

Chapter 110 - SUBDIVISIONS^[1]

Footnotes:

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Editor's note— Ord. No. 36-10, § 1, adopted January 11, 2011, amended chapter 110 in its entirety to read as herein set out. Formerly, chapter 110, articles I—III, pertained to similar subject matter, and derived from the Code of 1982, §§ 20-1, 20-2(a, b), 20-3(a, b), 20-4—20-9, and Ord. No. 23-95, § 1, adopted October 10, 1995.

Cross reference— Any ordinance dedicating or accepting any plat or subdivision in the town saved from repeal, § 1-8(8); buildings and building regulations, ch. 18; consistency and concurrency management system, ch. 30; environment, ch. 42; floods, ch. 50; historical preservation, ch. 54; marine structures, ch. 62; natural resource protection, ch. 66; planning, ch. 86; streets, sidewalks and other public places, ch. 106; utilities, ch. 122; vegetation, ch. 126; zoning, ch. 134.

State Law reference— Plats and platting, F.S. ch. 177.

ARTICLE I. - IN GENERAL

Sec. 110-1. - Subdivision fees.

- (a) *Preliminary review.* A nonrefundable preliminary subdivision review fee as adopted by resolution of the town council, as may be amended from time to time shall be submitted to the director of planning, zoning and building upon application.
- (b) *Impact study.* Prior to the town's acceptance of the proposed subdivision, the town council may negotiate a mutually agreeable subdivision fee based upon studies required by the town concerning the impact the proposed subdivision may place upon the town's infrastructure. However, in no instance shall this fee be less than the application fee adopted by resolution of the town council, as may be amended from time to time. This fee shall be payable to the director of planning, zoning and building prior to the town manager's signing the proposed plat.
- (c) *Replats.* The minimum fee for replats shall not be less than the application fee adopted by resolution of the town council, as may be amended from time to time.
- (d) *Publication costs.* A sum sufficient to pay publication costs of any notice required to be published shall be added to the fees in this section.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-2. - Variances.

Where the applicant fully demonstrates that an extraordinary hardship may result from strict compliance with this chapter, the town council may grant a variance to this chapter so that substantial justice may be done and a public interest secured; however, such variation must not be in conflict with nor have the effect of nullifying the intent and purpose of the town's comprehensive plan and zoning ordinance or the intent of this chapter. In granting variances and modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-3—110-35. - Reserved.

ARTICLE II. - PLATS AND PLANS^[2]

Footnotes:

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State Law reference— Requirements for plats, F.S. § 177.091; dedication by developer required, F.S. § 177.081; vacation and annulment of plats, F.S. § 177.101.

DIVISION 1. - GENERALLY

Sec. 110-36. - Town manager's approval required.

No plat of a subdivision within the town shall be entitled to record unless it bears upon its face the approval in writing of the town manager, and the town manager shall not approve any such plat except upon approval by the town council.

(Ord. No. 36-10, § 1, 1-11-11)

State Law reference— Title certification required for approval, F.S. § 177.041; approval by city council required, F.S. § 177.071.

Sec. 110-37. - Letter of credit regarding proposed improvements.

The developer shall provide the town an irrevocable clean letter of credit drawn upon a county bank in the amount equal of 135 percent of the estimated cost of the proposed subdivision improvements to secure the cost of the construction of the improvements. This cost shall be certified by a state registered engineer and shall be subject to the town engineer's review and approval as well as any other mutually agreed upon subdivision fees prior to the execution of the plat for the town by the town manager. There shall be no building permits issued for development within the subdivision prior to the town engineer's and director of public works' acceptance of the completed improvements. Construction permits for the improvements must be obtained from the planning, zoning and building department within six months of the approval date, or all approvals shall become null and void. Improvements shall be completed within six months of the date of their commencement. If the improvements are not completed within the six-month period, or if work is abandoned on the property by failure to conduct activity toward the improvement of the property for a continuous period of 30 days or more, or if the improvements are not completed in accordance with the approved plans, the town may call in the irrevocable letter of credit and cause the improvements to be completed.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-38—110-60. - Reserved.

