

CHAPTER 9

SUBDIVISIONS AND PLATS

SECTION 1: **TITLE.**

This Chapter, the terms and provisions contained herein, shall be known as the “Subdivision and Platting Ordinance” of the City of Umatilla, Florida.

SECTION 2: **APPLICABILITY.**

The requirements set forth in this Chapter shall be applicable to all portions of the City of Umatilla.

SECTION 3: **PURPOSE AND INTENT**

The public health, safety, and general welfare of the citizens of Umatilla require the harmonious and orderly development of land within the incorporated area of the City. It is the intent of the Chapter for each new subdivision:

- a) To conform with minimum standards of subdivision design, established by this Chapter, which will result in the development of safe, stable communities, and the prevention of unhealthy living environments;
- b) To have necessary improvements to avoid such improvement being a burden upon the taxpayers of the community;
- c) To have efficient, adequate utilities and services;
- d) To have safe, adequate and convenient patters for the circulation of vehicular and pedestrian traffic;
- e) To provide adequate protective flood control and drainage;
- f) To have designs and improvements that control pollution and erosion, safeguarding the natural resources of the city;
- g) To provide adequate open space, light, solar rights, air, privacy and recreational area and to prevent overcrowding of the land and undue congestion of the population;
- h) To provide safety from fire, flood, natural disasters and other dangers;

- i) To provide reasonable, fair and uniform application of standards of design and procedures for the subdivision and platting of land to ensure proper legal descriptions and monumenting of subdivided land;
- j) To preserve the natural beauty and topography of the city; and
- k) To provide for safe and sanitary sewage disposal, adequate potable water supplies and the protection of groundwater system.

SECTION 4: DEFINITIONS

See Chapter 2, “Definitions and Interpretations”

SECTION 5: COMPLIANCE REQUIRED; EXEMPTIONS

a) Unlawful Activity.

It shall be unlawful and subject to the penalties provided herein for any person to:

- 1) Create a subdivision without first complying with the provisions of this Chapter and filing a plat approved by the City Council unless exempt under Section 5(b).
- 2) Divide property by any means for the purpose of sale or transfer of title unless each of the resulting parcels has at least the minimum area and width requirements prescribed by the zoning regulations and land use plan of Umatilla as applied to the lots created, unless exempt under Section 5(b).
- 3) Commence the construction of any improvements required under this Chapter without first having obtained a land development permit from the City of Umatilla or fail to construct or maintain improvements in accordance with an approved land development permit, plat approval or requirements of this Chapter.
- 4) Create a public or private right-of-way (street) without platting in accordance with the applicable provisions of this Chapter.
- 5) Divide any lot or tract in a recorded or unrecorded subdivision located within the city limits that was approved by the appropriate local government or the City Council of the City of Umatilla in a manner which results in a construction site smaller than or inconsistent with the surrounding lots in the subdivision unless approved by the Planning and Zoning Board.

- A) Any request to divide a lot or tract in such a manner shall be reviewed and considered as follows:
 - 1) The Technical Review Committee (TRC) may review the request and make a recommendation to the Planning and Zoning Board.
 - 2) The Planning and Zoning Board at a public hearing shall review the request and approve, approve with conditions, or deny the request.

- B) Written notice of the public hearing shall be mailed certified to each property owner of property in the subdivision at least fifteen (15) days in advance of the hearing.

- C) Prior to approval of a lot split, the Planning and Zoning Board shall determine that:
 - 1) No substantial negative neighborhood impacts are anticipated as a result of the split or subsequent similar neighborhood lot splits;
 - 2) The resulting lots conform to applicable city zoning requirements and state regulations;
 - 3) The resulting lots are buildable under current regulations;
 - 4) No substantial adverse impacts on existing infrastructure are anticipated, as the result of the split or subsequent similar neighborhood lot splits, via the resulting increase in density or intensity of use;
 - 5) The impacts of the split or potential splits will not degrade adopted levels of service to unacceptable levels, pursuant to the provisions of Chapter 4, “Concurrency Management System”; and
 - 6) The applicant certifies that he knows of no recorded deed restrictions or covenants which would prohibit the division or splitting of the lots.

b) Exemptions.

The following activities shall be exempt from the provisions of this Chapter, unless otherwise noted.:

- 1) Creation of equal or larger building sites from lots of record.
 - A) The combination or recombination of all or a portion of previously created parcel of record where the newly created or residual parcels comply with all applicable zoning district dimensional criteria, or where applicable, the regulations governing nonconformities.
 - B) The combination or recombination of all or a portion of previously platted parcels ~~of~~ of record are exempt where none of the newly created or residual parcels contain less area, width or depth than the smallest of the original parcels of record being combined and no streets of any kind or public easements are created, changed or extinguished.
- 2) Boundary settlements. Any conveyance between adjoining landowners if:
 - A) The purpose of the conveyance is to adjust or settle the common boundary line between adjoining landowners;
 - B) The deed of conveyance or other legal instrument states such purpose and is recorded in the official records of Lake County; and
 - C) The resulting parcel(s) conform to the applicable zoning district dimensional criteria.
- 3) Conveyance to government. Any division of land for the purpose of conveying land to any federal, state, or local government entity or agency or public utility, provided such conveyance is accepted by the grantee by an instrument recorded in the public records of Lake County.
- 4) Minor subdivisions. A minor subdivision shall be exempt from the review and approval of a plat, however development plans meeting the requirements of this Code shall be approved as outlined in Section 5(a)(5). A minor subdivision is defined as meeting all of the following criteria:
 - A) An overall tract in single ownership is divided into no more than three (3) lots.
 - B) No new streets are proposed or required.
 - C) No dedication of right-of-way, drainage areas, conservation areas or other publicly maintained property is proposed or required.
 - D) All proposed lots meet or exceed the dimensional requirements of this Code, and required easements for utility, drainage,

conservation, or other purposes are delineated for transfer to the City as part of the development order.

- E) The proposed division is not part of an overall tract previously approved as a minor subdivision. (1997-B 5 years)
- F) Flag lots are prohibited.

SECTION 6: **PROCEDURE AND REQUIREMENTS FOR SUBMITTING AND PROCESSING SUBDIVISION APPLICATIONS**

- a) Procedure. All plans for new subdivisions and road rights-of-way must be submitted and processed through the following procedures:
 - 1) Pre-Application conference may be scheduled between applicant and the Technical Review Committee (See Section 6(c))
 - 2) Concurrency Management (See Chapter 4)
 - 3) Submission and approval of a preliminary plan, (See Section 6(d))
 - 4) Application for and issuance of a land development permit (See Section 6(d)(11)).
 - 5) Submission, approval, and recording of final plat (See Section 6(d)(19)).
 - 6) Issuance of certificate of completion (See Section 6(d)(18)).
- b) Validity of a Subdivision Not Meeting the Requirements of This Chapter. No plat of any subdivision shall have any validity until it has been approved in the manner prescribed by this Chapter. In the event an unapproved plat is recorded, it shall be considered invalid. No person shall transfer or sell lots by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has final plat approval and is officially recorded according to the terms of this Chapter. The description of any lot by metes and bounds shall not exempt the transaction from the provisions of this Chapter if the transaction would be subject hereto otherwise. The building official shall not issue any permits for new construction on a lot in any subdivision not meeting the requirements of this Chapter unless the subdivision is vested pursuant to Chapter 4 or the lot is a legally created “lot of record”.
 - 1) The City shall not make any public improvements and shall have no responsibility for the maintenance of streets, drainage facilities or other facilities in subdivisions whose dedications have not been accepted by the City under the terms of this Chapter.

