify each lot or site*.
  - 13.5.5.1.6. *Purpose* for which sites are dedicated or reserved.
  - 13.5.5.1.7. *Minimum building setback line* on all lots and other sites.
  - 13.5.5.1.8. *Location and description of monuments*.
  - 13.5.5.1.9. *Names of record owners* of adjoining unplatted land.
  - 13.5.5.1.10. *Reference to recorded subdivision plats* of adjoining platted land by record name, date and number.
  - 13.5.5.1.11. *Certification by surveyor or engineer* certifying to accuracy of survey and plat.
  - 13.5.5.1.12. *Certification of title* showing that applicant is the land owner.
  - 13.5.5.1.13. *Statement by owner dedicating streets*, right-of-way and any sites for public uses.
  - 13.5.5.1.14. *Title, scale, north arrow, and date*.
- 13.5.5.2. CROSS SECTIONS and profiles of streets showing grades approved by the City (consulting) engineer. The profiles shall be drawn to City standard scales and elevations shall be based on a U.S.G.S. datum plane.
- 13.5.5.3. A CERTIFICATE by the City (consulting) engineer certifying that the developer has complied with one of the following alternatives:
- 13.5.5.3.1. All improvements have been installed in accord with the requirements of these regulations and with the action of the City Commission giving conditional approval of the preliminary plat; or
  - 13.5.5.3.2. A surety bond or letter of credit executed by a corporation authorized to do business in the State that is satisfactory to the City, or a certified check has been posted, which is available to the City, in an amount of 120% of the estimated completed construction cost as

determined by the City (consulting) engineer. This estimate shall be based upon recent construction costs to assure such completion of all required improvements. A construction beginning and completion time period shall be required by the City Commission and expressed in the bond agreement to secure to the public the actual construction and installation of improvements as required by these regulations.

13.5.5.4. DEVELOPERS AGREEMENTS. The developer shall have entered into an agreement, in form for recording, with the City specifying the following:

13.5.5.4.1. The work to be done, and the time specified therefore, by the developer.

13.5.5.4.2. The alternatives, if any, accepted by the City Commission by meeting City standards.

13.5.5.4.3. The participation in the development, if any, by the City and the time for completion of such work.

13.5.5.4.4. The lien, if any, imposed upon the land being developed for any work performed by the City.

13.5.5.4.5. The conditions under which building permits will be allowed within the subdivision by the City.

13.5.5.4.6. The conveyance by the developer to the City of all water, sewer, and storm sewer lines installed within dedicated public rights-of-way and/or easements.

13.5.5.4.7. The agreements of the developer to maintain and repair all public streets constructed by the developer in the subdivision for a period of one year after completions of the same, and prior to acceptance of maintenance thereof by the City.

13.5.5.5. PROTECTIVE COVENANTS IN FORM FOR RECORDING.

13.5.5.6. OTHER DATA: Such other certificates, affidavits, endorsements, or deductions as may be required by the City Commission in the enforcement of the regulations including the following:

13.5.5.6.1. *Maintenance agreement:* the developer shall have provided the City evidence of establishment of a property owner's association or other legal entity acceptable to the City Commission and an agreement, in form for recording, between said association (or entity) and the City specifying the following:

13.5.5.6.1.1. The legal establishment of the property owners association or other entity.

13.5.5.6.1.2. The responsibility and ability of the owners association or other entity to raise monies necessary for agreed upon common maintenance and operations.

13.5.5.6.1.3. The agreement of the association or other entity to maintain in working order all utilities, fire hydrants and roadways not dedicated to the City.

13.5.5.6.1.4. The agreement of the association or other entity to maintain stormwater retention/detention facilities, if any.

13.5.5.6.1.5. A provision for the city to assess and collect from Subdivision Lot Owners amounts necessary to pay for the cost of maintenance of common areas of the subdivision in the event that the property owners' association becomes defunct or inadequate private maintenance results in a public nuisance.

13.5.5.6.2. Said agreement between the City and property owners association or other entity shall be recorded upon approval of final plat and proof thereof provided to the City.

## **ARTICLE 6. ERECTION OF BUILDINGS ADJACENT TO UNAPPROVED STREETS.**

### **Sec. 13.6.1. REQUIREMENTS.**

No building shall be erected on a lot or parcel of land within the City, nor shall any building permit be issued thereto unless the street giving access to the lot or parcel on which such building is proposed to be placed has been accepted and opened as a public street or has otherwise received the legal status of a public street or such street has been accepted by the City and is shown on a recorded subdivision plat or is a private street dedicated for the use of certain lots or parcels but not accepted for maintenance by the City or available for use by the public.