DIVISION 2. - LOT SPLITS

Sec. 110-61. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lot split means the subdivision of a single lot or parcel of land into two lots or parcels. This shall not include splitting of a lot or parcel of land for the purpose of transferring additional land to an existing lot or parcel so long as nonconformities are not created.

(Ord. No. 36-10, § 1, 1-11-11)

Cross reference— Definitions generally, § 1-2.

Sec. 110-62. - Filing of plat and replats.

When any lot or parcel of land in the town is subdivided into three or more building lots or when a property that was previously the subject of a lot split subsequent to the adoption of this article is contemplated for another lot split, no development or any part thereof shall be permitted until the owner of such property shall comply with the provisions of this article by filing and recording a plat in the public records of the county that is deemed to be in concert with the town's comprehensive plan and zoning ordinance. No building permit shall be issued by the director of planning, zoning and building except in accordance with the requirements of this article.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-63. - Restrictive covenant.

- (a) Because all development orders and development permits issued by the town must be consistent with the town's comprehensive plan, and since adequate public facilities for transportation, sanitary sewer, potable water, drainage, solid waste disposal and recreation/open space must be available sufficient to maintain the town's adopted levels of service concurrent with the impacts of development, property owners in the town have no assurance that when lands are the subject to a lot split, or are being subdivided by platting or replatting, such actions can be undertaken to the maximum extent that may be allowable under the provisions of the town's zoning ordinance.
- (b) As a condition of approval, the owner of each of the two remaining properties of a lot split shall prepare and record a restrictive covenant on each lot requiring that further subdivision of the property shall be allowed only upon application to and approval by the town for a subdivision under the provisions of this article.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-64. - Review by the director of planning, zoning and building.

The director of planning, zoning and building may approve lot splits that conform to the requirements of this division.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-65. - Required materials.

The director of planning, zoning and building shall consider a proposed lot split upon submittal of the following materials:

- (1) A completed application form provided by the director of planning, zoning and building accompanied by three paper copies of the proposed lot split; and
- (2) Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing, prepared by a professional land surveyor registered in the state, showing the intended subdivision. If a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-66. - Review procedures.

If the director of planning, zoning and building determines that the lot split meets the conditions of this division and otherwise complies with all applicable laws and ordinances, he or she shall approve the lot split by signing the application form.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-67. - Recordation.

Upon approval of the lot split, the applicant shall record the split on the appropriate maps and documents with the county clerk and provide copies of the recorded documents to the director of planning, zoning and building. The department of planning, zoning and building shall record the appropriate map changes and documents in the town records.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-68. - Standards and restrictions.

(a) *Standards.* All lot splits shall conform to the following standards:

- (1) Each proposed lot must conform to all provisions and requirements of the town's land development regulations.
- (2) Each lot shall abut a public or private street for the required minimum lot width for the zoning district where the lots are located.
- (3) If any lot abuts a street right-of-way that does not conform to the design specifications provided in the town's land development regulations, the owner may be required to dedicate up to half the right-of-way width necessary to meet the minimum design requirements.

(b) *Restrictions.* No further division of an approved lot split shall be permitted under this section unless a development plan is prepared and submitted in accordance with this article.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-69—110-90. - Reserved.

DIVISION 3. - PRELIMINARY PLANS

Sec. 110-91. - Submission of plans.

Preliminary plans, prepared by a state registered engineer, of the proposed subdivision of lands within the town, which shall include when deemed necessary by the director of planning, zoning and building a traffic engineering study, shall be first submitted to the director of planning, zoning and building accompanied by a review fee and in form and number sufficient for study by the mayor and town council, the town staff, and any town-appointed commission (if applicable), for the purpose of assisting and advising the developers of such subdivision as to the requirements of the town with reference thereto.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-92. - Contents.