- 2) No changes, erasures, modifications or revisions shall be made on any final plat after approval and signature thereof unless said plat is first resubmitted and reapproved under the provisions of this Chapter.
 - 3) Plats shall not contain any reference to any possible reversion of any interest in real property that has been the subject of public or private dedication on a plat.
- c) Pre-Application Conference. It is recommended that a pre-application conference be held with the Technical Review Committee by the developer or the developer's representatives, in order to verify the steps necessary for application and review and discuss potential issues regarding the proposed subdivision. Comments made during the pre-application conference are totally non-binding on the formal review of the preliminary plat.
- 1) Scheduling. Arrangements for the pre-application conference are to be made through the City Clerk's Office.
 - 2) Items Required. The applicant shall submit eight (8) copies of the preliminary sketch plans of the proposed subdivision. A general description of the proposed subdivision must be noted including the number of lots to be created, the approximate size and width of lots, approximate building size, type and use, proposed phases of development, existing zoning and comprehensive land use classification of the subject site and adjacent sites.
- d) Preliminary Plan Application and Review. Application for preliminary plan approval shall be made to the City Clerk's Office utilizing the form provided by the City for that purpose, and accompanied by the appropriate review fee. Initial application shall be accompanied by eight (8) copies of the proposed plan. Plans shall be prepared according to the standards of this Code.
- 1) Review of application materials. Within two (2) working days of the receipt of an application, the City shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accomplished by a re-application fee as adopted by resolution by the City Council.
 - 2) Initiation of development review. When an application is determined to be complete, it shall be scheduled for the next scheduled staff Technical Review Committee (TRC) meeting, but no earlier than two (2) weeks from the date that the application was determined to be complete.

- 3) Preliminary Plan. The following information shall be shown on or enclosed with the plans submitted for approval. The subdivision preliminary plan itself shall be drawn at a scale of no smaller than one (1) inch equal to one hundred (100) feet.
- A) Subdivision name, date, north arrow, and the property's legal description, boundary, boundary dimensions, and area in acres.
 - B) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.
 - C) A vicinity map at a scale of one (1) inch equal to four hundred (400) feet showing the zoning of the area and the relationship of the proposed subdivision to the surrounding development.
 - D) Proposed streets, common areas, drainage areas, conservation areas, lot lines and their dimensions.
 - E) Proposed street names and lot numbers.
 - F) Acreage in lots, drainage areas, common areas, and other uses; and the minimum lot size, average lot size, and a total number of lots.
 - G) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones.
 - H) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities, and tree survey showing all specimen trees. (See Chapter 17 of this Code.)
 - I) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within one hundred fifty (150) feet of the property boundary.
 - J) A soils report delineating the soils existing on the site to be developed.
 - K) A list of all jurisdictional agency permits required for the development of the subdivision.
 - L) Proposed stormwater management plan and drainage control facilities and general grading plan.

- M) Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).
 - N) Proposed locations of streetlights, sidewalks, and bike paths, if any.
 - O) Maximum building heights, anticipated phasing plan and gross density.
 - P) Location of all signs per Chapter 16.
 - Q) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Council.
- 4) Review Process.
- A) The Technical Review Committee (TRC). All applications may be reviewed by the TRC, and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than three (3) working days after the meeting. The TRC staff shall make staff recommendations to the Planning and Zoning Board.
 - B) Planning and Zoning Board Approval. The Planning and Zoning Board shall consider the preliminary plan submittal at a regularly scheduled meeting and determine if it meets the requirements of this Code. The applicant or applicant's authorized agent shall be present at the meeting for consideration by the Planning and Zoning Board. Upon consideration of the comments of the TRC staff and public, the Board shall make one of the following recommendations to the City Council:
 - 1) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.
 - 2) Disapprove the preliminary plan.
 - 3) Approve the preliminary plan.
 - 4) Approve the preliminary plan with conditions.
 - C) City Council Approval. The City Council shall consider the preliminary plan submittal at a regularly scheduled meeting and

determine if it meets the requirements of this code. The applicant or applicant's authorized agent shall be present at the meeting for consideration by the City Council. Upon consideration of the comments of the TRC staff, public and recommendations of the Planning and Zoning Board, the Council shall take one of the following actions:

- 1) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.
 - 2) Disapprove the preliminary plan.
 - 3) Approve the preliminary plan.
 - 4) Approve the preliminary plan with conditions.
- 5) Time Limit. The preliminary plan approval shall be valid for a period of eighteen (18) months from the date it is approved by the City Council. If the applicant has not obtained a land development permit and initiated construction, and has not been granted an extension of time by the City Council within eighteen (18) months of approval, the preliminary plan approval shall lapse and be considered void. A preliminary plan approval time limit is valid as long as the project maintains an active land development permit.
- A) Notwithstanding these limitations, an applicant may intentionally phase a project with specific development timeframes. Development phasing may not cover a period exceeding ten (10) years. Commencement of construction must begin within thirty (30) months of completion and inspection of the previous phase. Preliminary plat approval will lapse if the approved phase timeframes are exceeded, unless otherwise extended by the City Council as provided for in Section 6(d)(6) below.
- 6) Extensions. A request for an extension of the preliminary plan approval may be submitted to the City Clerk or designee any time prior to expiration of the preliminary plan. No request for extension of preliminary plan approval will be accepted after the preliminary plat approval has lapsed or phasing schedule exceeded. The applicant may, however, reapply for preliminary plan approval under the provisions of this Code.
- A) Extension requests shall be accompanied by a completed extension request form, furnished by the City.

- B) The City Clerk or designee shall schedule the request on the regularly scheduled City Council agenda. The City Council decision shall be final.
- 7) Phasing. Subdivision projects may be phased. Phasing, if proposed, shall be shown on the preliminary plan and may be modified as allowed in Section 6(d)(8).
- A) Phasing shall be arranged and designed in such a manner that at any point in a project's development, the initial phase or any successive groups of phases shall be able to "stand alone", meeting all applicable standards set forth and referenced in this Code.
 - B) The initial phase and any successive groups of phases shall be able to "stand alone" and function adequately in regards to required improvements, infrastructure, facilities, and in relation to all project conditions so as to be independent from any future phase or phases and improvements or areas contained therein.
- 8) Modifications. Minor modifications to approved preliminary plans may occur between preliminary and final plat approvals. Modifications to roadway layout, phasing, lot configuration will require an administrative approval as provided in Chapter 3. Modifications that require a change in the number of lots or a change in the area to be platted will require re-approval of the preliminary plat and must comply with the requirements and procedures of Section 6 of this Chapter.
- 9) Land Development Prior to Land Development Permit Prohibited. No construction, with the exception of test facilities and minor underbrushing and clearing activities permitted pursuant to a valid land clearing permit, may begin until a land development permit has been issued by the City of Umatilla.
- A) Procedure. After TRC approval of the preliminary plan, (at the time the preliminary plat is scheduled for Planning and Zoning Board consideration and approval), an applicant may apply for a land development permit and follow either of the procedures identified in Section 6(d)(10) or Section 6(d)(10)(A). No construction may commence until the applicant obtains a land development permit, pursuant to Section 6(d)(11). The City Clerk or designee is hereby authorized to waive, in writing, the requirement for a land development permit, where no improvements as delineated in Section 7 of this chapter are required or where a required improvement(s) can be provided via another application and review process.