## **ARTICLE 7. REVISION OF SUBDIVIDED LAND TO ACREAGE.**

**Sec. 13.7.1. OWNER APPLICATION.**

The owner of any land subdivision into lots may file for record a plat for the purpose of showing such land as acreage. Such plat and the procedure in connection therewith shall conform to the requirements of these regulations and Chapter 177, Florida Statutes, except that:

**Sec. 13.7.2. OWNER APPLICATION.**

13.7.2.1. No survey or certificate of any surveyor or engineer shall be required; provided, however, that the City Commission may require a survey of the exterior boundaries of the land and the placing of suitable monuments along such boundaries if the City Staff finds that the last preceding survey of record is faulty or inadequate or that insufficient monuments are in position along such boundaries and recommends such action be taken.

13.7.2.2. No improvements shall be required, except such as may be necessary to provide equivalent access, as provided hereafter in this Chapter and the applicable provisions of the Land Development Regulations.

13.7.2.3. No findings need to be made as to the suitability of the land or as to the provision of public facilities and services therefore.

**Sec. 13.7.3. CITY INITIATION.**

The City Commission may, on its own motion, order the vacation and revision to acreage all or any part of a subdivision within its jurisdiction. This action may include the vacation of streets or other parcels of land dedicated for public purposes or any or such streets or other parcels if the plat of such subdivision was recorded as provided by law not less than 5 years before the date of such action. Such steps may only be taken when the subdivision or part thereof has not had more than 10% of the total subdivision area sold as lots by the original subdivider or their successor in title. Such action shall be based on a findings by the City Staff that the proposed vacation and revision to acreage of subdivided land conforms to the Comprehensive Plan and that the public health, safety, economy, comfort, order, convenience and welfare will be promoted thereby. Before action on a proposal for vacation and revision of subdivided land to acreage, the City Commission shall hold a public hearing thereon, with due public notice with all affected parties so notified in writing of the contemplated action.

**Sec. 13.7.4. EFFECT ON ZONING.**

13.7.4.1. If land in a subdivision or part thereof is proposed for revision to acreage, either at the initiation by the City or by filing a plat by the owner, the City shall, upon recommendation of the City Staff and concurrently with the proceedings for vacation and revision to acreage, or for consideration of an action on such plat, conduct proceedings for amendment of the zoning map as may be deemed advisable in view of the conditions that will exist subsequent to such revision to acreage.

13.7.4.2. No owner of any parcel of land in a subdivision shall be deprived, by the revision to acreage of all or any part of the subdivision, of reasonable access to such parcel nor of reasonable access therefrom to existing facilities to which such parcel has theretofore had access; provided that such access remaining or provided after such vacation need not be the same as the theretofore existing, but shall be reasonably equivalent thereto.

## **ARTICLE 8. VARIANCES; MODIFICATIONS.**

### **Sec. 13.8.1. HARDSHIP.**

Where the City Commission finds that extraordinary hardships may result from strict compliance with the requirements of this Chapter, or where topographic or other conditions peculiar to the site exist, it may vary the requirements of this Chapter so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the Land Development Regulations.

### **Sec. 13.8.2. LARGE SCALE DEVELOPMENT.**

The standards and requirements of these regulations may be modified by the City Commission in the case of a plan and program for a large scale community, a neighborhood unit or a planned development, which in the judgment of the City Staff provide adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure compliance with and achievement of the Comprehensive Plan.

### **Sec. 13.8.3. CONDITIONS.**

In granting variances and modifications, the City Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

## **ARTICLE 9. FEES**

### **Sec. 13.9.1. PURPOSE.**

The City Commission shall, upon recommendation by the City Staff, establish a schedule of fees and charges for the cost incurred in plan reviews, legal advertising, consultant review time and expenses, and other services and activities necessary to the administration of this Chapter. The fee schedule for subdivisions shall be on the basis of a minimum fee plus a per lot fee. Other cost incurred shall be, at a minimum, established according to costs of advertising and municipal expenses incurred in the review process. See Chapter 10 of the APM for such fee schedule.

If the developer elects to challenge or deviate from the minimum requirements of this Chapter, the extra cost incurred by the City as a result of additional plan reviews, meetings, inspections, and related activities shall be reimbursed by the developer. The reimbursements shall take place prior to any building permits being issued or in the event of bonding, prior to final inspection and subdivision approvals.

If the developer does not reimburse the City within 60 days of billing, the City shall file liens as provided by law.

## **ARTICLE 10. ACCEPTANCE OF DEDICATED LANDS BY CITY COMMISSION ONLY.**

### **Sec. 13.10.1. PLANNING COMMISSION; CITY COMMISSION.**

13.10.1.1. Approval of subdivision plans and plats by the Planning Commission shall not constitute or effect an acceptance of the dedication of any street or any other ground shown upon the plat. The authority to accept dedications of land for whatsoever purpose shall be exercised exclusively by the City Commission to which the dedication is deemed to be made, and such authority shall not be delegated.

13.10.1.2. The City Commission, acting as the administrative body, shall have the power of final determination on all matters relating to administration of this Chapter.