(a) Preliminary application packages shall include but are not limited to the following items:

- (1) A proposed plat or replat shall conform to all applicable state statutes and regulations, as well as all ordinances and regulations of the town.
- (2) Construction drawings shall include but not be limited to the following:
 - a. Streets:
 1. Locations at minimum elevation of six feet NGVD-29.
 2. Street markings.
 3. Street names.
 4. Numbers to be assigned by the planning, zoning and building department.
 - b. Sidewalks, if provided, as approved by the town public works department.
 - c. Fire hydrant types and locations as approved by the South Eastern Underwriters Association and the fire-rescue department.
 - d. Security structure locations.
 - e. Proposed seawalls and docks, if applicable.
 - f. Landscape buffer areas and general subdivision landscape plans.
- (3) Traffic engineering study, including traffic control devices and sign locations, when required by the director of planning, zoning and building.
- (4) Detailed construction plans meeting all applicable governmental agency and town standards.
- (5) Utility company review and acceptance letters.
- (6) Soil-bearing capacity tests, where applicable.
- (7) Topographics of existing land and proposed subdivision.
- (8) Current survey of existing land and any existing structures.

(b) The formal subdivision request with 20 copies shall be submitted to the director of planning, zoning and building no later than 30 days prior to the next regular town council meeting at which consideration is requested.

(Ord. No. 36-10, § 1, 1-11-11)

Secs. 110-93—110-125. - Reserved.

ARTICLE III. - IMPROVEMENTS

Sec. 110-126. - Street widths.

The width of all street rights-of-way in subdivisions shall not be less than 30 feet; radius at all intersections shall not be less than 25 feet. Each street shall have not less than 24 feet of pavement with no parking permitted, to be confined by standard concrete curb and gutters or valley type gutters with proper catchbasins as approved by the town engineer and director of public works. Radius at culs-de-sac shall not be less than 50 feet. Concrete headers may be substituted for curb and gutters only where contour provides adequate drainage, and then only upon the approval of the town engineer and the director of public works.

(Ord. No. 36-10, § 1, 1-11-11)

State Law reference— Platted street requirements, F.S. § 177.085.

Sec. 110-127. - Street construction.

Pavement construction shall be in general conformance with state department of transportation standards. The minimum pavement section shall be composed of a compacted subgrade, five-inch-thick hot bituminous base course and a 1½-inch-thick asphaltic concrete surface course. Material specifications, density requirements, etc., shall be set by the town engineer. Alternative types of pavement design will be considered by the town engineer upon submission of appropriate data.

(Ord. No. 36-10, § 1, 1-11-11)

State Law reference— Installation of cul-de-sacs, F.S. § 177.086.

Sec. 110-128. - Easements.

A minimum of five feet shall be reserved at the rear or side within all platted lots for drainage and utilities, and the dedication thereof shall appear on the face of the plat. All utilities shall be installed underground in accordance with chapter 134. Up to a three-foot easement shall be dedicated within platted lots on each side of a dedicated street right-of-way if the pavement exceeds 27 feet, for the purpose of laying street lighting cables, the easement to remain unpaved; and no wall, trees, fences or similar structures or growth shall be allowed or placed on or over such easement. Limited-access easements and nuisance strips may be required by the town when situations dictate.

(Ord. No. 36-10, § 1, 1-11-11)

Sec. 110-129. - Sanitary sewers and storm drainage sewers.

Sanitary and storm sewers shall be so laid out and designed as to fit into the disposal systems of the town. The location of the sanitary and storm sewer lines shall be shown upon construction plans submitted with all plats. The following specifications shall be observed in the construction of a sanitary sewer:

- (1) *Sanitary sewers.* The material specifications for sanitary sewers shall be stated and designed by a state registered engineer and subject to approval of the town.
- (2) *Storm sewers.*
 - a. The material specifications for storm sewers shall be the same as subsection (1) of this section.

- b. Appropriate stubs shall be made from the storm sewers so that each lot will have access for swimming pool wastewater.

(Ord. No. 36-10, § 1, 1-11-11)