- 10) Construction Before Final Plat Approval. The applicant shall submit to the City Clerk or designee construction plans and specifications as required in Section 6(d)(11) of this Code together with a request for a land development permit. A copy of the deed and letter and authorization from owner if different from the applicant shall accompany the request. Upon issuance of a land development permit, construction may commence. The improvements required by the preliminary plan approval shall be completed prior to final plat approval, as specified in the issued land development permit.

A Certificate of Concurrency covering the area to be platted must be obtained prior to the issuance of a land development permit. (See Chapter 4, “Concurrency Management System”.)

- A) Construction after final plat approval. Upon issuance of a land development permit, an applicant may apply for final plat approval, contracting with the City to construct the improvements required in the land development permit. The contract and corresponding security as specified in Section 10 of this chapter shall be required for the performance and maintenance of all improvements which are to be constructed after final plat approval.

- 11) Plans and Specifications Required for Land Development Permit. The applicant shall furnish to the City Clerk or designee the construction plans and specifications designed in accordance with the approved preliminary plat and the requirements of this Code for the construction of improvements. The applicant shall also furnish a complete land development permit application form as furnished by the City Clerk’s office, and shall submit the review fee established by the City Council. The applicant must have obtained and shall submit copies of all jurisdictional agency permits, and all utility permits and franchises required by the utility provider, prior to the issuance of a land development permit. All construction plans and specifications must be prepared, signed and sealed by a professional engineer who is registered in the State of Florida. Engineering calculations and tests in support of any of the proposed plans and specifications may be required. The drawings and required information shall be so complete that review and analysis can be made from them without research of any outside data. Five (5) copies of the plans shall be submitted on twenty four inch by thirty six inch (24” x 36”) sheets unless another size is approved by the City Clerk or designee, and shall contain, but shall not be limited to:

- A) A cover sheet, including a location map;
- B) Complete details including water, sewer and storm drainage system. The proposed general location of wells and septic tanks

shall be in conformity with the requirements of the Lake County Health Department and all state and local ordinances;

- C) A copy of the SJRWMD permit and a copy of the master stormwater management and flood protection plan submitted and approved by SJRWMD;
- D) Roadway typical sections and summary of quantities for all construction work;
- E) Construction details showing compliance with City standards or alternate design as approved by the City Engineer or City Clerk;
- F) Special profile sheets, if necessary, showing special or unique situations;
- G) Benchmark location, based on National Geodetic Vertical Datum (N.G.V.D.) with topography at 1' contour intervals shown on a certified boundary survey of the project.
- H) Soil analysis, showing the location and results of test borings of the subsurface condition of the tract to be developed. Soil Conservation Service information may be used when available and deemed adequate by the City.
- I) The plans shall contain the special conditions and specifications pertaining to the subdivision in note form on the plans, such as:
 - 1) Required compliance to the subdivision requirements;
 - 2) Where applicable, required compliance with state standards as currently adopted and in use;
 - 3) Minimum standards for materials;
 - 4) Test requirements for stabilization, base and backfill;
 - 5) Source of water and sewer services;
 - 6) Traffic-control devices and pavement markings.
- J) The plan and profile of each proposed street and improvement to existing streets such as deceleration or turn lanes (indicating the existing ground surfaces and proposed street grade surfaces including extensions for a distance of fifty (5) feet beyond the tract boundary) with tentative finished grades indicated, and lot grading

plan and including easement work, clearing and grubbing, and structural details of facilities of right-of-way.

- K) A typical cross-section of each type of proposed street or bikeway, showing the width of pavement. The location and width of sidewalks, where required, and right-of-way.
- L) Proposed erosion control facilities and the limits of earthwork construction, both as to final construction and for protection during construction.
- M) Plans for street lighting, landscaping, parks, recreational areas and parking area. The plans shall be applicable approvals of all governmental agencies which are affected by the construction and have jurisdiction.
- N) Projects engineered by more than one firm shall be coordinated by a single engineering firm or an engineer of record appointed by the developer.
- O) A certificate from a surveyor registered in the State of Florida that a concrete permanent reference marker has been located in the public right-of-way at a corner point of the subdivision near the entrance way of the proposed subdivision. The permanent reference marker shall be identified on the plat of the subdivision and shall be used to establish a primary benchmark for all improvements in the subdivision.
- P) Where the design of the subdivision includes man-made canals or waterways, plans of the proposed construction will be included and shall indicate:
 - 1) All bulkhead lines;
 - 2) Detailed cross-sections showing existing and proposed depths;
 - 3) Location of hard pan, muck or other unique soil conditions; and
 - 4) Details of bulkhead construction.
- Q) Certificate of Concurrency

- 12) Review.
- A) Within ten (10) working days of receipt of said plans and specifications, the City Clerk or designee will check the plans and specifications for completeness, maintain one (1) copy of the plans for the project file, and forward the remainder to the public works department.
 - B) Within ten (10) working days of receipt of the application and materials ~~form~~ from the City Clerk, the public works department shall route the plans and specifications to the applicable departments for review. Within thirty (30) working days after receipt of such plans and specifications, the applicable departments shall submit their comments and recommendations to the City Clerk or designee. The applicant will be advised in writing by the City Clerk or designee of all applicable departmental comments within twenty-five (25) working days ~~form~~ from the date of application submittal.
- 13) Approval of plans and specifications. After the applicant has adequately addressed all departmental comments and has submitted to the City Clerk revised documents in accordance with departmental comments and has submitted copies of all required jurisdictional agency permits, the City Clerk shall, within ten (10) working days, approve or disapprove, the construction plans and specifications and issue a land development permit. Prior to disapproving any permits, the City Clerk shall provide to the applicant a second set of comments.
- 14) Appeals. Appeals of decisions from the City Clerk may be made to the City Council. The City Clerk shall schedule the meeting. The City Council can overturn the appeal only if the application is found to meet all requirements of the City standards.
- 15) Modifications. Minor modifications to approved preliminary plans may occur after the issuance of a land development permit, subject to approval by the Technical Review Committee. Any revisions to the layout of the preliminary plat are subject to the provisions of Section 6(d)(8), “Modifications”, of this chapter.
- 16) Term of permit. A land development permit issued under this section shall be void if construction does not commence within one hundred eighty (180) days and shall expire eighteen (18) months from the date of its issuance, regardless of whether or not the work is complete, unless the City Council grants an extension of time, in response to the applicant's written request for such an extension.

17) Inspections. The City Engineer, City Clerk, or their representatives, shall have the right to inspect the project for the purpose of ensuring that all improvements are being constructed in conformance with the provisions of this Code, the approved preliminary plat, and land development permit. All required data, tests and reports specified in this Code shall be submitted and approved by the public works director prior to acceptance or final approval of improvements. Required installation of subsurface construction such as water and sewer lines, public utilities, traffic control devices and storm drainage shall be completed prior to compaction of subgrade and road construction.