13.10.1.3. The City Commission shall not take administrative action with respect to this Chapter unless and until the Planning Commission has acted thereon. If the Planning Commission is unable to act, or fails to act, as required herein, the City Commission shall then do so.

13.10.1.4. In its administrative actions with regard to this Chapter, the City Commission shall be bound by the standards and procedures set forth herein, in the applicable Land Development Regulations and the Administration and Procedures Manual.

## **ARTICLE 11. PENALTIES FOR TRANSFERRING LOTS IN UNRECORDED SUBDIVISIONS.**

### **Sec. 13.11.1. UNLAWFUL TRANSACTION; RECOURSE.**

It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and recorded the approved subdivision plat as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a violation and shall be punishable as provided by law. The City Commission through its legal representative may enjoin such transfer, sale or agreement. Failure to comply with the provisions of this Chapter shall not impair the title of land so transferred or affect the validity of the title conveyed. However, a purchaser of land sold in violation of this Chapter shall, within one year from the date of purchase thereof, be entitled to bring an appropriate action to void such a sale or to bring action against seller for any damages which he suffers as a result of the seller's unlawful act or both.

## **ARTICLE 12. VIOLATIONS AND PENALTIES.**

### **Sec. 13.12.1. VIOLATIONS.**

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, shall constitute a violation. The owner of any land or part thereof, any builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer in the penalties herein provided. Each day such violation continues shall be considered a separate offense.

**Sec. 13.12.2. PENALTIES.**

Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 60 days, or both, and in addition shall pay all costs and expenses involved in the case.

**ARTICLE 13. ENFORCEMENT; RIGHT OF ACCESS.**

The Administrative Official shall be responsible for enforcing the provisions of this Chapter and he or his duly authorized representative (s), may enter upon any premises or and to perform and duty imposed upon him by this Chapter.

**ARTICLE 14. RESPONSIBILITIES ASSIGNED BY THIS CHAPTER.**

**Sec. 13.14.1. PURPOSE.**

As a result of the adoption of this Chapter by the City Commission, certain responsibilities shall be assigned to the Administrative Official, City Staff, the Planning Commission and the City Commission in order to properly serve the public and to administer and enforce these regulations.

**Sec. 13.14.2. DESCRIPTION.**

The responsibilities are described as follows:

13.14.2.1. Administrative Official (City Manager) is charged with the duty of administering the provisions of this Chapter. As used herein the term shall be construed to include the words "or their designated representative."

13.14.2.2. Building and zoning director shall be responsible for reviewing all phases of plats for compliance with the zoning requirements, ie. lot sizes, setbacks, street rights-of-way and related provisions, issuing building permits and processing of applications. All recommendations shall be made to the Administrative Official on necessary actions to be taken by the City.

13.14.2.3. City Commission shall be responsible for reviewing and approving, approving with conditions or denying all sketch plats, preliminary plats and final plats after review and recommendation by City Staff and the Planning Commission. The City Commission may amend the Subdivision regulations,

grant variances for hardship and shall be the only body to accept streets and/or other lands for public use.

- 13.14.2.4. City Staff shall review plats and construction drawings for compliance with design standards of this Chapter, requirements of the Comprehensive Plan and the implementation of construction plans.
- 13.14.2.5. City (consulting) engineer shall be responsible for reviewing all phases of plat applications for conformance with the engineering requirements of this Chapter, certain elements of the Comprehensive Plan and making recommendations to the Planning Commission and City Commission as to the appropriateness of plats and plans submitted. All construction plans shall be reviewed by the City (consulting) engineer and recommendations as to adequateness of plans shall be made to the Administrative Official.
- 13.14.2.6. Consulting planners shall be responsible for reviewing all phases of plat applications for conformance with the Comprehensive Plan, and applicable Land Development Regulations. All recommendations are to be made to the Administrative Official, the Planning Commission and/or the City Commission as required.
- 13.14.2.7. Fire chief shall be responsible for reviewing all phases of plats and constructions plans and making recommendations to the Administrative Official with respect to fire protection, fire code enforcement and fire safety equipment inspection as required by these and other City regulations.
- 13.14.2.8. Planning Commission shall be responsible for reviews and recommendations on preliminary plats as such developments relate to the Comprehensive Plan and zoning regulations. The Planning Commission shall not become involved in construction plan reviews.
- 13.14.2.9. Public utilities director shall be responsible for reviewing all phases of plats and construction plan and making recommendations to the Administrative Official with respect to water and sewer facilities as required by the applicable Comprehensive Plan Elements and the Land Development Regulations.
- 13.14.2.10. Public works director shall be responsible for reviewing all phases of plats and construction plans and making recommendations to the Administrative Official with respect to street, sidewalks, storm sewers and easements as required by the applicable Comprehensive Plan Elements and the Land Development Regulations.