A) Reasonable tests will be required by the City Clerk or City Engineer, provided to the City at the expense of the applicant by a testing laboratory approved by the City Clerk or City Engineer. Such tests shall include, but not be limited to, compaction tests for subgrade, base and asphalt, material specifications tests to assure adherence to specifications of base, soil cement, asphaltic concrete, Portland cement concrete, drainage pipe and other materials, sanitary sewer pipe, water lines and materials and tests of other such materials and procedures as may be required to assure the construction is according to the plans and specifications approved by the land development permit.

17) Notification. The City Clerk or designee shall be notified, in writing of the commencement and completion of the following items of construction so that an immediate inspection can be performed to ensure construction in conformance with said approved construction plans and specifications and the requirements of this Code. If the City notifies the developer that no City inspector is available to inspect within forth-eight (48) hours of an inspection request, and if a delay in the inspection would cause a delay in the project, then this requirement may be met by submission of a certificate from the engineer of record that all construction was completed in accordance with the land development permit.

A) Waterlines and sanitary sewer lines prior to backfilling

B) Stabilized subgrade

C) Curb and concrete work

D) Roadway base

E) Surface course

F) Permanent reference monuments and permanent control points

G) Storm sewer

Failure to notify the City of the commencement and completion of the construction of said items shall be good cause to refuse to issue a certificate of completion until such further investigation is conducted to verify compliance with the land development permit.

18) Final Inspection; Certificate of Completion. Upon completion of construction of the improvements, the applicant shall provide the City Clerk or designee with the following:

- A) A certified letter stipulating that construction of the improvements has been completed and requesting final inspection and approval.
- B) The testing reports and certificate of compliance from material suppliers.
- C) Three (3) sets of as-built construction plans and itemized list of cost estimates or construction contract amounts.
- D) Documents from a registered engineer with his seal affixed certifying that the improvements have been constructed in conformity with the land development permit and the provisions of this Code.
- E) A document from the utility provider approving all utility installations.
- F) Release of liens and affidavit that all liens are released on all improvements required by this Code. Upon receipt of the above items, the City Engineer and City Clerk shall review said data and make a final inspection of the constructed improvements and shall notify the applicant of any items of noncompliance with the approved construction plans and specifications. A certification of completion shall be issued by the City Clerk or designee when all improvements are completed in conformity with the approved design. This certificate shall release the construction surety.

19) Final Plat. The approved final plat is the official record of the subdivision to be filed with the City Clerk. It is verification that the subdivided land has been developed substantially in accordance with the approved preliminary plat or that a bond has been posted which will secure the development as specified in the final plat. The final plat must be approved by the City Council and recorded in the Public Records of Lake County prior to the developer selling any lot or parcel.

- A) Procedure. No final plat application shall be submitted for approval prior to the issuance of a land development permit. The plat shall be accompanied by:
- 1) A complete final plat application furnished by the City Clerk's office;
 - 2) The appropriate filling fee and application;
 - 3) A certificate of concurrency covering the area to be platted;
 - 4) When required in conjunction with a construction contract or maintenance agreement, a certified cost estimate shall be prepared by the developer's engineer and shall include the cost of surveying, engineering and construction of all required improvements. The actual contract price(s) may be substituted for the engineer's cost estimate;
 - 5) Appropriate security for required improvement as specified in this Code unless a certificate of completion has been issued by the public works department;
 - 6) Five (5) copies of the final plat drawing showing the required information and certifications;
 - 7) Security for maintenance of improvements meeting the requirements of this Code when a certificate of completion has been issued; and improvements are dedicated to the City;
 - 8) A copy of the property owner's association documents which accept the responsibility for maintenance of all private streets, rights-of-way, easements, recreation areas, stormwater management facilities or other improvements;
 - 9) A copy of the final protective covenants and deed restrictions, where such covenants and restrictions are required or established by the applicant;
 - 10) All applicable informational requirements of this Code.
 - 11) The City Clerk or designee shall determine whether or not an application is complete and can be routed for interdepartmental review. No incomplete application shall be routed for review.

- 12) Current opinion of title prepared by a Florida attorney-at-law or title policy.
- 20) Format of drawings. The final plat shall be:
- A) Prepared by a land surveyor registered and licensed in the State of Florida;
 - B) On sheets twenty-four (24) inches by thirty-six (36) inches with one-half (1/2) inch margin on three (3) sides and a three (3) inch margin on the left side for binding;
 - C) To a scale of one (1) inch represents one hundred (100) feet unless otherwise approved by the City Clerk;
 - D) Clearly drawn or printed with permanent black drawing ink;
 - E) On linen tracing cloth or stable base film a minimum of 0.003 inches thick coated upon completion with plastic material or a nonadhered scaled print on a stable base film made by photographic processes to ensure permanency; and
 - F) Printed with lettering no smaller than 1/8", with commensurate letter-line width.
- 21) Information required. (All information as required in Chapter 177.091, F.S.). The final plat shall contain:
- A) A title block;
 - B) The name of the proposed subdivision which shall not duplicate nor closely approximate the name of any other existing subdivision in the City. If the plat is an addition to an existing subdivision, it shall bear the same name as the existing subdivision. For planned developments, plats shall contain "PUD" within the title;
 - C) The name of the city, county and state;
 - D) The legal description;
 - E) The date of preparation of the final plat and of any revisions;
 - F) A prominent "north arrow" on each sheet showing any portion of the subdivided lands; also, the reference bearing or azimuth in the notes or legend;

- G) The scale stated and graphically illustrated on each sheet;
- H) An index sheet on page one showing the entire subdivision and indexing the area shown on succeeding sheets. Each sheet must show the particular number of the sheet and the total number of sheets as well as clearly labeled match lines;
- I) The point of beginning shown together with the letters P.O.B. in bold letters when a point of beginning is used in the legal description;
- J) The initial point in the description shall be accurately tied to the nearest section corner, quarter section corner or government lot corner, and a certified corner record must be submitted to the Department of Natural Resources for such corner in accordance with Florida Statutes Section 177, part III;
- K) Boundary lines of the subdivided tract shown as a heavy line;
- L) All adjacent property identified by the subdivision name, plat book and page number; if not platted, so state;
- M) County and City limit lines within or abutting the tract;
- N) Permanent reference monuments and permanent control point locations as prescribed in Chapter 177, Florida Statutes, and installed prior to submission of final plat;
- O) Survey data including all pertinent dimensions;
- P) Lot and block identification. Each lot and each block shall be identified;
- Q) Street names;
- R) The location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat by bearing and distances;
- S) “Not included” parcels to be labeled “not a part of this plat”;
- T) The intended use of all reserved areas shall be shown on the plat;

- U) All areas within the plat boundaries labeled as either lots, right-of-way, or tracts. The use and maintenance responsibilities of all tracts shall be noted on the plat;
- V) All easements including limited access easements shall be graphically depicted and dimensioned;
- W) The following statements shall be noted on the plat in a prominent place:
 - “Notice: No construction, trees or shrubs will be placed in easements or rights-of-way without the City of Umatilla approval”, and
 - “Notice: There may be additional restrictions that are not recorded on this plat that may be found in the public records of Lake County.”;
- X) A three inch by five inch space in the upper right hand corner of each sheet to be used by the clerk of the circuit court for recording information. The following shall be depicted:
 - PLAT BOOK: _____
 - PAGE: _____
- Y) No strip or parcel of land reserved by the owner unless it is of sufficient size to be of some particular use or service or is environmentally sensitive land;
- Z) The boundary of the final plat having a mathematical error of closure not greater than .01 foot. Any plat undertaking to establish a local tidal datum and determine the location of the mean high water line or mean low water line shall comply with the notification requirements of Florida Statutes Section 177.37.

21) Covenants, Restrictions, Reservations.

- A) All covenants, restrictions or reservations placed by the developer or required by the city shall appear on the final plat or be established by separate recorded document, which documents shall be submitted to the City with the final plat. If done by separate document, the public record location of such documents shall be indicated beneath the subdivision name as follows: “Covenants, restrictions, or reservations affecting the ownership or use of the property shown in this plat are filed in Official Record Book No. _____, page _____.”

- B) When deemed necessary by the City's utilities department to ensure the proper future expansion of utilities services, a covenant document shall be filed with the plat that indicated the following statement: "In the future, when a potable water distribution and/or wastewater collection system becomes available to service the subdivision, service improvements and connection shall be made by the Homeowner's Association or by the property owners." All deeds conveying properties within the subdivision shall reference the covenant document.
- 22) Certification. The final plat shall contain on the face or first page the following certifications, dedications and approvals, all executed and acknowledged as required by law, in the forms set forth below:
- A) Dedications. The purpose of all reserved areas shown or referred to on the plat and of the improvements defined in the dedication. All areas reserved for use by the residents of the subdivision and all areas or facilities intended for public use, shall be specifically dedicated by the owner of the land at the time the plat is recorded. All streets, rights-of-way, easements, recreation facilities designed to serve more than one property owner shall be dedicated to the City or to a private property owner's association in a manner that will ensure access to and use by present and future owners of the properties to be served. Where private dedications are involved, ownership and maintenance association documents shall be submitted with the final plat. The dedication shall clearly dedicate the private facilities to the association without recourse to the City or any other public agency. All dedicated areas shall be identified as tracts unless such areas are dedicated to one entity and clearly identifiable. All dedications shall be in the following forms or as approved by the City Attorney:

CERTIFICATE OF DEDICATION
(Corporate)
STATE OF _____
COUNTY OF _____

KNOW ALL MEN BY THESE PRESENTS, that (exact corporate name), a (state) corporation, fee simple owner of the land described and platted herein, as (exact name of subdivision), being in the City of Umatilla, Lake County, Florida, have caused said lands to be surveyed and platted as shown hereon and does hereby dedicate as follows:

CERTIFICATE OF DEDICATION
(Individual)
STATE OF _____
COUNTY OF _____

KNOW ALL MEN BY THESE PRESENTS, that (exact owner's name), fee simple owner of the land described and platted herein, as (exact name of subdivision), being in the City of Umatilla, Lake County, Florida, has caused said lands to be surveyed and platted as shown hereon and does hereby dedicate as follows:

(SELECT AS APPROPRIATE):

B) Streets and right-of-ways (for public streets)

All streets and rights-of-way shown on this plat (name specifically if less than all) are hereby dedicated in perpetuity to the city of Umatilla for the use and benefit of the public for proper purposes.

1) Private streets.

All streets and rights-of-way shown on this plat (name specifically if less than all) are hereby declared to be and shall remain private. They are dedicated for the use and benefit of the owners and residents of this subdivision, and shall be of the perpetual maintenance obligation of the (state exact legal name of maintenance entity). All public authorities, including but not limited to police, fire, ambulance, and utility providers shall have the right to use the streets in the course of performing their respective duties. The City of Umatilla shall have no responsibility, duty or liability whatsoever regarding such streets.

2) Utility easements.

The utility easements shown are dedicated in perpetuity to the City of Umatilla for the construction, installation, maintenance and operation of utilities by any utility provider, including cable television services, in compliance with such ordinances and regulations as may be adopted from time to time by the City Council of Umatilla

3) Drainage and stormwater management easements.

The drainage easements and stormwater management tracts or easements as shown are dedicated in perpetuity for construction and maintenance of drainage facilities and shall be the perpetual maintenance obligation of the (give exact name of maintenance entity). Front yard drainage easements are subject to the right of each lot to have a driveway for ingress/egress as approved by the City.

4) Park and recreation areas.

The park and recreation areas as shown are dedicated in perpetuity for the (exclusive use and enjoyment of the owners of lots in this subdivision) (Use and enjoyment of the public) and shall be the perpetual maintenance obligation of (give exact name of maintenance entity, if private) (City of Umatilla).

5) Limited access easements.

The limited access easements as shown are dedicated in perpetuity to the City of Umatilla for the purposes of control and jurisdiction over access rights.

(ADD APPROPRIATE CONCLUSION):

(Corporate)

IN WITNESS WHEREOF, the above named corporation has caused these presents to be signed by its _____ and its corporate seal to be affixed hereto by and with the authority of its board of directors this _____ day of _____, 20____.

(FULL CORPORATE NAME), a corporation of the State of _____, By: _____ (Signature of president or ~~vice~~ vice president or chief executive) Type Name and Title of Officer (Signature must have two (2) witnesses or be under corporate seal).

(Individual)

IN WITNESS WHEREOF, (I), (we), (name(s)), have hereunto set (my) (our) hand(s) and seal(s) this _____ day of _____, 20____.

WITNESSES:

Typed Name (Signature)

(ADD ACKNOWLEDGEMENT OF THOSE EXECUTING THE DEDICATION)

6) Conservation easements.

Conservation easements as shown are dedicated in perpetuity to the City of Umatilla for the purpose of preservation of environmentally sensitive areas.

23) Joinder and consent to dedication by mortgagee or other party in interest.

MORTGAGEE'S CONSENT
STATE OF _____
COUNTY OF _____

The undersigned hereby certifies that it is the holder of (a) mortgage(s), lien(s), or other encumbrance(s) upon the property described heron and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof and agrees that its mortgage(s), lien(s) or other encumbrance(s) which (is) (are) recorded in Official Record Book ____ at page(s) ____ of the public records of Lake County, Florida, shall be subordinated to the dedication shown hereon.

IN WITNESS WHEREOF, (I) (we), _____ do hereunto set (my) (our) hand(s) and seal(s) this _____ day of _____, 20____.

WITNESSES

(Signature)

(Typed name)

ADD ACKNOWLEDGMENT OF THOSE EXECUTING MORTGAGEE'S CONSENT

Note: In accordance with Florida Statutes, Section 177.081, this joinder may be executed by a separate instrument joining in and ratifying the plat and all dedications thereon. If this means of joinder is used, such fact must be stated on the plat together with a reference to the location in the public records of such separate instrument.

- 24) Certificate of title. A title certification shall appear on the face or first page of each plat and shall state:
- A) The lands as described and shown on the plat are in the name of, and apparent record title is held by, the person, persons, or organizations executing the dedication;
 - B) That all taxes have been paid on said property as required by Section 197.192, Florida Statutes, as amended; and
 - C) The official record book and page number of all mortgages, liens or other encumbrances against the land, and the names of all persons holding an interest in such mortgage, lien or encumbrance.

The title certification shall be an opinion of a Florida attorney-at-law or the certification of an abstract or title insurance company licensed to do business in Florida. The City reserves the right to require that the title certification be brought current at the time of final plat approval.

- 25) Certification of surveyor. The plat shall contain:
- A) The signature, registration number and official seal of the land surveyor certifying the survey data compiled and shown on the plat complies with all of the requirements of Chapter 177, Florida Statutes, as amended, chapter in the following forms:

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on _____ he completed the survey of the lands as shown in the foregoing plat; that said plat is a correct presentation of the lands therein described and platted or subdivided; that permanent reference monuments have been placed and each P.C.P. will be set as shown thereon as required by

Chapter 177, Florida Statutes and Subdivisions and Platting, Chapter ____; and that said land is located in Umatilla, Florida.

Dated: _____ Registration No. _____,

- B) A statement that permanent reference monuments, "P.R.M.", have been set in compliance with Chapter 177, Florida Statutes, as amended; and
 - C) Each P.C.P. will be set under the direction and supervision of the surveyor within one year from the date the plat was recorded. When required improvements have been completed prior to the recording of a plat, the certification shall state that each P.C.P. has been set in compliance with the laws of the State of Florida and ordinances of Umatilla. When plats are recorded and improvements are to be accomplished under surety posted as provided for by this ordinance, the required improvements and surety shall include each P.C.P.. In this case the certification will state that each P.C.P. will be set and the surveyor will file an affidavit of record when set in place.
- 26) Certificate of approval by the City Council. The plat shall contain the approval and signature block for the City Council and the acknowledgment and signature block of the Clerk of Circuit Court and the City Attorney. In the event the plat contains dedications to the City, this certificate shall also indicate whether the City accepts in whole or in part the dedications made. The following form is acceptable:

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL

THIS IS TO CERTIFY, that on _____ the foregoing plat was approved by the City Council of Umatilla, Florida. (Address acceptance of dedications in whole or in part, as appropriate).

Council President

Attest:

City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

City Attorney

- 27) Certificate of approval by the Planning & Zoning Board. The final plat shall contain the approval and signature of the Planning and Zoning Board Chairman in the following form:

CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING BOARD

Examined and Approved _____ Date _____

- 28) Clerk’s certification.

State of Florida
County of Lake

I, Clerk of Circuit Court of Lake County, Florida, do hereby certify that I have examined this plat of _____ subdivision and that it complies with all the requirements of Chapter 177 of the Laws of Florida. This plat filed for record this ____ day of _____, 20____, and recorded on Page _____ of Plat Book _____ in the office of the Clerk of Circuit Court of Lake County, Florida.

By: _____
Clerk of Circuit Court, Lake County, Florida.

- 29) Instrument Prepared By. The name and address of the natural person who prepared the plat shall be contained on the plat. The name and address shall be in statement form consisting of the words “This instrument was prepared by (name), (address).”

- 30) Signatures. All signatures required shall be originals on the final plat and shall be made in permanent dark ink acceptable to the Public Works Director.

- C) Review of final plat documents. The City Clerk or designee may schedule all applications for review by the TRC, in the same manner as stated in Section 6(d)(4). The City Attorney must review mylars prior to scheduling the Final Plat for the City Council agenda.

- D) Approval by City Council. Upon completion of city staff review, the final plat and application along with recommendations shall be forwarded to the

City Council for review and consideration of approval. The City Council shall determine whether the final plat is in substantial conformity with the preliminary plan and meets all the requirements of the laws, rules and regulations of the City of Umatilla and after consideration shall approve, postpone for future consideration, approve subject to specified conditions or disapprove for stated reasons.

In rejecting any final plat, the City Council shall provide reasons for such action and recommendation making reference to specific sections in this Code and Florida Statutes, Chapter 177 or applicable city policy established by the Council. The City Clerk shall send a copy of such reasons to the developer within ten (10) working days following the Council meeting. The subdivider may comply with the recommendations made by the City Council and resubmit the final plat to the City Clerk for processing as prescribed above. The City Council shall indicate approval on the final plat by signature of the Council President.

- E) Recording. The final plat shall be recorded by the developer in the circuit court of Lake County, and two (2) certified copies delivered to the City Clerk. After recording, the developer may sell lots.

- F) Acceptance of Public Improvements. Approval of said final plat shall constitute acceptance by the City of all public areas or improvements dedicated to the City of Umatilla according to the terms set out in the acceptance block.
 - 1) The owner shall be required to maintain the accepted improvements in good condition for a period of two (2) years from the date of final plat approval or one year from the date that a certificate of completion is issued by the City Clerk, whichever is later. At the end of the two year period, the improvements shall be such condition that they meet the requirements of this Code as it existed at the time of approval of the final plat.
 - 2) The City accepts no obligation to perform any act of construction or maintenance, except when the obligation is voluntarily and expressly assumed by the City.
 - 3) The City shall withhold all public improvements, including the maintenance of streets, from all subdivisions which have not been accepted in the manner herein provided.
 - 4) No changes, erasures, modifications or revisions shall be made in any final plat after approval unless the plat is first resubmitted for approval.

- 5) There shall be no reference to any possible reversion of any property in the dedication of a plat
 - 6) The developer shall pay all costs of public improvements and certify that they have been paid at the time of dedication or at the time of issuance of a certificate of completion.
 - 7) All mortgages or others having a lien on the land shall join in or ratify the plat and all dedications thereon executed and shall certify that all dedicated lands are free from such mortgages or liens.
 - 8) The City will accept no obligation to repair or maintain navigable canals, waterways or bulkheads. Waterways and canals must be dedicated to and accepted by a property owner's association. Bulkheads that abut private or public streets must also be accepted for maintenance and repair by the property owner's association.
- G) Plat Vacation Requests. Plat vacation requests shall be made through the City Clerk or designee on applications furnished by that department. A filing fee established by the City Council shall accompany any request. The request will be reviewed by the Technical Review Committee (TRC) as scheduled by the City Clerk. The request will be scheduled for consideration by the City Council in accordance with Florida Statutes Chapter 177.101, which governs plat vacations.
- H) Right-of-Way Abandonment Request. Right-of-way abandonment requests are made through the City Clerk's office on applications furnished by that department. A filing fee established by the City Council shall accompany any request. The request shall be reviewed by the Technical Review Committee (TRC) as scheduled by the City Clerk. Once the applicant has adequately addressed all TRC comments, the abandonment request will be scheduled for consideration by the City Council in accordance with the Florida Statutes, Chapter 336, which governs right-of-way abandonments.

SECTION 7: IMPROVEMENTS REQUIRED.

- a) All subdivisions shall provide improvements required in this Chapter. The requirements and standards of this Chapter shall be considered as the minimum required to meet the intent of this Code. Each subdivision shall contain the following improvements designed and constructed to conform to the requirements and specifications in the applicable laws of the City of Umatilla and the State of Florida, the zoning district or other land development regulations applicable to the subdivision.

- 1) Streets;
- 2) Easements;
- 3) Utility systems;
- 4) Erosion control provisions;
- 5) Stormwater and floodwater management system according to Chapter 10;
- 6) Street signs and traffic control markings and signs;
- 7) Permanent control points;
- 8) Rights-of-way;
- 9) Tree and vegetation protection;
- 10) Bikeways;
- 11) Sidewalks;
- 12) Buffering facilities and areas;
- 13) Fire hydrants;
- 14) Parks and recreational areas and facilities;
- 15) Curbing;
- 16) Street lights;
- 17) Bridges and culverts when necessary;
- 18) Filling and drainage as necessary;
- 19) Emergency access;
- 20) Transportation system improvements (off-site and on-site);
- 21) Marginal and limited access easements;
- 22) Conservation easements for native vegetation, natural upland communities, and wetlands;
- 23) Other provisions as may be required by land development regulations.

SECTION 8: PAVING AND DRAINAGE IMPROVEMENTS.

The following paving and drainage improvements shall be constructed in all subdivisions, and shall include the complete clearing and grading of all road right-of-way, unless specifically shown otherwise on the approved plans.

a) Roadways and Streets.

All subdivisions shall construct a system of roadways and streets to provide access to proposed lots and for the through traffic needs of the project and area. In addition, any unpaved streets which provide access to the subdivision shall be improved as required in this Section.

- 1) Layout. Streets shall be laid out in consideration of topographic conditions, existing and previously approved streets, proposed roads as reflected in the Comprehensive Plan, the traffic needs for surrounding land uses, and overall traffic safety. The layout shall specifically be designed as follows:

- A) Existing streets ending at the project boundary shall be continued into the project, if otherwise permitted by this Code.
 - B) Proposed streets shall be designed to provide access to adjoining unsubdivided streets at logical locations for future subdivision.
 - C) A minimum of two (2) points of access shall be provided into each subdivision of twenty five (25) lots or more if required by the City. Where adjoining development and Code requirements preclude the development of two (2) public street access points, an unobstructed drivable accessway may be substituted.
 - D) Street jogs with centerline offset shall be prohibited.
 - E) All streets that have permanent dead ends shall terminate in a cul-de-sac.
 - F) Cul-de-sac streets shall not exceed six hundred (600) feet in length, unless granted a variance by the City Council. (See Section 11 of this chapter).
 - G) Right-of-way line intersections shall be rounded with a minimum radius of twenty five (25) feet. A greater radius may be required on collector or arterial roads, or where road construction details require.
 - H) Where a subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road.
 - I) Cul-de-sac radius not less than fifty (50) feet.
- 2) Lot and Block Layout. All lots shall be designed to meet the minimum dimensional requirements of the zoning district or any controlling development agreement. The following additional criteria shall be considered in the layout of proposed subdivisions:
- A) Where a subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road. Where double frontage lots are used to meet this requirement, a sufficient area shall be set aside by dedication or easement to provide the landscaped buffer required in Chapter 15 of this Code.

- B) Double frontage lots are to otherwise be avoided, but where justified due to unusual circumstances, shall provide for the required buffer noted above.
 - C) Curvilinear street layouts are strongly encouraged, and regimented lot and block patterns are to be avoided.
 - D) Side lot lines shall be substantially at right angles or radial to right-of-way lines.
 - E) Lots on curves shall be platted to provide the minimum required lot width at the minimum building setback line.
 - F) All corner lots shall be fifteen (15) percent wider than the minimum width required by this Code.
 - G) Block lengths shall not exceed twelve hundred (1,200) feet, minimum length shall be six hundred (600) feet.
- 3) Dimensions. Right-of-way widths, pavement widths, minimum curvature, intersection spacing and other roadway dimensions shall be as follows (in feet):

STREET TYPE

	Minor Arterial	Major Collector	Minor Collector	Local
Right of Way Width	200*	80	66	50
Min. Pavement Width	24	24	20	20
Min. Centerline Radius	750	300	150	150
Min. Grade	0.3%	0.3%	0.3%	0.3%
Min. Intersection Spacing	660	330	250	150
Min. Radius, Back of Curb at Intersection	40	40	35	35

*Four lane roads. One hundred twenty (120) feet for six lane roads

- 4) Construction. Basic construction requirements for roads are as follows. See Standard Construction Details for detailed specifications.

- A) Roadway pavement shall consist of 1 ¼ inches of asphaltic concrete over a six (6) inch soil cement or limerock base, over a twelve (12) inch compacted sub-base. Alternative concrete pavements may be approved.
- B) All roads shall have twenty four (24) inch wide concrete curbs. Where swale drainage is approved, a flat curb is required.
- C) Minimum four (4) foot wide concrete sidewalks shall be constructed along both sides of all streets in accordance with city standards.
- D) The remainder of the right-of-way shall be cleared, graded, and sodded or seeded and mulched.
- F) Signs for street identification and traffic control shall be installed by the City at the developer's expense. Signs shall be based on the requirements of the Federal Highway Administration Manual of Uniform Traffic Control Devices, and standard City specifications.

b) Stormwater Drainage System.

All subdivisions shall construct a stormwater drainage system based on the requirements of Chapter of this Code.

- 1) Storm Sewer Design. All inlets, manholes, and catch basins shall be either poured in place or precast reinforced concrete. All storm sewer pipe shall be reinforced concrete, and a minimum of eighteen (18) inches in diameter, or equivalent. A structure allowing access for maintenance shall be required at all changes of grade or alignment. In addition, structures shall be required at the following maximum intervals along any storm sewer.

<u>Pipe Size</u> <u>(inches)</u>	<u>Max. Distance</u> <u>(feet)</u>
18	150
24	250
30	300
36	300
42, 48	400
54 or larger	500

- 2) Stormwater Retention Area Design. Stormwater retention areas shall be designed to meet the requirements of Chapter 10 of this Code.

- 3) Bridge and Box Culvert Design. Bridges, box culverts, or other vehicular crossings of major waterways or drainage facilities, shall be based on the standards adopted by the Florida Department of Transportation.
- 4) Lot Grading. A lot grading plan shall be completed for all single family, duplex and other subdivisions that do not require additional development plan review prior to building construction.
 - A) The lot grading plan shall show the estimated floor elevations for structures, flow patterns for lot drainage, and swales or structures necessary to drain all lots to the public drainage system.
 - B) All structures, and any ditches or swales necessary to drain more than the immediately adjacent properties, shall be shown for construction as part of the initial subdivision improvements.
 - C) Individual lot grading and minor swales draining only adjacent lots shall be shown for construction with the attendant structures as part of the building permit site improvements.

SECTION 9: UTILITY IMPROVEMENTS.

a) Water and Sewer.

Utility improvements shall be constructed as outlined in Chapter 12 of this Code including potable water and sanitary sewer.

b) Electric.

The developer shall be responsible for the installation of electric utility lines, with lines to be constructed underground unless otherwise permitted in Chapter 12 of this Code.

1) Street Lights. The developer shall forward approved development plans to the electric provider for street light design.

- A) Street lights shall be generally provided at all intersections, and at intervals along each street of between three hundred (300) and four hundred (400) feet.

c) Telephone, Television Cable and Other Utilities. The developer shall be responsible for the installation of telephone, television cable, and any other utility lines, with all lines to be constructed underground unless otherwise permitted in Chapter 12 of this Code.

SECTION 10: SECURITY FOR CONSTRUCTION AND FOR MAINTENANCE OF REQUIRED IMPROVEMENTS.

- a) Construction Security.
- 1) When construction of required improvements is to be completed following final plat approval, the developer shall, at or prior to final plat approval, execute a contract for construction of the required improvements and post security in the amount equal to one hundred fifteen (115) percent of the estimated total cost of improvements remaining to be constructed.
 - 2) The contract shall be on a form provided by the City and shall obligate the developer to complete all required improvements in accordance with the land development permit, the approved plans and specifications, and City development regulations and standards, within a period of one (1) year from the date of final plat approval.
 - 3) The estimated total cost of improvements remaining to be constructed shall include survey, engineering and construction costs and shall be approved by the public works director after review of an itemized cost estimate prepared and certified by the developer's engineer, or an actual contract price or portion thereof for the work remaining, if available.
 - 4) The surety posted to guarantee performance of the contract shall expire, if at all, no less than ninety (90) days beyond the last date for performance established by the contract, or any extension thereof. The surety shall run in favor of the City Council, must be in a form acceptable to the City Attorney, and may be either:
 - A) A performance bond underwritten by a surety insurer authorized to transact such business in this state; or
 - B) A cash deposit and escrow agreement governing control and use thereof; or
 - C) An irrevocable letter of credit (issued by a financial institution authorized to conduct business within the state); or
 - D) Other means of security acceptable to the City Attorney's office and the Public Works Department.
 - 5) For good cause shown, the City Council may in its discretion grant one or more extensions of time for performance of any contract for required improvements, provided the surety supporting such contract remains valid

for the required ninety-day period following the newly extended time for performance.

- 6) No certificates of occupancy for residential occupancy for any structure within a subdivision shall be issued until all required improvements of the subdivision or appropriate phase or area of the subdivision have been accepted by the City, or where required improvements are dedicated to a private association, until all required improvements have been completed, and have been inspected and approved by the City.

b) Maintenance:

- 1) At such time when the City agrees to accept the dedication of any of the public improvements in a subdivision, the developer shall execute an agreement guaranteeing the required improvements against all defects in workmanship or materials, including failure to construct in accordance with approved plans and specifications, for the period of two (2) years from the date of acceptance.
- 2) The agreement shall be on a form provided by the City Attorney's office and shall be secured by the posting of surety in an amount equal to ten (10) percent of the total actual cost of the improvements covered. The surety shall be in one of the forms specified in Section 10 for construction security. Surety other than performance bonds shall expire, if at all, no earlier than ninety (90) days following the end of the guarantee period. Performance bonds shall expire, if at all, no earlier than ninety (90) days following the end of the guarantee period. Performance bonds shall guarantee performance without any time limitation other than the statute of limitation.

- c) Failure to Perform. In the event a developer fails to perform the obligations for construction or maintenance required under the above referenced agreements, the City Council may call upon the surety provided, or any portion thereof, to be used for completion of the necessary remaining work. If the surety is exhausted prior to completion of the work necessary to complete the required improvements, the developer shall remain liable to the City for any resulting deficiency. The City is not responsible to complete any subdivision with City funds.

d) Release or Reduction of Security.

- A) No construction security shall be released until a certificate of completion has been received, reviewed, and approved by the City Clerk or designee and security for maintenance has been established as required above.
- B) Reduction in the amount of surety required, other than a final draw or reduction, may be authorized by the City Council after completion of any

distinct and separable phase or portion of the required improvements. The amount of any given reduction shall not exceed eighty (80) percent of the cost of completed work as determined by the City Council following review of a cost estimate for said work prepared and certified by the developer's engineer. A reduction in construction security shall not be construed as acceptance of the improvements. Formal acceptance of the improvements, unless expressly stated otherwise by the City Council at the time of the reduction. Formal acceptance shall occur as provided elsewhere in this Code, and only upon establishment of proper maintenance security, where required.

SECTION 11: VARIANCES.

a) Jurisdiction.

Variations to the requirements of this Chapter may be granted by the City Council, upon recommendation of the Planning and Zoning Board. Variations to other requirements, such as lot dimensions, that are required as part of subdivision design, but specified in other Chapters, shall be considered under the procedure applicable to that Chapter.

b) Procedure.

- 1) Variance to Plat and Development Plan Review Process. Application to waive the plat and development plan review process shall be filed and processed in the same manner as Appeals to this Code, as outlined in Chapter 3.
- 2) Variance to Required Improvements or Design Criteria of this Chapter. Application to vary required improvements or design criteria shall be noted on the application form for subdivision or development plan approval as appropriate. Variations requested shall also be prominently noted on the submitted plans themselves.

c) Criteria for Review of Variations from the Review Process. The following criteria may be considered as the basis for the approval of a variance from the review process:

- 1) Required services are already available to proposed lots without the construction of additional improvements.
- 2) Levels of service can be reasonably provided through the site development plan review process or residential site plan review process for individual lots.

- 3) Other methods can be arranged to assure construction of improvements, eliminating the need for formal subdivision approval.
 - 4) The granting of a variance is consistent with the overall intent of this Code, and will not be injurious to the surrounding properties or detrimental to the public welfare.
- d) Criteria for Review of Variances from Required Improvements or Design Criteria.
The following criteria may be considered as the basis for the approval of a variance from required improvements or design criteria, in addition to those criteria outlined above:

- 1) Topographic or other physical conditions exist which are peculiar to the site and not a result of the actions of the applicant.
- 2) Literal interpretation of this Code would result in unnecessary and undue hardship on the applicant.

If the City Council approves a variance, it may attach any such conditions to the variance as will assure that the variance will not result in noncompliance with the intent and purpose of this Chapter. Violation of any condition shall be deemed a violation of this Chapter

e) Application for Variance.

- 1) An applicant seeking a variance from this Chapter shall submit an application on the form provided by the City together with such fee as the City Council shall establish, to the City Clerk or designee. The request shall state the reasons and facts supporting the variance. Upon receipt of the request, the City Clerk shall schedule a public hearing to consider the request.
- 2) Courtesy notice. The public hearing shall be advertised fifteen (15) days in advance. All property owners listed on the latest tax roll within two hundred (200) feet of the property on which a variance is requested shall be notified in writing by the City Clerk's office by U.S. Mail. Lack of a property owner's receipt of such notice shall not be grounds to postpone or set aside any variance granted.

SECTION 12: PENALTY.

Violation of any of the provisions of this Chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County jail not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION 13:

OTHER CRITERIA SUBDIVISION COMPONENTS.

Requirements of the following sections shall be adequately addressed and satisfied. The Technical Review Committee (TRC) may require information deemed necessary to demonstrate compliance with these regulations.

1. Zoning, Chapter 6
2. Landscaping and Buffering, Chapter 15
3. Trees and Vegetative Protection, Chapter 17
4. Environmentally Sensitive Area Protection, Chapter 17
5. Upland Habitat, /Chapter 17
6. Flood Plain/Stormwater Management, Chapter 10
7. Wellfield/Aquifer Protection, Chapter 18
8. Historical and Archeological Preservation, Chapter 19
9. Traffic, Chapter 14
10. Concurrency Management, Chapter 4